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10 Attorneys for Plaintiffs

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 ETHAN
BARTEL**

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

DECLARATION OF ETHAN BARTEL

1
2 1. I, Ethan Bartel, 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 manager of Royal Loan, a San Diego pawnbroker and California
6 licensed firearms dealer. We have been family owned and operated business at the same
7 location since 1995. We currently have four full-time employees and three part-time
8 employees.

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

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

27 6. After locating the appropriate transaction, Royal Loan can then assist the
28 customer in selecting which ammunition to purchase. But before Royal Loan can deliver

1 any ammunition to the customer, Royal Loan must first enter the manufacture, condition,
2 caliber, and quantity of any ammunition the customer intends to purchase into DES.
3 Foothill Ammo can then select “deliver” in DES to generate the final document for the
4 transaction. DOJ has instructed Royal Loan to print this document, which will generate
5 separate pages for each type of ammunition associated with the transaction.

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

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

12 9. Since the implementation of the new ammunition sales restrictions on July 1,
13 2019, approximately 10% of attempted ammunition transactions have been rejected for
14 reasons unknown to Royal Loan.

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

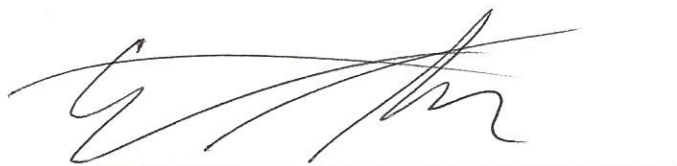
22 11. Since the implementation of the new federally compliant identification
23 requirements, Royal Loan has been forced to turn away several customers who had a
24 “FEDERAL LIMITS APPLY” identification and did not have the necessary
25 supplemental documentation to establish proof of lawful U.S. presence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

26 12. Royal Loan does not have the resources to hire additional employees to
27 process ammunition transactions. But having more than 2 or 3 customers at a time would
28

1 require additional employees to properly assist and service their needs as a result of the
2 new ammunition sales restrictions.

3 13. I fear that the new ammunition sales restrictions will prevent Royal Loan
4 from being able to maintain a profitable ammunition sales business moving forward.
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6 I declare under penalty of perjury that the foregoing is true and correct. Executed
7 within the United States on 15 July, 2019.
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11 Ethan Bartel
12 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 ETHAN BARTEL

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
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*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