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11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 KIM RHODE, et al.,

14 Plaintiffs,

15 v.

16 XAVIER BECERRA, in his official  
17 capacity as Attorney General of the State  
18 of California,

19 Defendant.

Case No.: 3:18-cv-00802-BEN-JLB

**DECLARATION OF DANIEL GRAY**

Hearing Date: August 19, 2019  
Hearing Time: 10:30 a.m.  
Courtroom: 5A  
Judge: Hon. Roger T. Benitez

**DECLARATION OF DANIEL GRAY**

1  
2 1. I, Daniel Gray, make this declaration of my own personal knowledge and, if  
3 called as a witness, I could and would testify competently to the truth of the matters set  
4 forth herein.

5 2. I am the President & General Manager of Discount Gun Mart ("DGM"), a  
6 California licensed firearms dealer with locations in San Diego, California and Santee,  
7 California. Each store has a shooting range and several staff members whose normal  
8 duties include tending to range customers and selling ammunition or other products.

9 3. California Department of Justice ("DOJ") regulations require DGM to  
10 collect a customer's personal information by swiping the customer's driver's license or  
11 identification card through a magnetic strip reader in order to populate the required fields  
12 in DES. But in every instance, DES does not populate the customer's gender, hair color,  
13 eye color, height, weight, place of birth, and telephone number. Instead, DGM must  
14 manually enter this information into the system prior to submitting the transaction. DES  
15 will not allow a transaction to be submitted without this information, regardless of the  
16 type of background check being submitted.

17 4. Setting aside the required manual entry of information, use of a P.O. Box  
18 listed on the customer's ID will result in an error message stating "a physical address  
19 must be entered by hand." California law and DOJ regulations, however, do not allow  
20 DGM to manually edit a customer's address as reflected on their driver's license or  
21 identification.

22 5. DOJ recommends that, after submitting a customer's transaction for DOJ  
23 approval, DGM write down the 16-digit DROS number associated with the submission.  
24 DGM must then search all submitted ammunition transactions using this number to check  
25 the status or proceed to the next step of the transaction process.

26 6. After locating the appropriate transaction, DGM can then assist the customer  
27 in selecting which ammunition to purchase. But before DGM can deliver any ammunition  
28 to the customer, DGM must first enter the manufacture, condition, caliber, and quantity

1 of any ammunition the customer intends to purchase into DES. DGM can then select  
2 “deliver” in DES to generate the final document for the transaction. DOJ has instructed  
3 DGM to print this document, which will generate separate pages for each type of  
4 ammunition associated with the transaction.

5 7. After printing the required pages, DGM can then process the transaction  
6 through its own point-of-sale system and charge the customer for the ammunition and fee  
7 associated with the type of background check.

8 8. Setting aside any time necessary for DOJ to approve the transaction, it takes  
9 on average 15-25 minutes to enter the information required into DES for a transaction  
10 involving more than one type of ammunition.

11 9. Since the implementation of the new ammunition sales restrictions on July 1,  
12 2019, approximately 20% of attempted ammunition transactions have been rejected for  
13 reasons unknown to DGM.

14 10. Since the implementation of the new ammunition sales restrictions on July 1,  
15 2019, DGM has been forced to turn away multiple potential customers who, after  
16 learning of the new requirements to purchase ammunition, did not wish to engage or  
17 attempt an ammunition transaction for various reasons. Reasons for this loss in potential  
18 business include the potential costs to customers or that the customer was unsure if they  
19 had either the necessary documentation or appropriate records on file with DOJ to obtain  
20 the required electronic approval.

21 11. Since the implementation of the new federally compliant identification  
22 requirements, DGM has been forced to turn away half of its potential customers who had  
23 a “FEDERAL LIMITS APPLY” identification and did not have the necessary  
24 supplemental documentation to establish proof of lawful U.S. presence as required.

25 12. DGM does not have the resources to hire additional employees to process  
26 ammunition transactions. But having more than 2 or 3 customers at a time would require  
27 additional employees to properly assist and service their needs as a result of the new  
28 ammunition sales restrictions.

1           13. I fear that the new ammunition sales restrictions will prevent DGM from  
2 being able to maintain a profitable ammunition sales business moving forward.  
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4           I declare under penalty of perjury that the foregoing is true and correct. Executed  
5 within the United States on July 14th, 2019.  
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Daniel Gray  
Declarant  
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**CERTIFICATE OF SERVICE**  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Rhode, et al. v. Becerra*  
Case No.: 3:18-cv-00802-JM-JMA

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have caused service of the following documents, described as:

**DECLARATION OF DANIEL GRAY**

on the following parties by electronically filing the foregoing on July 22, 2019, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Nelson R. Richards  
Deputy Attorney General  
nelson.richards@doj.ca.gov  
2550 Mariposa Mall, Room 5090  
Fresno, CA 93721

*Attorneys for Defendant Attorney General  
Xavier Becerra*

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2019, at Long Beach, CA.

*s/ Laura Palmerin*  
Laura Palmerin