

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
IN AND FOR THE THIRD APPELLATE DISTRICT

DAVID GENTRY; JAMES PARKER;  
MARK MIDLAM; JAMES BASS; AND  
CALGUNS SHOOTING SPORTS  
ASSOCIATION,

Case No. C089655

PLAINTIFFS AND APPELLANTS,

v.

XAVIER BECERRA, IN HIS OFFICIAL  
CAPACITY AS ATTORNEY GENERAL FOR  
THE STATE OF CALIFORNIA; STEPHEN  
LINDLEY, IN HIS OFFICIAL CAPACITY AS  
ACTING CHIEF OF THE CALIFORNIA  
DEPARTMENT OF JUSTICE; BETTY T.  
YEE, IN HER OFFICIAL CAPACITY AS  
STATE CONTROLLER; AND DOES 1-10,

DEFENDANTS AND RESPONDENTS.

**APPELLANTS' APPENDIX  
VOLUME XV OF XVI  
(Pages 3702 to 3997 of 4059)**

Superior Court of California, County of Sacramento  
Case No. 34-2013-80001667  
Honorable Judge Richard K. Sueyoshi

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5	10/21/2016	Plaintiffs' Evidentiary Objections to the Declarations of David Harper and Stephen Lindley in Support of Defendants' Opposition to Plaintiffs' Motions to Compel	1320
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Government Code §6103*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO

**DAVID GENTRY, JAMES PARKER,  
MARK MID LAM, JAMES BASS, and  
CALGUNS SHOOTING SPORTS  
ASSOCIATION,**  
  
Plaintiffs and Petitioners,  
  
v.  
  
**XAVIER BECERRA, in his official capacity  
as Attorney General for the State of  
California; STEPHEN LINDLEY, in his  
official capacity as Director of the California  
Department of Justice Bureau of Firearms;  
BETTY T. YEE, in her official capacity as  
State Controller, and DOES 1-10,**  
  
Defendants and Respondents.

Case No. 34-2013-80001667

**DECLARATION OF ANTHONY R.  
HAKL IN SUPPORT OF DEFENDANTS'  
OPPOSITION BRIEF**

Date: January 18, 2019  
Time: 11:00 a.m.  
Dept: 28  
Judge: The Honorable Richard K.  
Sueyoshi  
Action Filed: October 16, 2013



- 1           11.       Attached as Exhibit J is a true and correct copy of:  
2           [http://myemail.constantcontact.com/CALIFORNIA-ALERT-SYSTEM-----CALGUNS-GLOCK-](http://myemail.constantcontact.com/CALIFORNIA-ALERT-SYSTEM-----CALGUNS-GLOCK-CHALLENGE-II-.html?soid=1103432343344&aid=Chv1PODTq3U)  
3           [CHALLENGE-II-.html?soid=1103432343344&aid=Chv1PODTq3U](http://myemail.constantcontact.com/CALIFORNIA-ALERT-SYSTEM-----CALGUNS-GLOCK-CHALLENGE-II-.html?soid=1103432343344&aid=Chv1PODTq3U) [as of Feb. 13, 2018].  
4           12.       Attached as Exhibit K is a true and correct copy of:  
5           <https://www.facebook.com/calguns/posts/402605069824860> [as of Feb. 13, 2018].  
6           13.       Attached as Exhibit L is a true and correct copy of: <http://cgssa.org/about-us/> [as  
7 of Feb. 13, 2018].  
8           14.       Attached as Exhibit M is a true and correct copy of:  
9           <https://firearmtraining.nra.org/become-an-instructor/> [as of Feb. 13, 2018].  
10          15.       Attached as Exhibit N is a true and correct copy of the chart titled “DEALER  
11 RECORD OF SALE TRANSACTIONS.” A copy of this publicly-available data is also available  
12 at: [https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/dros\\_chart.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/dros_chart.pdf).  
13          16.       Attached as Exhibit O is a true and correct copy of a portion of defendants’  
14 document production to plaintiffs in this case.  
15          17.       Attached as Exhibit P is a true and correct copy of an excel spreadsheet prepared  
16 by DOJ expanding upon the DROS transaction information contained in Exhibit N. This  
17 information is accurate to the best of my knowledge, information, and belief.

18           I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct. Signed and sworn to this 21<sup>st</sup> day of December, 2018, at  
20 Sacramento, California.

21  
22           SA2013113332  
23           13374705.doc  
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\_\_\_\_\_  
ANTHONY R. HAKL

# EXHIBIT A

1 C. D. Michel - S.B.N. 144258  
Hillary J. Green - S.B.N. 243221  
2 Clinton B. Monfort - S.B.N. 255609  
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7 Attorneys for Plaintiffs  
8

9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
11 **FRESNO BRANCH COURTHOUSE**

12 BARRY BAUER, STEPHEN  
WARKENTIN, NICOLE FERRY,  
13 LELAND ADLEY, JEFFREY  
HACKER, NATIONAL RIFLE  
14 ASSOCIATION OF AMERICA,  
INC., CALIFORNIA RIFLE PISTOL  
15 ASSOCIATION FOUNDATION,  
HERB BAUER SPORTING GOODS,  
16 INC.

17 Plaintiffs

18 vs.

19 KAMALA HARRIS, in Her Official  
Capacity as Attorney General For the  
State of California; STEPHEN  
20 LINDLEY, in His Official Capacity  
as Acting Chief for the California  
21 Department of Justice, and DOES 1-  
10.

22 Defendants.  
23

) CASE NO.

) **COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

) **42 U.S.C. sections 1983, 1988**

24  
25 **PLAINTIFFS**, by and through their undersigned attorneys, bring this  
26 **Complaint for Declaratory and Injunctive Relief** against the above-named  
27 **Defendants**, their employees, agents, and successors in office, and in support  
28 thereof allege the following:

## INTRODUCTION

1  
2 1. When a would-be firearm purchaser wishes to obtain a firearm in  
3 California, state law generally requires the buyer to process the transaction through  
4 a federally licensed California firearm dealer (an "FFL").

5 2. In doing so, the would-be purchaser must, among other things, fill out a  
6 Dealer's Record of Sale ("DROS") form, the information from which is used by the  
7 California Department of Justice ("DOJ") to conduct an extensive background  
8 check on the would-be purchaser before he or she can take possession of any  
9 firearm.

10 3. California statutory law confers on DOJ<sup>1</sup> the authority, subject to some  
11 discretion, to impose multiple, separate "fees" on the purchasers of firearms. DOJ  
12 imposes and collects these fees through firearm retailers, and currently exercises  
13 that discretion by charging firearm purchasers the maximum amounts provided for  
14 by certain statutes.

15 4. PLAINTIFFS bring this suit to challenge the constitutionality and legality  
16 of the "fees" imposed under those statutes and levied on the purchase or transfer of  
17 firearms; specifically, California Penal Code sections 12076(e) [Revised Penal  
18 Code section 28255(a)-(c)], 12076.5 [28300(c)], 12088.9 [23690(a)], and 12805(e)  
19 [31650(c)] (collectively, the "Challenged Fees").<sup>2</sup>

20 5. To some extent the amount of some "fees" are set at the discretion of, DOJ  
21 but in all cases the "fees" are enforced and collected by DOJ through an FFL.

---

22  
23 <sup>1</sup> DEFENDANTS, being sued in their official capacity as heads of the DOJ, and DOJ  
24 being under DEFENDANTS' control, all references to "DOJ" herein should be construed as a  
reference to DEFENDANTS.

25 <sup>2</sup> Pursuant to the Legislature's enactment of Assembly Concurrent Resolution 73  
26 (McCarthy) 2006, which authorized a Non-Substantive Reorganization of California's Deadly  
27 Weapons Statutes, various California Penal Code sections will be renumbered, effective January  
28 1, 2012. For convenience and ease of reference, the corresponding "renumbered" code section for  
each referenced Penal Code section is provided in brackets.

1 regulated by DOJ.

2 6. The accounts containing the revenues amassed from the Challenged Fees,  
3 which DOJ manages, run a multi-million dollar surplus, even though constitutional  
4 principles and governing law limit such government assessments to the reasonable  
5 cost of regulating the actual activity on which the “fee” is imposed (i.e., the  
6 clearance of the firearm purchaser).

7 7. Each of the Challenged Fees unconstitutionally infringes on  
8 PLAINTIFFS’ right to keep and bear arms under the Second Amendment to the  
9 United States Constitution. PLAINTIFFS and other lawful firearm purchasers are  
10 subjected to these excessive “fees” as a prerequisite to exercising a fundamental  
11 right, and the windfall revenues from the “fees” are used by DEFENDANTS to  
12 finance state law enforcement activities unrelated to the regulation of the lawful  
13 purchase of firearms, or the clearance of firearm purchasers.

14 8. For similar reasons, each of the Challenged “Fees” is not really a “fee” at  
15 all, but an illegal tax enacted and imposed in violation of the California  
16 Constitution.

17 9. PLAINTIFFS seek declaratory and injunctive relief to invalidate and halt  
18 DOJ’s current imposition of the Challenged Fees.

19 **JURISDICTION and VENUE**

20 10. Jurisdiction of this action is founded on 28 U.S.C. §§ 1331, 1343, and  
21 1367, in that this action arises under the Constitution and laws of the United States,  
22 and under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983, in that this action seeks to  
23 redress the deprivation, under color of the laws, statutes, ordinances, regulations,  
24 customs, and usages of the State of California and political subdivisions thereof, of  
25 rights, privileges, or immunities secured by the United States Constitution and by  
26 Acts of Congress.

27 11. The Court has supplemental jurisdiction over PLAINTIFFS’ state law  
28 claims asserted herein under 28 U.S.C. § 1367 because such claims arise out of the



1 same case or controversy as the federal claims.

2 12. PLAINTIFFS' claims for declaratory and injunctive relief are authorized  
3 by 28 U.S.C. §§ 2201 and 2202.

4 13. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) because  
5 a substantial part of the events or omissions giving rise to the claims occurred in  
6 this district.

7 **PARTIES**

8 **I. Plaintiffs**

9 14. Plaintiff BARRY BAUER is a resident, property owner, and taxpayer of  
10 Fresno, California. Within the last five years, Plaintiff BAUER has lawfully  
11 purchased firearms, including both handguns and long-guns.

12 15. Plaintiff BAUER is the "Responsible Person"<sup>3</sup> on the Federal Firearms  
13 License of FFL Plaintiff HERB BAUER SPORTING GOODS, INC. As such,  
14 Plaintiff BAUER is subjected to being fingerprinted and background checked by  
15 the Federal Firearms Licensing Center every three (3) years upon license renewal,  
16 and annually subjected to at least one additional background check by California  
17 DOJ to obtain a Certificate of Eligibility, - which the "Responsible Person" for a  
18 licensed dealer must obtain to be on the Central List of Firearms Dealers (which is  
19 required to sell firearms in California) - and possibly a second background check as  
20 part of his annual application for a second-hand dealer permit.<sup>4</sup>

21 \_\_\_\_\_  
22 <sup>3</sup> ATF defines a "responsible person" as "a sole proprietor, partner, or anyone having the  
23 power to direct the management, policies, and practices of the business as it pertains to firearms.  
24 In a corporation this includes corporate officers, shareholders, board members, or any other  
25 employee with the legal authority described above." Bureau of Alcohol, Tobacco, Firearms and  
26 Explosives Online - Firearms - How To - Become An FFL, [http://www.atf.gov/firearms/how-to/  
become-an-ffl.html](http://www.atf.gov/firearms/how-to/become-an-ffl.html) (last visited Aug. 24, 2011); see also Instruction Sheet for ATF Form 7  
(5310.12) (Application for Federal Firearms License) at # 10, *available at*  
<http://www.atf.gov/forms/download/atf-f-5310-12.pdf>.

27 <sup>4</sup> These background checks on Plaintiff BAUER are in addition to the background check  
28 on him by DOJ for the renewal of his permit to carry a concealed handgun, pursuant to California  
Penal Code section 12050 every two years.

1           16. Despite being so thoroughly checked as a Responsible Person, for each of  
2 his transactions, Plaintiff BAUER has still had to pay all “fees” California imposes  
3 on firearm transfers.

4           17. Plaintiffs STEPHEN WARKENTIN and JEFFREY HACKER are  
5 residents, property owners, and taxpayers of Fresno, California. Within the last five  
6 years, each has purchased multiple firearms from both an FFL and a private party,  
7 through an FFL as required by California Penal Code § 12070 [26500]. These  
8 transactions have consisted of both handguns and long-guns. Some of these  
9 transactions involved a single firearm, while others involved multiple handguns  
10 (by way of private party transfers), multiple long-guns, and a combination of a  
11 handgun and a long-gun.

12           18. For each of their transactions, Plaintiffs WARKENTIN and HACKER  
13 have paid all “fees” California requires for firearm transfers described below.  
14 Accordingly, each of them has paid \$50 in state fees for a transaction including a  
15 single handgun and a single long-gun, \$46 for a transaction including two  
16 handguns, and \$25 for transactions involving a single firearm or multiple long-  
17 guns.<sup>5</sup> Plaintiffs WARKENTIN and HACKER have had to pay the Challenged  
18 Fees multiple times in the same year, and, in some cases, the same month. Also,  
19 within the last five years, Plaintiffs WARKENTIN and HACKER have each had to  
20 pay California’s \$15 fee to obtain a Handgun Safety Certificate.

21           19. Plaintiff NICOLE FERRY is a resident of Fresno, California. Within the  
22 last five years, Plaintiff FERRY has purchased handguns from an FFL for  
23 self-defense and target practice. For each of her transactions, Plaintiff FERRY has  
24 paid all “fees” California requires for firearm transfers described below. Plaintiff  
25 FERRY has had to pay California’s fees for firearm transfers more than once in the

26

---

27           <sup>5</sup> See OVERVIEW OF REGULATORY SCHEME, Section II. B - “State Fees Imposed  
28 on Firearm Sales and Transfers” for an explanation and breakdown of each of these “fee”  
amounts.

1 same year. Also within the last five years, Plaintiff FERRY has had to pay  
2 California's \$15 fee to obtain a Handgun Safety Certificate.

3 20. Plaintiff LELAND ADLEY is a resident, property owner, and taxpayer of  
4 Fresno, California. Within the last five years, Plaintiff ADLEY has purchased  
5 multiple firearms from both an FFL and a private party, through an FFL as required  
6 by California Penal Code § 12070 [26500], including both handguns and  
7 long-guns.

8 21. For each of his transactions, Plaintiff ADLEY paid all "fees" California  
9 requires for firearm transfers described below. Plaintiff ADLEY has had to pay  
10 California's "fees" for firearm transfers multiple times in the same year. Also  
11 within the last five years, Plaintiff ADLEY has had to pay California's \$15 "fee" to  
12 obtain a Handgun Safety Certificate.

13 22. Plaintiff NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.  
14 (hereafter "NRA") is a non-profit association incorporated under the laws of New  
15 York, with its principal place of business in Fairfax, Virginia. NRA has a  
16 membership of approximately 4 million persons. The purposes of NRA include  
17 protection of the right of law-abiding citizens to keep and bear firearms for the  
18 lawful defense of their families, persons, and property, and from unlawful  
19 government regulations and preconditions placed on the exercise of that right.  
20 NRA brings this action on behalf of itself and its hundreds of thousands of  
21 members in California, including Plaintiffs BAUER, WARKENTIN, ADLEY, and  
22 HACKER, who are subjected to the Challenged Fees.

23 23. Plaintiff CALIFORNIA RIFLE AND PISTOL ASSOCIATION  
24 FOUNDATION ("CRPA FOUNDATION") is a non-profit entity classified under  
25 section 501(c)(3) of the Internal Revenue Code and incorporated under California  
26 law, with headquarters in Fullerton, California. Contributions to the CRPA  
27 FOUNDATION are used for the direct benefit of Californians. Funds contributed  
28 to and granted by CRPA FOUNDATION benefit a wide variety of constituencies

1 throughout California, including gun collectors, hunters, target shooters, law  
2 enforcement, and those who choose to own a firearm to defend themselves and  
3 their families. The CRPA FOUNDATION seeks to: raise awareness about  
4 unconstitutional laws, defend and expand the legal recognition of the rights  
5 protected by the Second Amendment, promote firearms and hunting safety, protect  
6 hunting rights, enhance marksmanship skills of those participating in shooting  
7 sports, and educate the general public about firearms. The CRPA FOUNDATION  
8 supports law enforcement and various charitable, educational, scientific, and other  
9 firearms-related public interest activities that support and defend the Second  
10 Amendment rights of all law-abiding Americans.

11 24. In this suit, the CRPA FOUNDATION represents the interests of its many  
12 citizen and taxpayer members and members of its related association the California  
13 Rifle and Pistol Association who reside in California and who wish to sell or  
14 purchase firearms, or who have sold or purchased firearms, and have been charged  
15 "fees" imposed by the laws of the State of California associated with those  
16 transactions. These members are too numerous to conveniently bring this action  
17 individually. The CRPA FOUNDATION and the individuals whose interests are  
18 represented by the CRPA FOUNDATION have been, are being, and will in the  
19 future be affected by DEFENDANTS' imposition of these "fees."

20 25. Plaintiff HERB BAUER SPORTING GOODS, INC., is a California  
21 corporation with its principal place of business in the County of Fresno, California.  
22 It is a licensed firearms dealer under both federal and California law (i.e., an FFL)  
23 that sells a variety of firearms, including both long-guns and handguns. California  
24 law requires Plaintiff HERB BAUER to collect the Challenged Fees for DOJ, at  
25 DOJ's direction, from firearm transferees. Accordingly, Plaintiff HERB BAUER is  
26 injured by its being forced to facilitate DEFENDANTS' unlawful "fee" collection  
27 activities.

28 26. The individual PLAINTIFFS identified above are citizens and taxpayers

1 of California from the City and County of Fresno who have been required to pay  
2 the Challenged Fees in violation of their rights and applicable law.

3 27. Each of the associational PLAINTIFFS identified above has individual  
4 members who are citizens and taxpayers of California, including in Fresno County,  
5 who have an acute interest in purchasing firearms and do not wish to pay unlawful  
6 fees, taxes, or other costs associated with that purchase and thus have standing to  
7 seek declaratory and injunctive relief to halt or reduce the imposition or charging  
8 of unconstitutional fees or taxes. The interests of these members are germane to  
9 their respective associations' purposes; and neither the claims asserted nor the  
10 relief requested herein requires their members participate in this lawsuit  
11 individually.

## 12 **II. Defendants**

13 28. Defendant KAMALA HARRIS is the Attorney General of California. She  
14 is the chief law enforcement officer of California, and is charged by Article V,  
15 Section 13 of the California Constitution with the duty to inform the general public  
16 and to supervise and instruct local prosecutors and law enforcement agencies  
17 regarding the meaning of the laws of the State, including the Challenged Fees, and  
18 to ensure the fair, uniform and consistent enforcement of those laws throughout the  
19 state. She is sued in her official capacity.

20 29. Defendant STEPHEN LINDLEY is the Acting Chief of the DOJ Bureau  
21 of Firearms and, as such, is responsible for executing, interpreting, and enforcing  
22 the laws of the State of California – as well as its customs, practices, and policies –  
23 at issue in this lawsuit. He is sued in his official capacity.

24 30. Defendants HARRIS and LINDLEY (collectively “DEFENDANTS”) are  
25 responsible for administering and enforcing the Challenged Fees, are in fact  
26 presently enforcing the challenge provision against PLAINTIFFS, and will  
27 continue to enforce the Challenged Fees against PLAINTIFFS.

28 31. The true names or capacities, whether individual, corporate, associate or

1 otherwise of the DEFENDANTS named herein as DOES 1-10, are presently  
2 unknown to PLAINTIFFS, who therefore sue said DEFENDANTS by such  
3 fictitious names. PLAINTIFFS pray for leave to amend this Complaint and Petition  
4 to show the true names, capacities, and/or liabilities of DOE Defendants if and  
5 when they have been determined.

## 6 OVERVIEW OF REGULATORY SCHEME

### 7 I. Constitutional Provisions

8 32. The Second Amendment to the United States Constitution provides: “A  
9 well regulated militia, being necessary to the security of a free State, the right of  
10 the people to keep and bear arms, shall not be infringed.” U.S. Const. Amend. II.

11 33. The United States Supreme Court recently held in *District of Columbia v.*  
12 *Heller*, 554 U.S. 570 (2008), that the Second Amendment of the United States  
13 Constitution protects an individual civil right to possess firearms for self-defense.

14 34. The Court soon thereafter held in *McDonald v. Chicago*, 130 S. Ct. 3020  
15 (2010), that the Second Amendment is incorporated through the Due Process  
16 clause of the 14th Amendment to restrict state and local governments from  
17 infringing on the individual right to keep and bears arms, and made clear the right  
18 is a fundamental one.

19 35. Several courts, including a panel of the Ninth Circuit Court of Appeals in  
20 *Nordyke v. King*, 664 F.3d 776 (9th Cir. 2011), have concluded that the right to  
21 keep and bear arms for self-defense implies a corresponding right to acquire  
22 firearms. *See also Ezell v. City of Chicago*, 2011 WL 2623511, \*14 (July 6, 2011).

23 36. In *Cox v. New Hampshire*, 312 U.S. 569 (1941), the United States  
24 Supreme Court held that fees levied on regulated speech activities must be only of  
25 amounts necessary to “meet[] the expense incident to the administration of the Act  
26 and to the maintenance of public order *in the matter licensed.*” (emphasis added.)  
27 Any additional charge above and beyond that rate would be invalid.

28 37. In *Murdock v. Pennsylvania*, 319 U.S. 105 (1943), the United States

1 Supreme Court clarified the bounds of the *Cox* holding, indicating that when  
2 constitutionally protected activity is being regulated, States may impose a fee only  
3 “as a regulatory measure and calculated to defray the expenses of policing the  
4 activities in question.” It is not permissible to impose “a flat license tax levied and  
5 collected as a condition” to the “enjoyment of a right granted by the Federal  
6 Constitution” and “unrelated to the scope of the activities of [the payer of the fee].”

7 38. In *Forsythe County v. Nationalist Movement*, 505 U.S. 123 (1992), the  
8 Court further clarified the issue of when it is permissible to charge fees regulating  
9 constitutionally protected conduct, indicating that a State or locality may impose a  
10 tax or fee on constitutionally protected conduct, as long as it bears a sufficient  
11 relationship to a legitimate state interest.

## 12 II. California Law

### 13 A. Regulating the Imposition of Taxes and Fees

14 39. Section 3 of Article XIII A of the California Constitution (hereafter  
15 “Section 3”), originally passed in 1978 as Proposition 13 (and later amended by  
16 Proposition 26 below), provided:

17 From and after the effective date of this article, any changes in state taxes  
18 enacted for the purpose of increasing revenues collected pursuant thereto  
19 whether by increased rates or changes in method of computation must be  
20 imposed by an Act passed by not less than two-thirds of all members  
elected to each of the two houses of the Legislature, except that no new  
ad valorem taxes on real property, or sales or transaction taxes on the  
sales of real property may be imposed.

21 40. In *Sinclair Paint Co. v. State Board of Equalization*, 15 Cal. 4th 866,  
22 (1997), the California Supreme Court established the test for determining whether  
23 an assessment is a “tax” under Section 3, holding it is *not* a “tax” unless: (1) the  
24 amount exceeds the “reasonable cost” of providing services related to the  
25 regulatory activity for which the charge was imposed, (2) the charge is levied for  
26 unrelated revenue purposes, or (3) there is no relationship or nexus between the  
27 activities or operations of the fee payer and the regulatory activities to be supported  
28 by the fee.

1 41. Proposition 26 (2010) amended Section 3 to clarify what constitutes a  
2 “tax” under California law. It essentially incorporated the principles of *Sinclair*  
3 *Paint Co.* and its progeny, ending the previously common legislative and  
4 regulatory shell-game of levying a tax under the guise of a regulatory “fee.”  
5 Proposition 26’s most relevant amendment to Section 3 for purposes of this lawsuit  
6 is the following:

7  
8 The State bears the burden of proving by a preponderance of the evidence  
9 that a levy, charge, or other exaction is not a tax, that the amount is no  
10 more than necessary to cover the reasonable costs of the governmental  
11 activity, and that the manner in which those costs are allocated to a payor  
12 bear a fair or reasonable relationship to the payor’s burdens on, or  
13 benefits received from, the governmental activity.

14 Cal. Const. art. XIII A, § 3(d).

15 **B. State Fees Imposed on Firearm Sales and Transfers**

16 **1. The Dealer’s Record of Sale (DROS) “Fee”<sup>6</sup>**

17 42. California Penal Code section 12076, subdivisions (e) 28225(a)-(c)], (f)  
18 [28230], (g) [28235], and (i) [28240(a)-(b)], establish the “fees” associated with a  
19 DROS, and govern what the funds collected therefrom can be used for.

20 43. Subdivision (e) of Penal Code section 12076 [28225(a)] provides  
21 (emphasis added):

22 The [DOJ] *may* require the [FFL] to charge each firearm purchaser a  
23 fee not to exceed fourteen dollars (\$14), except that the fee may be  
24 increased at a rate not to exceed any increase in the California  
25 Consumer Price Index as compiled and reported by the Department of  
26 Industrial Relations.

27 44. It further provides that “[t]he fee shall be no more than is necessary to  
28 fund” the activities enumerated at Penal Code section 12076(e)(1)-(9)  
[28255(a),(b)(1)-(10)].

45. Subdivision (e)(10) [28225(b)(11)], enacted by Assembly Bill 161 (2003),

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<sup>6</sup> The “fees” DOJ charges pursuant to California Code of Regulations, Title 11, Section 4001, and Penal Code sections 12076(e) [28225(a)-(c)], 12076(f)(1)(B) [28230(a)(2)], discussed herein, shall be referred to as the “DROS ‘fee’” throughout.



1 purports to authorize the DOJ to use revenues from the DROS “fee” to fund “the  
2 estimated reasonable costs of [DOJ] firearms-related regulatory and enforcement  
3 activities related to the sale, purchase, loan, or transfer of firearms.”

4 46. Penal Code section 12076(f)(1)(B) [28230(a)(2)] further provides for DOJ  
5 to use “fee” revenues for “the actual processing costs associated with the  
6 submission of a [DROS] to the [DOJ].”

7 47. Subsection (g) of 12076 [28235] provides:

8 All money received by the [DOJ] pursuant to this section shall be  
9 deposited in the Dealer’s Record of Sale Special Account of the  
10 General Fund, which is hereby created, to be available, upon  
11 appropriation by the Legislature, for expenditure by the [DOJ] to  
12 offset the costs incurred pursuant to this section, paragraph (1) and  
13 subparagraph (D) of paragraph (2) of subdivision (f) of Section  
14 12072, Sections 12083 and 12099, subdivision (c) of Section  
15 12131, Sections 12234, 12289, and 12289.5, and subdivisions (f)  
16 and (g) of Section 12305.

17 48. The activities covered in the Penal Code sections referenced by Subsection  
18 (g) of 12076 [28235] include: (1) the California FFL Check Program (Cal. Penal  
19 Code § 12072(f)(1)) [27555]; (2) a public education program pertaining to  
20 importers of personal handguns (Cal. Penal Code § 12072(f)(2)(D)) [27560(d)]; (3)  
21 the Centralized List of Exempted FFLs (Cal. Penal Code § 12083) [28450]; (4)  
22 inspections of Short-Barreled Long Gun Permit-Holders (Cal. Penal Code § 12099)  
23 [33320]; (5) retesting of handguns certified as “not unsafe” (Cal. Penal Code §  
24 12131(c) [32020]; (6) inspections of Machine Gun Permit-Holders (Cal. Penal  
25 Code § 12234) [32670]; (7) public education program regarding registration of  
26 “assault weapons” (Cal. Penal Code § 12289) [31115]; (8) inspections of “Assault  
27 Weapon” Permit-Holders (Cal. Penal Code § 12289.5) [31110]; and (9) inspections  
28 of “Destructive Device” Permit- Holders (Cal. Penal Code § 12305(f)-(g)) [19000].

49. Penal Code section 12076(i)(1) [28240(a)] mandates that the DOJ shall  
charge only one DROS “fee” for a single transaction on the same date for any  
number of firearms that are not handguns (i.e., long-guns).

50. Where an individual purchases a handgun and any number of long-guns at

1 the same time, DOJ charges the purchaser a full “DROS “fee” for each transaction.

2 51. Penal Code section 12076(i)(2) [28240(b)], provides that, in a single  
3 transaction on the same date for the delivery of any number of handguns, the DOJ  
4 must charge a reduced DROS “fee” for any additional handguns that are part of that  
5 same transaction.

6 52. The DOJ promulgated California Code of Regulations, title 11, section  
7 4001 increasing the cap on the DROS “fee” from \$14 to \$19 for the first handgun  
8 in a single transaction, and for one or more rifles or shotguns in a single  
9 transaction. And, DOJ capped the DROS “fee” for each additional *handgun* being  
10 purchased at the same time as the first handgun at \$15.

11 53. The provisions conferring authority on DOJ to charge the DROS “fee”  
12 (Sections 12076(e) [28225(a)] & (f)(1)(B)) [28230(a)(2)] do not require DOJ to  
13 charge the maximum amount allowed for under that statute, or to even charge *any*  
14 “fee” at all.

15 54. DOJ requires DROS “fees” for almost *all* firearm sales by an FFL as well  
16 as private party transfers of firearms (which must generally be processed through  
17 an FFL).

18 55. Pursuant to statute, revenue from the DROS “fee” is supposed to be  
19 deposited into the DROS Special Account of the General Fund (“DROS Special  
20 Account”). Cal. Pen. Code § 12076(g) [28235].

21 56. Revenue placed in the DROS Special Account is generated from the  
22 various different “fees” provided for in the Penal Code, covering a myriad of  
23 unique programs.

24 57. For example, revenues collected from fees for registration of “assault  
25 weapons” and .50 BMG rifles (Cal. Pen. Code § 12285(a) & (b)) [30900-30905],  
26 concealed weapon permit applications (Cal. Pen. Code § 12054) [26190(a)-(b)],  
27 “Assault Weapon” Permits (Cal. Pen. Code §§ 12286-12287) [31000-31105],  
28 Destructive Device Permits (Cal. Pen. Code § 12305(e)) [18905], among other fees,

1 are placed in the DROS Special Account.

2 **2. Firearms Safety and Enforcement Special Fund "Fees"**

3 **a. The Handgun Safety Certificate Exam "Fee" (\$15)**

4 58. A would-be handgun purchaser must obtain a Handgun Safety Certificate  
5 ("HSC") before a handgun may be legally purchased.

6 59. To obtain an HSC, a certified instructor (usually the FFL) administers a  
7 test. Upon passage of the test, an individual receives an HSC, which is valid for  
8 five (5) years.

9 60. Penal Code section 12805(e) [31650(c)] provides: "The [DOJ] may charge  
10 the certified instructor up to fifteen dollars (\$15) for each handgun safety certificate  
11 issued by that instructor to cover the [DOJ's] cost in carrying out and enforcing this  
12 article, and enforcing this title, as determined annually by the [DOJ]." The \$15 fee  
13 ("HSC Exam "fee") is generally charged to the exam taker by the FFL, as allowed  
14 by law.

15 61. "This title," as used in section 12805(e) [31650(c)], includes all manner of  
16 laws regulating "deadly weapons," including not only handguns and long-guns, but  
17 also "unsafe handguns," machine guns, "assault weapons," destructive devices,  
18 ammunition, boobytraps, body armor, tear gas, silencers, and "less lethal devices."  
19 See Title 2. Control of Deadly Weapons, Cal. Penal Code §§ 12000 [16850], *et seq.*

20 62. Section 12805(e) [31650(c)], the statute conferring authority on DOJ to  
21 charge the HSC Exam "fee", does not require the DOJ charge the maximum  
22 amount authorized under that statute, or to even charge *any* "fee" at all.

23 **b. The Section 12076.5 [28300] "Fee"**

24 63. California Penal Code section 12076.5 [28300] provides:

25 (a) The Firearms Safety and Enforcement Special Fund is hereby  
26 established in the State Treasury and shall be administered by the [DOJ].  
27 Notwithstanding Section 13340 of the Government Code, all moneys in  
28 the fund are continuously appropriated to the [DOJ] without regard to  
fiscal years for the purpose of implementing and enforcing the provisions  
of Article 8 (commencing with Section 12800), as added by the Statutes  
of 2001, enforcing the provisions of this title, and for the establishment,

1 maintenance and upgrading of equipment and services necessary for  
2 firearms dealers to comply with Section 12077 [28150-28180].

3 (b) The [DOJ] *may* require firearms dealers to charge each person  
4 who obtains a firearm a fee not to exceed five dollars (\$5) for each  
5 transaction. Revenues from this fee shall be deposited in the Firearms  
6 Safety and Enforcement Special Fund.

7 64. The "provisions of Article 8," enforcement of which is funded, at least in  
8 part, by the Section 12076.5 [28300] "fee," concern the Handgun Safety Certificate  
9 Program provided for in sections 12800 [31610], *et seq.*

10 65. The title referred to in section 12076.5 [28300], i.e., Title 2. Control of  
11 Deadly Weapons, Cal. Penal Code §§ 12000 [16850], *et seq.* (enforcement of  
12 which is funded, at least in part, by the Section 12076.5 [28300] "fee,") covers all  
13 manner of laws regulating "deadly weapons," including not only handguns and  
14 long-guns, but also "unsafe handguns," machine guns, "assault weapons,"  
15 destructive devices, ammunition, boobytraps, body armor, tear gas, silencers, and  
16 less lethal devices.

17 66. Section 12076.5 [28300] does not require the DOJ to charge the maximum  
18 amount authorized under that statute (*i.e.*, \$5), or to even charge *any* fee at all.

### 19 3. Firearm Safety Account "Fee" (\$1)

20 Penal Code section 12088.9 [23690] provides:

21 (a) The [DOJ] *may* require each dealer to charge each  
22 firearm purchaser or transferee a fee not to exceed one dollar  
23 (\$1) for each firearm transaction. The fee shall be for the  
24 purpose of supporting [DOJ] program costs related to this act,  
25 including the establishment, maintenance, and upgrading of  
26 related data base systems and public rosters.

27 (b) There is hereby created within the General Fund the  
28 Firearm Safety Account. Revenue from the fee imposed by  
subdivision (a) shall be deposited into the Firearm Safety  
Account and shall be available for expenditure by the [DOJ]  
upon appropriation by the Legislature. Expenditures from the  
Firearm Safety Account shall be limited to program  
expenditures as defined by subdivision (a).

67. There is *no* provision in California law *requiring* DOJ to charge this fee at  
all.

1 68. With few exceptions, DEFENDANTS currently require that all transfers  
2 of any firearm, whether a handgun or a long-gun, be subject to this \$1 fee.

3  
4 **C. Legislative History of the DROS “Fee” and Management of the  
DROS Special Account**

5 69. The origins of the DROS system and its related “fees” are believed to go  
6 back to sometime in the 1920s.

7 70. The amount of a DROS “fee” in and around the year 1990 was \$4.25. *See*  
8 S. 670, 1995-1996 Leg. Sess. (Cal. 1995) (as introduced Feb. 22, 1995).

9 71. By 1995, the DROS “fee” had ballooned to \$14.00, an increase of greater  
10 than 300 percent in less than five years. S. 670, 1995-1996 Reg. Sess. (Cal. 1995)  
11 (as introduced Feb. 22, 1995).

12 72. In 1995, the California Legislature passed Senate Bills 670 and 671 to cap  
13 the rate for a DROS “fee” at \$14.00, with increases “at a rate not to exceed any  
14 increase in the California Consumer Price Index.” That amendment is reflected in  
15 Penal Code section 12076(e) [28225(a)] described above.

16 73. Senate Bill 670 (1995-1996 Reg. Sess. (Cal. 1995) (as enacted) further  
17 prohibited the DOJ from using the “fee” to “directly fund or as a loan to fund any  
18 program not specified.”

19 74. In the following years, a trend of appropriating DROS “fee” revenues to  
20 pay for additional activities unrelated to the clearance of the purchaser to buy a  
21 firearm emerged. A series of bills passed that allowed monies in the DROS Special  
22 Account to pay for the ever-expanding list of programs and services found at  
23 section 12076(g) [28235].

24 75. For example, Assembly Bill 2080 (2002) established a program to address  
25 *illegal firearms trafficking* and authorized its funding from the DROS Special  
26 Account. *See* Penal Code §§ 12072(f)(1) [27555], 12076(g) [28235].

27 76. Assembly Bill 2080 passed with less than two-thirds of the vote of all  
28 members elected to each of the two houses of the Legislature.

1 77. Assembly Bill 2580 (2002) specifically amended section 12076(g)  
2 [282235] to authorize funding from the DROS Special Account for the inspections  
3 of several classes of dangerous weapon permit-holders. *See* Cal. Penal Code §§  
4 12076(g) [28235], 12099 [33320] [inspections of short-barreled long gun permit-  
5 holders], 12234 [inspections of machine gun permit-holders], 12289.5 [31110]  
6 [inspections of “assault weapon” permit-holder], 12305(f)-(g) [19000] [inspections  
7 of destructive devices permit-holders].

8 78. Assembly Bill 2580 passed with less than two-thirds of the vote of all  
9 members elected to each of the two houses of the Legislature.

10 79. Assembly Bill 2902 (2002) specifically amended section 12076(g)  
11 [28235] to authorize funding for the maintenance of the Centralized List of  
12 Exempted FFLs and the re-testing of handguns deemed “not unsafe.” *See* Cal.  
13 Penal Code §§ 12076(g) [28235], 12083 [28450], 12131(c) [32020].

14 80. Assembly Bill 2902 passed with less than two-thirds of the vote of all  
15 members elected to each of the houses of the Legislature.

16 81. In 2001, Plaintiff NATIONAL RIFLE ASSOCIATION (NRA) requested  
17 the Office of California State Auditor (“CSA”) to investigate the DOJ’s operation  
18 of the DROS program, believing that DROS Special Account funds were being  
19 misused.

20 82. CSA responded to Plaintiff NRA’s request, stating that an audit of the  
21 DROS program could only be conducted by request from the Joint Legislative  
22 Audit Committee (“JLAC”). Plaintiff NRA then began working with members of  
23 the Legislature to prepare a request to JLAC for an audit.

24 83. Before Assembly Bill 2080’s final passage in 2002, the Office of  
25 Legislative Counsel was asked by Senator Bill Morrow to opine on whether  
26 Assembly Bill 2080 authorized using DROS “fee” revenues, paid by individual  
27 firearms transferees, to support Assembly Bill 2080’s purposes. It was further  
28 asked whether expending those revenues to support Assembly Bill 2080 would

1 convert the DROS "fee" into an unauthorized "tax."

2 84. While awaiting the Office of Legislative Counsel's response to that  
3 request, then Assemblyman (now Senator) Rod Wright sought information on the  
4 DROS Special Account from the DOJ and Legislative Analyst's Office from the  
5 Assembly Budget Committee. A week later, the Assembly Budget Subcommittee  
6 on State Administration ordered the DOJ to submit a report on the DROS Special  
7 Account status. *See* 2002 Budget Act, Item 0820-001-0460.

8 85. The first report DOJ submitted to the Assembly Budget Subcommittee on  
9 State Administration detailed the status of the DROS Special Account. But no audit  
10 of spending was provided.

11 86. Later that year, the Office of Legislative Counsel responded to Senator  
12 Morrow's request regarding whether expending DROS revenues to support  
13 Assembly Bill 2080 would convert the DROS "fee" into an unauthorized tax, with  
14 the following analysis:

- 15 - Section 12076(e) [28255(b)] provides that the DROS "fee" be no more  
16 than is necessary to reimburse designated program purposes and may not  
17 be used to fund any other program;
- 18 - Nevertheless, section 12076(g) [28235] identifies other purposes for  
19 which funds in the DROS Special Account may be used;
- 20 - Under the rules of statutory construction, section 12076(g) [28235] refers  
21 generally to money in the DROS Special Account, rather than specifically  
22 to the revenue from the section 12076(e) [28225(a)] DROS "fee";
- 23 - Because the DROS Special Account contains funds in addition to fees  
24 obtained pursuant to 12076(e) [28225(b)(1)-(10)], the purposes of section  
25 12076(g) [28235] may be accomplished without the use of 12076(e)  
26 [28225(a)] [DROS] funds;
- 27 - Because Assembly Bill 2080 did not amend 12076(e) [28225(a)-(c)] to  
28 fund its new purposes, 12076(g) [28235] could not be construed to

1 authorize the expenditure of DROS “fees” for any purpose not specified  
2 in 12076(e) [28225(b)];

- 3 - Because Assembly Bill 2080 would not authorize the expenditure of  
4 DROS “fees” for the purposes of Assembly Bill 2080, the bill made no  
5 change that would raise the issue whether any unauthorized expenditure  
6 of those funds for that new purpose would constitute a “tax” under  
7 Section 3.

8 87. The Office of Legislative Counsel’s response provided its explanation on  
9 how it believed subsections (e) and (g) of section 12076 [28225(a)-(c) and 28235,  
10 respectively] could coexist, but failed to address the crux of the matter of whether  
11 any or all of these “fees” were actually “taxes.”

12 88. The DOJ and the Legislative Analyst’s Office then submitted a  
13 supplemental report on the status of the DROS Special Account to the Legislature  
14 pursuant to the 2002 Budget Act, Item 0820-001-0460. That report summarized the  
15 annual DROS Special Account revenues and expenditures, DROS-related  
16 programs, DROS application receipt information, the fees then charged, and the  
17 average cost of processing each application. Claiming that expert staff and  
18 necessary funding were unavailable, however, the report did not provide the  
19 necessary comprehensive examination into the DOJ’s fee structure to determine  
20 whether the DROS “fee” was recovering actual costs of the DROS program, or  
21 what aspects of it, or if adjustments to the amount of the fee were appropriate.

22 89. In 2003, Assembly Bill 161 passed by only 60.2% of the vote of both  
23 houses (i.e., significantly *less than two-thirds* of all members elected to each of the  
24 two houses of the Legislature).

25 90. Assembly Bill 161 removed the prohibition on using revenues from the  
26 DROS “fee” to “directly fund or as a loan to fund any program not specified,”  
27 thereby allowing DOJ to use these funds collected firearm transactions for *any*  
28 “regulatory and enforcement activit[y] related to the sale, purchase, loan, or



1 transfer of firearms.”<sup>7</sup>

2 91. As Assembly Bill 161 made its way through the legislative process, the  
3 Bill’s sponsor argued that it did not expand the use of DROS “fees,” but merely  
4 *clarified* their use.<sup>8</sup>

5 92. The Bill Analysis of Assembly Bill 161 also indicates the Legislature  
6 relied on the Legislative Counsel’s opinion that DROS “fee” revenues could not be  
7 used to fund the activities mandated by Assembly Bill 2080.

8 93. The enactment of section 12076(e)(10) [28225(b)(11)] expanded the  
9 scope of section 12076(e) [28225(a)-(c)], providing a “catch-all” to ensure that  
10 those programs (i.e., those sections listed in section 12076(g) [28235]) could be  
11 supported by DROS “fees” in the DROS Special Account.

12 94. Noting that the DOJ’s previous reports lacked sufficient detail, on January  
13 26, 2004, Senator Morrow submitted a written request to the JLAC, seeking a  
14 formal audit of the DROS Special Account. That request was heard a month later.<sup>9</sup>

15 95. A year after Assembly Bill 161 passed and expanded the list of activities  
16 that DROS funds could be spent on, the DOJ adopted California Code of  
17 Regulations, title 11, section 4001, which increased the cap on DROS “fees” as  
18 described above. No support was provided by DOJ tying the \$5 increase of the  
19 maximum fee (from \$14 to \$19) to the CCPI, nor was any support provided by DOJ  
20 justifying the \$15 fee as necessary to cover its costs relating to the sale of an  
21 additional handgun.

22

23 <sup>7</sup> Found in current Penal Code section 12076(e)(10) [28225(b)(11)].

24 <sup>8</sup> See Sen. Comm. on Public Safety, Bill Analysis: Dealers Record of Sale Special  
25 Account - Expanding Authorized Use - Appropriation to Fund Firearms Trafficking Prevention  
26 Act of 2002, at 10 (July 8, 2003) *available at*  
[http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab\\_0151-0200/ab\\_161\\_cfa\\_20030708\\_141850\\_se\\_n\\_comm.html](http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_0151-0200/ab_161_cfa_20030708_141850_se_n_comm.html) (last visited July 18, 2011).

27

28 <sup>9</sup> PLAINTIFFS have so far been unable to ascertain the vote or outcome of that February 24, 2004 hearing, despite diligent efforts.

1 96. California Code of Regulations, title 11, section 4001 remained in effect  
2 without any attempts by DOJ to amend it to raise or lower the fee, until 2010 when  
3 the DOJ issued a notice of proposed rulemaking stating its intent to *lower* the  
4 maximum fee allowed from \$19 to the pre-2004 emergency regulation amount of  
5 \$14.

6 97. The 2010 initial statement of reasons concerning the proposed rulemaking  
7 indicated that “although the volume of DROS transactions has increased, the  
8 average time spent on each DROS, and thus the processing cost, has decreased.”<sup>10</sup>  
9 It also noted that “[t]he proposed regulations [would] lower the current \$19 DROS  
10 “fee” to \$14, *commensurate with the actual cost of processing a DROS.*”<sup>11</sup>  
11 (emphasis added).

12 98. Ultimately, the 2010 proposed rulemaking was not adopted, presumably  
13 so that DOJ would continue obtaining a windfall from DROS “fee” revenues to  
14 fund present and future government activities.<sup>12</sup>

15 99. After rejection of the proposed decrease in the DROS fee, Plaintiff NRA

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16  
17 <sup>10</sup> Cal. Dept. of Justice, Initial Statement of Reasons concerning Proposed DROS Fee  
18 Regulations (2010), *available at* <http://ag.ca.gov/firearms/regs/DROSIso.pdf> (last visited Aug.  
24, 2011).

19 <sup>11</sup> *Id.*

20 <sup>12</sup> The State’s appetite for increased funds to pay for general police work off the backs of  
21 gun buyers is insatiable. Senate Bill 819 (Leno) is currently pending in the California Legislature.  
22 Senate Bill 819 seeks to again expand the uses to which DROS “fees” may be put, and would  
23 expand the use of “fees” to include “costs associated with [DOJ] firearms-related regulatory and  
24 enforcement activities regarding possession, in addition to costs associated with the explicitly  
25 referenced sale, purchase, loan, or transfer, of firearms.” Assem. Comm. on Appropriations, Bill  
26 Analysis: Senate Bill 819, at 1 (July 5, 2011), *available at*  
27 [http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0801-0850/sb\\_819\\_cfa\\_20110705\\_162650\\_as](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_819_cfa_20110705_162650_as_m_comm.html)  
28 [m\\_comm.html](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_819_cfa_20110705_162650_as_m_comm.html) (last visited Aug. 23, 2011). “To clear the [Armed and Prohibited Persons  
System] backlog of approximately 34,000 handguns, [DEFENDANT] Attorney General Harris is  
the sponsor of Senate Bill 819, which would revise the Penal Code to *expand* the use of existing  
regulatory fees collected by gun dealers to allow the state [DOJ] to use fee revenue to pay for the  
APPS program.” Press Release, Office of the Attorney General, Attorney General Kamala D.  
Harris Announces Seizure of 1,200 Guns from Mentally Unstable and Other Individuals (June  
16, 2011) (emphasis added).

1 submitted a request under the California Public Records Act to the DOJ Bureau of  
2 Firearms, seeking all writings constituting, referring or relating to (1) the DOJ's  
3 policies and procedures for the handling and management of the DROS Special  
4 Account since January 1, 2000, and (2) a detailed accounting of the DROS Special  
5 Account for the same period.

6 100. An attorney with the DOJ Bureau of Firearms responded that there was  
7 no present way to compile the information sought, that no current audit of the  
8 DROS Special Account exists, that an official audit would be required, and that the  
9 Legislature has no money to initiate one.

10 101. Plaintiff NRA was provided, however, with a list of services the DOJ  
11 Bureau of Firearms provides using monies from the DROS Special Account, a table  
12 summarizing the statutory and regulatory authority for the "fees" charged and  
13 services provided, a table summarizing DROS Special Account annual revenues  
14 and expenditures since 2001, and a summary of the number of long-gun and  
15 handgun transactions for which DROS "fees" were collected during the same  
16 period.

17 102. In 2011, Plaintiff NRA sent the DOJ a follow-up request under the  
18 Public Records Act, seeking records explaining what constituted "DROS  
19 enforcement activities" as identified in the table DOJ previously disclosed that  
20 summarized its purported authority for the "fees" charged and services provided.  
21 Plaintiff NRA also requested other documents, including ledgers identifying  
22 individual transactions since 2001. The DOJ again asserted that no such accounting  
23 exists, raised numerous privilege grounds, and denied PLAINTIFF NRA's request.

#### 24 **THE FEDERAL BACKGROUND CHECK SYSTEM**

25 103. The federal government has in place the National Instant Criminal  
26 Background Check System ("NICS").

27 104. Mandated by the Brady Handgun Violence Prevention Act of 1993 ("the  
28 Brady Act"), Public Law 103-159, NICS was established so that an FFL could

1 contact federal agents by telephone or other electronic means and immediately  
2 determine whether the transferee is prohibited from receiving firearms under  
3 Section 922 (g) or (n) of Title 18, United States Code or state law.

4 105. NICS provides full service to FFLs in 30 states, five U.S. territories, and  
5 the District of Columbia.<sup>13</sup> Located at the FBI's Criminal Justice Information  
6 Services (CnS) Division in Clarksburg, West Virginia, NICS processes background  
7 checks for the FFLs in those states that have declined to serve as points of contact  
8 for NICS. A "point of contact" state is one that conducts for itself all or part of the  
9 background checks for that state's FFLs.

10 106. Upon a would-be purchaser's completion of the required federal Form  
11 4473, FFLs contact NICS via a toll-free telephone number, or electronically on the  
12 Internet through the NICS E-Check System, to request a background check. NICS  
13 is customarily available 17 hours a day, seven days a week, including holidays  
14 (except for Christmas). The FFL will typically receive a response that the transfer  
15 may proceed or is delayed within 30 seconds.

16 107. As a point of contact state that has opted out of the NICS system,  
17 California conducts its own background checks for California firearm purchases,  
18 for which (at least in part)<sup>14</sup> it charges the DROS "fee."

19 108. In comparison to California's DROS system, a NICS check, as a part of  
20 the Criminal Justice Information Services Division of the FBI, costs a firearm  
21 purchaser nothing. The background checks conducted by NICS are paid by the  
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25 <sup>13</sup> See FEDERAL BUREAU OF INVESTIGATION, CRIMINAL JUSTICE INFORMATION SERVICES  
26 DIVISION, NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) OPERATIONS  
27 2010, at 4, *available at*  
<http://www.fbi.gov/about-us/cjis/nics/reports/2010-operations-report/2010-operations-report-pdf>,  
(last visited August 23, 2011).

28 <sup>14</sup> *Id.*

1 funds appropriated to the FBI by Congress.<sup>15</sup>

2 **GENERAL ALLEGATIONS**

3 109. Individual PLAINTIFFS BAUER, WARKENTIN, HACKER, FERRY,  
4 and ADLEY, and those persons represented by organizational PLAINTIFFS NRA  
5 and CRPA FOUNDATION, have each been required to, and have in fact paid each  
6 and all of the Challenged Fees before taking possession of firearms purchased from  
7 an FFL or transferred through an FFL, as a private party transfer.

8 110. The funds from the Challenged Fees PLAINTIFFS paid were ultimately  
9 surrendered to DEFENDANTS' control, and deposited into the DROS Special  
10 Account.

11 **I. Excessive Fees Are Being Imposed on the Exercise of a Constitutional**  
12 **Right**

13 111. The fundamental right to possess firearms for protection includes a  
14 corresponding right to acquire a firearm.

15 112. The Challenged "Fees," which DOJ generally requires be paid before a  
16 purchaser can acquire a firearm, are unconstitutional and illegal prerequisites on  
17 the exercise of the fundamental right to acquire a firearm.

18 113. The Challenged "Fees" are unconstitutional because they are imposed  
19 for the purpose of funding, and in fact do fund, activities not reasonably related to  
20 any legitimate government interest that concerns the regulation of lawful firearm  
21 transactions.

22 114. The Challenged "Fees" are unconstitutional because they are not  
23 calculated to defray the expenses of policing activities reasonably related to the  
24 legitimate government interests that concern the regulation of lawful firearm  
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26 <sup>15</sup> Federal Bureau of Investigation, Fiscal Year 2011 Authorization and Budget Request  
27 to Congress 4-56 and 4-57, available at [http://www.justice.gov/jmd/2011justification/pdf/fy11-](http://www.justice.gov/jmd/2011justification/pdf/fy11-fbi-justification.pdf)  
28 [fbi-justification.pdf](http://www.justice.gov/jmd/2011justification/pdf/fy11-fbi-justification.pdf); see also Bureau of Justice Statistics, Survey of State Procedures Related to  
Firearms Sales, 2005, available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/ssprfs05.pdf>, at 3.

1 transactions.

2 **A. The “Fees” Imposed Are Used For Purposes Unrelated to Regulating**  
3 **a Legitimate Interest**

4 **1. The “DROS ‘Fee’”**

5 115. DOJ is spending revenues from the DROS “fee” on activities unrelated  
6 to any legitimate government interest that concerns the regulation of lawful firearm  
7 transactions.

8 116. DEFENDANTS are using revenues from the DROS “fee” to fund all  
9 those activities enumerated at section 12076(g) [28235].<sup>16</sup>

10 117. The activities listed in 12076(g) [28235]; namely inspections of  
11 Short-Barreled Long Gun Permit-holders (Cal. Penal Code § 12099) [33320],  
12 retesting of handguns certified as “not unsafe” (Cal. Penal Code § 12131(c))  
13 [32020], inspections of Machine Gun Permit-holders (Cal. Penal Code § 12234)  
14 [32670], inspections of “Assault Weapon” Permit- holders (Cal. Penal Code §  
15 12289.5) [31110], and inspections of Destructive Device Permit-holders (Cal.  
16 Penal Code § 12305(f)-(g) [18910], are unrelated to the regulation of lawful  
17 firearm purchases and purchasers, like PLAINTIFFS.

18 118. The activities listed in 12076(g) [28235] cannot constitutionally be  
19 funded by “fees” paid by lawful firearm purchasers, like PLAINTIFFS.

20 119. Section 12076(g) [28235] - by authorizing the expenditure of revenues  
21 from the DROS “fee” on the activities listed therein - on its face places the burden  
22 of funding activities that are, unrelated to any legitimate government interest as to  
23 the regulation of lawful firearm transactions on lawful firearm purchasers  
24 exercising a constitutional right, instead of the general public.

25 120. DOJ is improperly spending revenues from the DROS “fee” on general  
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27 <sup>16</sup> PLAINTIFFS base this allegation, in part, on the legislative history for 12076(e)(10)  
28 [28225(b)(11)] (discussed *supra*), which explained it was passed, among other reasons, to allow  
DROS “fee” revenues to be used for the activities listed in 12076(g) [28235].

1 law enforcement activities beyond those listed in 12076(g) [28235], which are  
2 unrelated to any legitimate government interest as to the regulation of lawful  
3 firearm transactions.

4 **2. The HSC Exam and Section 12076.5 [28300] “Fees”**

5 121. Penal Code Sections 12805(e) [31650(c)] and 12076.5(a) [28300(a)-(b)]  
6 – by authorizing the expenditure of revenues from their respective “fee” on  
7 enforcing general criminal laws including laws regulating machine guns, “assault  
8 weapons,” destructive devices, tear gas, silencers, etc. – on their face, place the  
9 burden of funding activities unrelated to any legitimate government interest as to  
10 the regulation of lawful firearm transactions on lawful firearm purchasers, instead  
11 of the general public.

12 122. Regulation of machine guns, “assault weapons,” destructive devices, tear  
13 gas, silencers, etc. bears no reasonable relationship to the regulation of lawful  
14 firearm purchases and purchasers, like PLAINTIFFS.

15 123. Many activities provided for in Penal Code Sections 12805(e)  
16 [31650(c)] and 12076.5(a) [28300(a)-(b)] – including those regulating machine  
17 guns, “assault weapons,” destructive devices, tear gas, silencers, etc. – cannot  
18 constitutionally be funded by “fees” charged under this section.

19 124. DOJ is spending revenues from the HSC Exam “fee” on activities  
20 unrelated to any legitimate government interest that concerns the regulation of  
21 lawful firearm transactions.

22 125. DOJ is spending revenues from the Section 12076.5 [28300(c)] “fee” on  
23 activities unrelated to any legitimate government interest that concerns the  
24 regulation of lawful firearm transactions.

25 126. Despite being, at least in part, for the purpose of “implementing and  
26 enforcing” the *Handgun* Safety Certificate Program, the Section 12076.5  
27 [28300(c)] “fee” is charged to purchasers of long-guns as well, some of whom may  
28 not even own a handgun.

1           **3. The \$1 “Fee”**

2           127. DOJ is spending revenues from the \$1 “fee,” on activities unrelated to  
3 any legitimate government interest that concerns the regulation of lawful firearm  
4 transactions.

5           128. Law-abiding firearm purchasers like PLAINTIFFS are not just being  
6 required to internalize the full social costs of their choice to exercise their  
7 fundamental Second Amendment rights, but also those costs of choices *made by*  
8 *others*, including special weapon permittee holders (e.g., machine gun permits) and  
9 criminal users of *completely unrelated* firearms – much as if, for instance, all  
10 speakers were charged a fee that would be used to compensate those libeled by a  
11 small subset of speakers, or to subsidize those who engage in rallies or marches for  
12 causes that are unsupported by, or unavailable to, the payer.

13           129. The costs incurred by the DOJ in the licensing of special weapon permits  
14 and general law enforcement activities, unrelated to any legitimate government  
15 interest that concerns the regulation of lawful firearm transactions, cannot  
16 constitutionally fall on the shoulders of lawful firearm transferees via a fee.

17           130. The Challenged “Fees” unconstitutionally infringe on PLAINTIFFS’  
18 fundamental right to acquire firearms.

19           **II. The Challenged “Fees” Are Unconstitutionally Excessive and Illegal**

20           131. Regardless of whether the “fees” are reasonably related to any legitimate  
21 government interest that concerns the regulation of lawful firearm transactions,  
22 they are still unconstitutionally excessive.

23           **A. The DROS “Fee”**

24           132. The DROS “fee” is unconstitutionally excessive.

25           133. Between 2004 and 2010, the DROS Special Account has sustained an  
26 average surplus exceeding \$2 million annually.

27           134. The revenues making up the surplus in the DROS Special Account were,  
28 at least in part, generated from the DROS “fee.”



1 135. The DROS “fee” exceeds the costs of DOJ’s valid regulatory activities as  
2 to lawful firearm transactions. In explaining its proposal to lower the DROS “fee”  
3 in 2010, the DOJ stated “[t]he proposed regulations [would] lower the current \$19  
4 DROS “fee” to \$14, commensurate with the *actual cost* of processing a DROS.”<sup>17</sup>

5 136. The amount of the surplus funds in the DROS Special Account is so high  
6 that the DROS “fee” is not set at an amount “reasonably necessary” to cover only  
7 valid regulatory programs.

8 137. There is nothing requiring DOJ to charge the maximum amount  
9 *statutorily* allowed for a DROS “fee” (\$19), as the DOJ has the discretion to  
10 impose the fee in the first place (or a lesser amount commensurate with covering its  
11 costs).

12 138. DEFENDANTS have generally charged the maximum amount allowed  
13 by statute for the DROS “fee.”

14 139. There is no reasonable support tying the DROS “fee” amount DOJ  
15 decides to charge to DOJ’s actual, constitutionally valid regulatory costs.

16 140. The DROS “fee” exceeds the amount necessary to reimburse the DOJ for  
17 the costs of furthering any legitimate government interest that concerns the  
18 regulation of lawful firearm transactions.

19 **B. The HSC Exam and Section 12076.5 [28300] “Fees”**

20 141. The HSC Exam “fee” is unconstitutionally excessive.

21 142. The “fee” authorized by Penal Code Section 12076.5 [28300] is  
22 unconstitutionally excessive.

23 143. DEFENDANTS generally impose the maximum “fee” of \$15.00 on  
24 certified instructors for every (with few exceptions) HSC exam, who in turn  
25 generally charge the \$15 to the individual obtaining the HSC, as allowed by law.

26 \_\_\_\_\_  
27 <sup>17</sup> Cal. Dept. of Justice, Bureau of Firearms, Initial Statement of Reasons [Concerning  
28 Proposed DROS Fee Rulemaking] (2010), *available at*  
<http://ag.ca.gov/firearms/regs/DROSisor.pdf>

1 144. DEFENDANTS generally impose the maximum fee allowed by Section  
2 12076.5 [28300(c)] of \$5.00 (with few exceptions) on each individual handgun  
3 transaction and every long-gun transaction, no matter how many long-guns it  
4 involves.

5 145. There is no reasonable support tying the HSC Exam “fee” amount DOJ  
6 decides to charge to DOJ’s actual, constitutionally valid regulatory costs.

7 146. There is no support tying the Section 12076.5 [28300(c)] “fee” amount  
8 DOJ decides to charge to DOJ’s actual, constitutionally valid regulatory costs.

9 147. The Firearms Safety and Enforcement Special Fund, in which revenues  
10 from the HSC Exam and Section 12076.5 [28300(c)] “fees” are supposedly  
11 maintained, has a substantial annual surplus.

### 12 C. The \$1 “Fee”

13 148. The imposition of the \$1 “fee” is unconstitutionally excessive.

14 149. The Firearms Safety Account, in which revenues from the \$1 “fee” are  
15 supposedly maintained, has a substantial annual surplus.

16 150. There is no reasonable support tying the \$1 “fee” DOJ imposes to DOJ’s  
17 actual, constitutionally valid regulatory costs.

### 18 III. Section 3 – Unconstitutional Taxes

19 151. Under the test laid out in *Sinclair Paint Co.*, the Challenged Fees are  
20 invalid “taxes” on lawful firearm purchasers, in violation of the California  
21 Constitution.

#### 22 A. The DROS “Fee”

23 152. The DROS “fee,” as currently set, imposed, managed and spent by DOJ  
24 is an illegal “tax” under California law.

25 153. The assessment of the DROS “fee” exceeds the reasonable cost of the  
26 valid regulatory activities funded by the revenues it generates.

27 154. Many of the services funded by the DROS “fee” do not bear a sufficient  
28 relationship to the “fee” payer’s (i.e., firearm purchaser’s) burdens on or benefits

1 from those services.

2 155. There is no reasonable nexus between a lawful firearm purchaser (i.e.,  
3 the payer of the "fee") and *criminal* firearm misuse in general, or the administration  
4 of special-permit weapon issuance and use. Nonetheless, these programs and  
5 services performed by DEFENDANTS are funded using revenues from the DROS  
6 "fee."

7 156. The DROS "fee" is levied, at least in part, to generate revenue, rather  
8 than solely for legitimate government interests as to the regulation of lawful  
9 firearm transactions.

10 157. The general law enforcement activities funded by revenues from the  
11 DROS "fee" purportedly benefit society as a whole, not just lawful firearm  
12 purchasers.

13 158. The DROS "fee" is levied to generate revenue for general governmental  
14 and law enforcement activities.

15 **B. The HSC Exam "Fee"**

16 159. The HSC Exam "fee," as currently managed by DOJ, is a "tax" under  
17 California law.

18 160. The assessment of the HSC Exam "fee" exceeds the reasonable cost of  
19 the valid regulatory activities funded by the revenues it generates.

20 161. Many of the services allegedly funded by the HSC Exam "fee" do not  
21 bear a sufficient relationship to the "fee" payer's (i.e., firearm purchaser's) burdens  
22 on or benefits from those services.

23 162. There is no reasonable nexus between lawful firearm purchasers (i.e., the  
24 payer of the "fee") and *criminal* firearm misuse, or special-permit weapon use.  
25 Nonetheless, these programs and services are performed by DEFENDANTS using  
26 revenues from the HSC Exam "fee."

27 163. The HSC Exam "fee" is levied, at least in part, to generate revenue,  
28 rather than solely for legitimate government interests as to the regulation of lawful

1 firearm transactions.

2 164. The general law enforcement activities funded by revenues from the  
3 HSC Exam “fee” benefit society as a whole, not just lawful firearm purchasers.

4 165. The HSC Exam “fee” is levied to generate revenue for general  
5 governmental activities.

6 **C. The “Fee” Authorized by Penal Code Section 12076.5 [28300]**

7 166. The Section 12076.5 [28300(c)] “fee,” as currently managed by DOJ, is a  
8 “tax” under California law.

9 167. The assessment of the Section 12076.5 [28300(c)] “fee” exceeds the  
10 reasonable cost of the valid regulatory activities funded by the revenues it  
11 generates.

12 168. Many of the services allegedly funded by the Section 12076.5 [28300(c)]  
13 “fee” do not bear a sufficient relationship to the “fee” payer’s (i.e., firearm  
14 purchaser’s) burdens on or benefits from those services.

15 169. There is no reasonable nexus between lawful firearm purchasers (i.e., the  
16 payer of the “fee”) and *criminal* firearm use, or the issuance of special weapons  
17 permits. Nonetheless, these programs and services performed by DEFENDANTS  
18 are funded using revenues from the Section 12076.5 [28300(c)].

19 170. Despite being, at least in part, for the purpose of “implementing and  
20 enforcing” the *Handgun* Safety Certificate Program, the Section 12076.5  
21 [28300(c)] “fee” is charged to purchasers of long-guns as well, some of whom may  
22 not even own a handgun.

23 171. The Section 12076.5 [28300(c)] “fee” is levied, at least in part, to  
24 generate revenue, rather than solely for legitimate government interests as to the  
25 regulation of lawful firearm transactions.

26 172. The general law enforcement activities funded by revenues from the  
27 Section 12076.5 [28300(c)] “fee” purportedly benefit society as a whole, not just  
28 lawful firearm purchasers.

1 173. The Section 12076.5 [28300(c)] "fees" are levied to generate revenue for  
2 general governmental activities.

3 **D. The \$1 "Fee"**

4 174. The \$1 "fee" as currently managed by DOJ, is a "tax" under California  
5 law.

6 175. The assessment of the \$1 "fee" exceeds the reasonable cost of the valid  
7 regulatory activities funded by the revenues it generates.

8 176. Many of the services allegedly funded by the \$1 "fee" do not bear a  
9 sufficient relationship to the "fee" payer's (i.e., firearm purchaser's) burdens on or  
10 benefits from those services.

11 177. There is no reasonable nexus between lawful firearm purchasers (i.e., the  
12 payer of the "fee") and *criminal* firearm use, or the issuance of special weapons  
13 permits. Nonetheless, these programs and services performed by DEFENDANTS  
14 are funded using revenues from the \$1 "fee."

15 178. The \$1 "fee" is levied, at least in part, to generate revenue, rather than  
16 solely for legitimate government interests as to the regulation of lawful firearm  
17 transactions.

18 179. The general law enforcement activities funded by revenues from the \$1  
19 "fee" purportedly benefit society as a whole, not just lawful firearm purchasers.

20 180. The \$1 "fee" is levied to generate revenue for general governmental  
21 activities.

22 181. DEFENDANTS cannot meet their burden of proving each of the  
23 Challenged "Fees" is not a tax under Section 3.

24 182. As taxes, each of the Challenged Fees was required to have been adopted  
25 by a two-thirds majority vote of the Legislature; none was.

26 183. The Challenged Fees are unconstitutionally imposed under the California  
27 Constitution, and are invalid and unenforceable.

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**DECLARATORY JUDGMENT ALLEGATIONS**

184. There is an actual and present controversy between the parties hereto in that PLAINTIFFS contend that the manner in which DOJ currently imposes the Challenged Fees is unlawful. DEFENDANTS continue to choose to require lawful firearm purchasers, including PLAINTIFFS, to pay the maximum amount statutorily allowed for each of the Challenged Fees.

185. PLAINTIFFS desire a judicial declaration of their rights and DEFENDANTS' duties; namely, that the manner in which DOJ currently imposes the Challenged Fees infringes on PLAINTIFFS' Second Amendment rights.

186. PLAINTIFFS further desire a judicial declaration that the Challenged Fees are illegal "taxes" under Section 3 of Article XIII A of the California Constitution, and that, as such, the statutes authorizing their imposition were required to have been adopted by the California Legislature pursuant to a two-thirds vote of both houses respectively, and that since none was, each is void and unenforceable.

**INJUNCTIVE RELIEF ALLEGATIONS**

187. If an injunction does not issue enjoining DEFENDANTS from imposing each of the Challenged Fees as currently imposed, PLAINTIFFS will be irreparably harmed. PLAINTIFFS are presently and continuously injured by the assessment of the Challenged Fees" insofar as they constitute unreasonable and unrelated preconditions on the exercise of PLAINTIFFS' Second Amendment rights.

188. If not enjoined by this Court, DEFENDANTS will continue to enforce the Challenged Fees in derogation of PLAINTIFFS' Second Amendment rights.

189. If an injunction does not issue enjoining DEFENDANTS from enforcing Penal Code sections 12076(g) [28235], 12076.5 [28300], and 12805(e) [31650(c)], PLAINTIFFS will be irreparably harmed. PLAINTIFFS are presently and continuously injured by the enforcement of these sections insofar as such

1 enforcement utilizes revenues from assessments charged solely to lawful firearm  
2 purchases for purposes not reasonably related thereto.

3 190. If an injunction does not issue enjoining DEFENDANTS from enforcing  
4 California Penal Code sections 12076(e) [28225(a)-(c)], 12076.5 [28300], 12088.9  
5 [23690], and 12805(e) [31650(c)], PLAINTIFFS will be irreparably harmed.  
6 PLAINTIFFS are presently and continuously injured by the enforcement of these  
7 sections insofar as each constitutes an unlawful tax under the California  
8 Constitution.

9 191. PLAINTIFFS have no plain, speedy, and adequate remedy at law.  
10 Damages are indeterminate or unascertainable and, in any event, would not fully  
11 redress any harm suffered by PLAINTIFFS as a result of DEFENDANTS  
12 subjecting PLAINTIFFS to the illegal Challenged Fees as a precondition to  
13 exercise their constitutional right to acquire firearms.

14 192. Injunctive relief would eliminate PLAINTIFFS' irreparable harm and  
15 allow PLAINTIFFS to acquire firearms free from the unlawful assessments and  
16 taxes in accordance with their rights under the Second Amendment and the  
17 California Constitution.

18 193. Accordingly, injunctive relief is appropriate.

19 **FIRST CLAIM FOR RELIEF:**  
20 **VALIDITY OF ALL CHALLENGED "FEES"**  
21 **Violation of the Second Amendment Right to Keep and Bear Arms**  
**(U.S. Const., Amends. II and XIV)**  
**(By All Plaintiffs Against All Defendants)**

22 194. All of the above paragraphs are re-alleged and incorporated herein by  
23 reference.

24 195. DEFENDANTS have imposed, and continue to impose, the Challenged  
25 Fees at an excessive amount beyond what is necessary to defray its valid regulatory  
26 expenses, use the resulting windfall revenues to fund activities unrelated to any  
27 legitimate government interest that concerns the regulation of lawful firearm  
28 transactions. In doing so, DEFENDANTS are abusing their discretion, applying

1 the "fees" in an unconstitutional manner, and propagating customs, policies, and  
2 practices that infringe on PLAINTIFFS' right to acquire firearms as guaranteed by  
3 the Second and Fourteenth Amendments.

4 196. DEFENDANTS cannot satisfy their burden of justifying these customs,  
5 policies, and practices that infringe PLAINTIFFS' rights.

6 197. PLAINTIFFS are entitled to injunctive relief against DEFENDANTS  
7 and their officers, agents, servants, employees, and all persons in active concert or  
8 participation with them who receive actual notice of the injunction, enjoining them  
9 from engaging in such customs, policies, and practices.

10 **SECOND CLAIM FOR RELIEF:**  
11 **FACIAL VALIDITY OF CALIFORNIA PENAL CODE SECTIONS 12076(G)**  
12 **[28235], 12076.5(A), [28300], & 12805(E) [31650(C)]**  
13 **Violation of the Second Amendment Right to Keep and Bear Arms**  
14 **(U.S. Const., Amends. II and XIV)**  
15 **(By All Plaintiffs Against All Defendants)**

16 198. All of the above paragraphs are re-alleged and incorporated herein by  
17 reference.

18 199. By expressly authorizing DOJ to use revenues from the Challenged Fees  
19 to fund activities unrelated to any legitimate government interest that concerns the  
20 regulation of lawful firearm transactions, California Penal Code sections 12076(g)  
21 [28235], 12076.5(a) [28300(a)-(b)], and 12805(e) [31650(c)] are unconstitutional  
22 on their face.

23 200. PLAINTIFFS are entitled to permanent injunctive relief against  
24 DEFENDANTS, or any of their officers, agents, servants, employees, and all  
25 persons in active concert or participation with them who receive actual notice of  
26 the injunction, enjoining them from enforcing, or acting pursuant to, California  
27 Penal Code sections 12076(g) [28235], 12076.5(a) [28300], or 12805(e)  
28 [31650(c)].

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**THIRD CLAIM FOR RELIEF:  
VALIDITY OF CALIFORNIA PENAL CODE SECTIONS  
12076(e) &(g), 12076.5 [28300], 12088.9 [23690], and 12805(e) [31650(c)]  
Violation of California Proposition 13  
(California Const., Art. XIII A, Sec. 3)  
(By All Plaintiffs Against All Defendants)**

201. All of the above paragraphs are re-alleged and incorporated herein by reference.

202. Because California Penal Code sections 12076(e) & (g), 12076.5 [28300], 12088.9 [23690], and 12805(e) [31650(c)] provide for excessive government assessments to be levied against lawful firearm purchasers, the revenues from which are used for activities unrelated to lawful firearm purchases, each of these sections constitute a "tax" under the California Constitution, and were thus required to have been adopted by the California Legislature pursuant to a two-thirds vote of both legislative houses respectively, and since none was, each is void and unenforceable.

203. PLAINTIFFS are thus entitled to permanent injunctive relief against DEFENDANTS, and any of their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, enjoining them from enforcing, or acting pursuant to, California Penal Code sections 12076(e) [28225(a)-(c)], 12076.5 [28300], 12088.9 [23690], and 12805(e) [31650(c)].

**PRAYER**

WHEREFORE PLAINTIFFS pray for relief as follows:

1) For a declaration that the Challenged Fees as currently imposed by DEFENDANTS infringe upon the right to acquire firearms protected by the Second Amendment, as incorporated into the Fourteenth Amendment, by impermissibly preconditioning the exercise of that right on the payment of an excessive assessment, the revenues from which are being used to fund activities unrelated to any legitimate government interest that concerns the regulation of lawful firearm

1 transactions, and that as such are invalid and cannot be imposed;

2 2) For a preliminary and permanent prohibitory injunction forbidding  
3 DEFENDANTS and its agents, employees, officers, and representatives from  
4 imposing the Challenged Fees without first limiting the activities for which their  
5 revenues are used to only those activities concerning a legitimate government  
6 interest as to the regulation of lawful firearm transactions, *and* reducing their  
7 amounts to be commensurate with the *actual costs* of those activities.

8 3) For a declaration that California Penal Code sections 12076(g) [28235],  
9 12076.5(a) [28300], or 12805(e) [31650(c)] violate the Second Amendment on  
10 their face.

11 4) For a preliminary and permanent prohibitory injunction forbidding  
12 DEFENDANTS and its agents, employees, officers, and representatives, from  
13 enforcing, or acting pursuant to, California Penal Code sections 12076(g) [28235],  
14 12076.5(a) [28300], or 12805(e) [31650(c)].

15 5) For a declaration that California Penal Code sections 12076(e) & (g)  
16 [28225(a)-(c), 28235], 12076.5 [28300], 12088.9 [23690] and 12805(e) [31650(c)]  
17 are illegal taxes under Article XIII A, Section 3 of the California Constitution.

18 6) For a preliminary and permanent prohibitory injunction forbidding  
19 DEFENDANTS and its agents, employees, officers, and representatives, from  
20 enforcing, or acting pursuant to, California Penal Code sections 12076(e) & (g)  
21 [28225(a)-(c), 28235], 12076.5 [28300], 12088.9 [23690] and 12805(e) [31650(c)].

22 7) For an order enjoining DEFENDANTS from charging or collecting the  
23 Challenged Fees in illegally excessive amounts, and from appropriating the  
24 Challenged Fees for purposes unrelated to legitimate government interests as to the  
25 regulation of lawful firearm transactions.

26 ///

27 ///

28 ///

1           8) For remedies available pursuant to 42 U.S.C. § 1983 and for an award of  
2 reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988,  
3 California Code of Civil Procedure § 1021.5 and/or other applicable state and  
4 federal law;

5           9) For such other and further relief as may be just and proper.

6           Dated: August 25, 2011

Michel & Associates, P.C.

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/s/ C. D. Michel  
C. D. Michel  
Attorney for the Plaintiffs'

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# **EXHIBIT B**

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2 Sean A. Brady - S.B.N. 262007  
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9 Attorneys for Plaintiffs

10  
11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
13 **FRESNO BRANCH COURTHOUSE**

14 BARRY BAUER, STEPHEN ) CASE NO. 1:11-cv-01440-LJO-MJS  
15 WARKENTIN, NICOLE FERRY, )  
16 LELAND ADLEY, JEFFREY )  
17 HACKER, NATIONAL RIFLE ) **FIRST AMENDED COMPLAINT FOR**  
18 ASSOCIATION OF AMERICA, ) **DECLARATORY AND INJUNCTIVE**  
19 INC., CALIFORNIA RIFLE PISTOL ) **RELIEF**  
20 ASSOCIATION FOUNDATION, ) **42 U.S.C. sections 1983, 1988**  
21 HERB BAUER SPORTING GOODS, )  
22 INC. )

23 Plaintiffs

24 vs.

25 KAMALA HARRIS, in Her Official )  
26 Capacity as Attorney General For the )  
27 State of California; STEPHEN )  
28 LINDLEY, in His Official Capacity )  
as Acting Chief for the California )  
Department of Justice, and DOES 1- )  
10. )

Defendants.

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**INTRODUCTION**

1  
2 1. This case involves an important constitutional principle, that a state may not  
3 impose a fee on the People as a precondition to their enjoyment of a fundamental  
4 right secured by the federal constitution if the fee either exceeds the state's costs of  
5 regulating the fee payer's exercise of that right *or* the fee is used to finance state  
6 activities not reasonably related to such regulations.

7 2. Vindication of this principle requires enjoinder of DEFENDANTS'  
8 current implementation of its fee system for lawful firearm transactions, since it  
9 imposes fees that are both excessive and are improperly used to fund general law  
10 enforcement activities bearing no reasonable nexus to firearm purchasers nor valid  
11 regulations of their constitutionally protected activity.

12 3. California statutes confer on DEFENDANTS<sup>1</sup> the authority to impose  
13 multiple, separate fees on the purchasers<sup>2</sup> of firearms. Payment of these fees is  
14 mandatory before one can receive a firearm. DEFENDANTS have discretion as to  
15 whether to charge these fees and in what amount to charge them, up to a statutorily  
16 imposed cap.

17 4. DEFENDANTS' imposition of these fees, and in some cases the very  
18 statutes conferring the authority on DEFENDANTS to spend the revenues from the  
19 fees on extraneous matters, violates PLAINTIFFS' Second Amendment rights.

20 5. When a person wishes to obtain a firearm in California, state law generally  
21 requires the person to obtain the firearm through a federally licensed California  
22 firearm vendor (commonly known as an "FFL").

23  
24  
25 <sup>1</sup> DEFENDANTS are being sued in their official capacity as heads of the  
26 California Department of Justice, which entity is authorized by the Legislature to  
assess the Challenged Fees.

27 <sup>2</sup> These fees apply even if a firearm is not being purchased but gifted or  
28 traded as well. But for simplicity sake "purchase" will be used throughout this  
Complaint to include all such activities unless specifically stated otherwise.

1           6. In doing so, the would-be purchaser must, among other things, fill out a  
2 Dealer's Record of Sale form ("DROS"), the information from which is used by  
3 DEFENDANTS to conduct a background check and confirm the would-be  
4 purchaser may lawfully receive firearms before he or she can take possession of  
5 any firearm. In the case of a handgun, the information is also used to register the  
6 handgun to the purchaser in DEFENDANTS' Automated Firearm System ("AFS").

7           7. DEFENDANTS have statutory discretion to charge firearm purchasers a  
8 mandatory fee for processing each DROS, along with two additional fees, for every  
9 firearm transaction. And, in the case of a handgun, California requires purchasers  
10 to have a valid Handgun Safety Certificate, for which DEFENDANTS may impose  
11 yet another fee.

12           8. DEFENDANTS collect these fees through the FFL at the time of purchase  
13 and currently exercise their discretion by uniformly charging the statutorily  
14 allowed maximum amount for each of the Challenged Fees.

15           9. PLAINTIFFS bring this suit to challenge the constitutionality of  
16 DEFENDANTS' imposition of these fees levied on the transfer of firearms;  
17 specifically, those fees provided for by California Penal Code sections 28225(a)-(c)  
18 [12076(e)], 28300(c) [12076.5(b)], 23690(a) [12088.9(a)], and 31650(c) [12805(e)]  
19 (collectively, the "Challenged Fees").<sup>3</sup>

20           10. Each of the Challenged Fees as currently imposed by DEFENDANTS  
21 infringes on PLAINTIFFS' Second Amendment rights, both because  
22 DEFENDANTS charge the fees in excessive amounts and because they improperly  
23

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24           <sup>3</sup> Pursuant to the Legislature's enactment of Assembly Concurrent  
25 Resolution 73 (McCarthy) 2006, which authorized a Non-Substantive  
26 Reorganization of California's Deadly Weapons Statutes, various California Penal  
27 Code sections were renumbered, effective January 1, 2012. For convenience and  
28 ease of reference, the corresponding previous code section for each referenced  
Penal Code section is provided in brackets.

1 utilize the fees' windfall revenues to finance general law enforcement activities  
2 unrelated to the regulation of lawful firearm purchases.

3 11. It is not just PLAINTIFFS' contention alone that the Challenged Fees are  
4 excessive as currently imposed. DEFENDANTS themselves have admitted as  
5 recently as 2010 that at least one of the Challenged Fees is too high. And, the  
6 accounts containing the revenues amassed from the Challenged Fees, which  
7 DEFENDANTS manage, regularly run *multi-million dollar* annual surpluses when  
8 constitutional principles limit such government assessments to the reasonable cost  
9 of regulating the activity on which the fee is imposed.

10 12. Nor is it just PLAINTIFFS' contention alone that revenues from the  
11 Challenged Fees are used for purposes beyond regulating lawful firearm  
12 purchasers. DEFENDANTS' history of supporting legislation to expand the list of  
13 activities for which DEFENDANTS may use revenues from the Challenged Fees,  
14 demonstrates DEFENDANTS' past and continuing use of the Challenged Fees'  
15 revenues unconstitutionally.

16 13. Most notable is a recent amendment to the California Penal Code adding  
17 mere *possession* of firearms to that list,<sup>4</sup> thereby forcing *lawful* firearm purchasers  
18 to finance *any* law enforcement operation concerning *unlawful* firearm possession.  
19 This is tantamount to the government charging a fee to all speakers and the funds  
20 being used to subsidize law enforcement programs targeting a small subset of  
21 speakers who scream "fire" in a crowded theater.

22 14. Despite the significant surpluses from their revenues and the use of those  
23 revenues on activities unrelated to regulating lawful firearm transfers, DOJ *chooses*  
24 to charge the maximum amounts statutorily allowed for the Challenged Fees.

25 15. Concomitant to their as applied challenge to DEFENDANTS' imposition  
26 of the Challenged Fees, PLAINTIFFS facially challenge certain California Penal  
27

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28 <sup>4</sup> See description of Senate Bill 819, discussed below at Paragraph 103.



1 Code sections that expressly allow the unlawful expenditure of the Challenged  
2 Fees' revenues; specifically, California Penal Code sections 28235, 28225, 31650,  
3 and 28300.

4 16. Because the Challenged Fees and their related statutes affect  
5 constitutionally protected activity, irreparable harm is presumed. Accordingly, the  
6 following relief from this Court is warranted:

7 (a) a declaration that the Challenged Fees as currently imposed by  
8 DEFENDANTS are unconstitutionally excessive, and an injunction  
9 prohibiting DEFENDANTS from collecting the Challenged Fees until  
10 they reduce them to non-excessive amounts;

11 (b) a declaration that DEFENDANTS' use of revenues from the  
12 Challenged Fees on special weapon permitting and general law  
13 enforcement activities not reasonably related to the regulation of lawful  
14 firearm transactions is unconstitutional, and an injunction prohibiting  
15 DEFENDANTS from using those revenues on such activities; and

16 (c) a declaration that the California Penal Code statutes with  
17 provisions authorizing DEFENDANTS' improper expenditures of the  
18 Challenged Fees' revenues on activities not reasonably related to the  
19 regulation of lawful firearm transactions are facially unconstitutional, and  
20 an injunction prohibiting DEFENDANTS from acting pursuant to those  
21 statutes.

## 22 JURISDICTION and VENUE

23 17. Jurisdiction of this action is founded on 28 U.S.C. §§ 1331 and 1343, in  
24 that this action arises under the Constitution and laws of the United States, and  
25 under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983, in that this action seeks to  
26 redress the deprivation, under color of the laws, statutes, ordinances, regulations,  
27 customs, and usages of the State of California and political subdivisions thereof, of  
28 rights, privileges, or immunities secured by the United States Constitution and by

1 Acts of Congress.

2 18. PLAINTIFFS' claims for declaratory and injunctive relief are authorized  
3 by 28 U.S.C. §§ 2201 and 2202.

4 19. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)  
5 because a substantial part of the events or omissions giving rise to the claims  
6 occurred in this district.

7 **PARTIES**

8 **I. Plaintiffs**

9 20. Plaintiff BARRY BAUER is a resident, property owner, and taxpayer of  
10 Fresno, California. Within the last five years, Plaintiff BAUER has lawfully  
11 purchased firearms, including both handguns and long-guns, for which he has had  
12 to pay each of the Challenged Fees. Plaintiff BAUER intends to continue to  
13 purchase firearms through an FFL in the future.

14 21. Plaintiffs STEPHEN WARKENTIN and JEFFREY HACKER are  
15 residents, property owners, and taxpayers of Fresno, California. Within the last five  
16 years, each has purchased multiple firearms from both an FFL and a private party,  
17 through an FFL as required by California Penal Code § 26500 [12070]. These  
18 transactions have consisted of both handguns and long-guns. Some of these  
19 transactions involved a single firearm, while others involved multiple handguns  
20 (by way of private party transfers), multiple long-guns, and a combination of a  
21 handgun and a long-gun. Plaintiffs WARKENTIN and HACKER intend to  
22 continue their pattern of regularly purchasing firearms through an FFL in the  
23 future.

24 22. For each of their transactions, Plaintiffs WARKENTIN and HACKER  
25 have paid all fees California requires for firearm transfers described below.  
26 Accordingly, each of them has paid \$50 in state fees for a transaction including a  
27 single handgun and a single long-gun, \$46 for a transaction including two  
28 handguns, and \$25 for transactions involving a single firearm or multiple long-

1 guns.<sup>5</sup> Plaintiffs WARKENTIN and HACKER have had to pay the Challenged  
2 Fees multiple times in the same year, and, in some cases, the same month. Also,  
3 Plaintiffs WARKENTIN and HACKER have each had to pay California's \$15 fee  
4 to obtain a Handgun Safety Certificate once within the last five years.

5 23. Plaintiff NICOLE FERRY is a resident of Fresno, California. Within the  
6 last five years, Plaintiff FERRY has purchased handguns from an FFL for  
7 self-defense and target practice. For each of her transactions, Plaintiff FERRY has  
8 paid all "fees" California requires for firearm transfers described below. Plaintiff  
9 FERRY has had to pay California's fees for firearm transfers more than once in the  
10 same year. Also, Plaintiff FERRY has had to pay California's \$15 fee to obtain a  
11 Handgun Safety Certificate once within the last five years. Plaintiff FERRY  
12 intends to purchase firearms through an FFL in the future.

13 24. Plaintiff LELAND ADLEY is a resident, property owner, and taxpayer of  
14 Fresno, California. Within the last five years, Plaintiff ADLEY has purchased  
15 multiple firearms from both an FFL and a private party, through an FFL as required  
16 by California Penal Code § 26500 [12070], including both handguns and  
17 long-guns.

18 25. For each of his transactions, Plaintiff ADLEY paid all fees California  
19 requires for firearm transfers described below. Plaintiff ADLEY has had to pay  
20 California's fees for firearm transfers multiple times in the same year. Also,  
21 Plaintiff ADLEY has had to pay California's \$15 fee to obtain a Handgun Safety  
22 Certificate once within the last five years. Plaintiff ADLEY intends to continue his  
23 pattern of regularly purchasing firearms through an FFL in the future.

24 26. Plaintiff NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.  
25 (hereafter "NRA") is a non-profit entity classified under section 501(c)(3) of the

26 \_\_\_\_\_  
27 <sup>5</sup> See OVERVIEW OF REGULATORY SCHEME, Section II. - "California  
28 Fees Imposed on Firearm Sales and Transfers" for an explanation and breakdown  
of each of these fee amounts.

1 Internal Revenue Code and incorporated under the laws of New York, with its  
2 principal place of business in Fairfax, Virginia. NRA has a membership of  
3 approximately 4 million persons. The purposes of NRA include protection of the  
4 right of law-abiding citizens to keep and bear firearms for the lawful defense of  
5 their families, persons, and property, and from unlawful government regulations  
6 and preconditions placed on the exercise of that right. NRA spends its resources on  
7 each of those activities. NRA brings this action on behalf of itself and its hundreds  
8 of thousands of members in California, including Plaintiffs BAUER,  
9 WARKENTIN, ADLEY, and HACKER, who have been, are being, and will in the  
10 future be subjected to DEFENDANTS' imposition of the Challenged Fees.

11 27. Plaintiff CALIFORNIA RIFLE AND PISTOL ASSOCIATION  
12 FOUNDATION ("CRPA FOUNDATION") is a non-profit entity classified under  
13 section 501(c)(3) of the Internal Revenue Code and incorporated under California  
14 law, with headquarters in Fullerton, California. Contributions to the CRPA  
15 FOUNDATION are used for the direct benefit of Californians. Funds contributed  
16 to and granted by CRPA FOUNDATION benefit a wide variety of constituencies  
17 throughout California, including gun collectors, hunters, target shooters, law  
18 enforcement, and those who choose to own a firearm to defend themselves and  
19 their families. The CRPA FOUNDATION spends its resources seeking to raise  
20 awareness about unconstitutional laws, defend and expand the legal recognition of  
21 the rights protected by the Second Amendment, promote firearms and hunting  
22 safety, protect hunting rights, enhance marksmanship skills of those participating  
23 in shooting sports, and educate the general public about firearms. The CRPA  
24 FOUNDATION supports law enforcement and various charitable, educational,  
25 scientific, and other firearms-related public interest activities that support and  
26 defend the Second Amendment rights of all law-abiding Americans.

27 28. In this suit, the CRPA FOUNDATION represents the interests of its many  
28 citizen and taxpayer members and members of its related association the California

1 Rifle and Pistol Association who reside in California and who wish to sell or  
2 purchase firearms, or who have sold or purchased firearms, and have been charged  
3 fees imposed by the laws of the State of California associated with those  
4 transactions. These members are too numerous to conveniently bring this action  
5 individually. The CRPA FOUNDATION brings this action on behalf of itself and  
6 its tens of thousands of supporters in California, including Plaintiff BAUER, who  
7 have been, are being, and will in the future be subjected to DEFENDANTS'  
8 imposition of the Challenged Fees.

9 29. Plaintiff HERB BAUER SPORTING GOODS, INC., is a California  
10 corporation with its principal place of business in the County of Fresno, California.  
11 It is a licensed firearms dealer under both federal and California law (i.e., an FFL)  
12 that sells a variety of firearms, including both long-guns and handguns. California  
13 law requires Plaintiff HERB BAUER to collect the Challenged Fees for DOJ, at  
14 DOJ's direction, from firearm transferees. Accordingly, Plaintiff HERB BAUER is  
15 injured by its being forced to facilitate DEFENDANTS' unlawful fee collection  
16 activities.

17 30. The individual PLAINTIFFS identified above are residents and taxpayers  
18 of California from the City and County of Fresno who have been required to pay  
19 the Challenged Fees in violation of their rights and applicable law.

20 31. Each of the associational PLAINTIFFS identified above has individual  
21 members who are citizens and taxpayers of California, including in Fresno County,  
22 who have an acute interest in purchasing firearms and do not wish to pay unlawful  
23 fees, taxes, or other costs associated with that purchase and thus have standing to  
24 seek declaratory and injunctive relief to halt or reduce the imposition or charging  
25 of unconstitutional fees. The interests of these members are germane to their  
26 respective associations' purposes; and neither the claims asserted nor the relief  
27 requested herein requires their members participate in this lawsuit individually.

28 ///

1 **II. Defendants**

2 32. Defendant KAMALA HARRIS is the Attorney General of California. She  
3 is the chief law enforcement officer of California, and is charged by Article V,  
4 Section 13 of the California Constitution with the duty to inform the general public  
5 and to supervise and instruct local prosecutors and law enforcement agencies  
6 regarding the meaning of the laws of the State, including the Challenged Fees, and  
7 to ensure the fair, uniform and consistent enforcement of those laws throughout the  
8 state. She is sued in her official capacity.

9 33. Defendant STEPHEN LINDLEY is the Acting Chief of the DOJ Bureau  
10 of Firearms and, as such, is responsible for executing, interpreting, and enforcing  
11 the laws of the State of California – as well as its customs, practices, and policies –  
12 at issue in this lawsuit. He is sued in his official capacity.

13 34. Defendants HARRIS and LINDLEY (collectively “DEFENDANTS”) are  
14 responsible for administering and enforcing the Challenged Fees, are in fact  
15 presently enforcing the challenge provision against PLAINTIFFS, and will  
16 continue to enforce the Challenged Fees against PLAINTIFFS.

17 35. The true names or capacities, whether individual, corporate, associate or  
18 otherwise of the DEFENDANTS named herein as DOES 1-10, are presently  
19 unknown to PLAINTIFFS, who therefore sue said DEFENDANTS by such  
20 fictitious names. PLAINTIFFS pray for leave to amend this Complaint and Petition  
21 to show the true names, capacities, and/or liabilities of DOE Defendants if and  
22 when they have been determined.

23 **OVERVIEW OF REGULATORY SCHEME**

24 **I. Constitutional Provisions and Controlling Law**

25 36. The Second Amendment to the United States Constitution provides: “A  
26 well regulated militia, being necessary to the security of a free State, the right of  
27 the people to keep and bear arms, shall not be infringed.” U.S. Const. amend. II.

28 37. The United States Supreme Court held in *District of Columbia v. Heller*,

1 554 U.S. 570 (2008), that the Second Amendment of the United States Constitution  
2 protects an individual civil right to possess firearms for self-defense.

3 38. The Court soon thereafter held in *McDonald v. Chicago*, 561 U.S. 3025  
4 (2010), that the Second Amendment is incorporated through the Due Process  
5 clause of the 14th Amendment to restrict state and local governments from  
6 infringing on the individual right to keep and bears arms, and confirmed the right is  
7 a fundamental one.

8 39. The right to keep and bear arms for self-defense implies a corresponding  
9 right to acquire firearms. *See Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir.  
10 2011); *see also Andrews v. State*, 50 Tenn. 165, 178, 8 A. Rep. 8, 13 (1871) (cited  
11 approvingly in *Heller* at 614).

12 40. In *Cox v. New Hampshire*, 312 U.S. 569 (1941), the United States  
13 Supreme Court indicated that government's authority to levy fees on the exercise  
14 of constitutional rights is limited. The Court held that fees charged for licenses to  
15 parade on public property, being protected speech activity, can only be of amounts  
16 necessary to "meet the expense incident to the administration of the Act and to the  
17 maintenance of public order *in the matter licensed*." *Id.* at 577 (emphasis added).  
18 Any additional charge above and beyond that rate would be invalid.

19 41. In *Murdock v. Pennsylvania*, 319 U.S. 105 (1943), the United States  
20 Supreme Court expounded on the principle it enunciated in *Cox*, holding "[a] state  
21 may not impose a charge for the enjoyment of a right granted by the federal  
22 constitution" because "a person cannot be compelled to purchase, through a license  
23 fee or a license tax, the privilege freely granted by the constitution." *Id.* at 112. The  
24 *Murdock* Court qualified that general rule by indicating that States may impose a  
25 fee when constitutionally protected activity is involved, but only if the fee is  
26 imposed "as a regulatory measure and calculated to defray the expenses of policing  
27 the activities in question." It is not permissible, however, to impose "a flat license  
28 tax levied and collected as a condition" to the "enjoyment of a right granted by the

1 Federal Constitution” and “unrelated to the scope of the activities of [the fee  
2 payer].” Id. at 114.

## 3 **II. California Fees Imposed on Firearm Sales and Transfers**

4 42. California confers discretion on DOJ to impose various fees – all of which  
5 have a statutory cap – on firearm purchasers, which they must pay as a prerequisite  
6 to qualify for receiving a firearm.

### 7 **A. The Dealer’s Record of Sale (DROS) Fee**<sup>6</sup>

8 43. California Penal Code sections 28225(a)-(c) [formerly 12076(e)], 28230  
9 [12076(f)], 28235 [12076(g)], and 28240(a)-(b) [12076(i)], establish the fees  
10 associated with a DROS, and govern what the funds collected therefrom can be  
11 used for.

12 44. Subdivision (a) of Penal Code section 28225 [12076(e)] provides:

13 The [DOJ] may require the [FFL] to charge each firearm purchaser a  
14 fee not to exceed fourteen dollars (\$14), except that the fee may be  
15 increased at a rate not to exceed any increase in the California  
Consumer Price Index as compiled and reported by the Department of  
Industrial Relations.

16 45. The use of the “may” in subdivision (a) of Penal Code section 28225  
17 [12076(e)] makes clear that DEFENDANTS are not *required* to charge the  
18 maximum fee amount allowed for by that statute, or to even charge *any* fee at all.

19 46. Penal Code section 28240(a) [12076(i)(1)] mandates that DOJ charge only  
20 one DROS fee for a single transaction on the same date for any number of firearms  
21 that are not handguns. This means regardless of the number of long-guns (*i.e.*, rifles  
22 and shotguns) an individual purchases at one time, the DOJ charges one DROS fee  
23 for all of them.

24 47. Penal Code section 28240(b) [12076(i)(2)], provides that, in a single  
25

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26 <sup>6</sup> The fees DOJ charges pursuant to California Code of Regulations, Title  
27 11, Section 4001, and Penal Code sections 28225(a)-(c) [12076(e)],  
28 12076(f)(1)(B) [28230(a)(2)], discussed herein, shall be referred to as the “DROS  
fee” throughout.



1 transaction on the same date for the delivery of any number of handguns, the DOJ  
2 must charge a reduced DROS fee for any additional handguns that are part of that  
3 same transaction. This means when an individual purchases more than one handgun  
4 at the same time, the DOJ charges the DROS fee in full for the first handgun and a  
5 reduced DROS fee for each additional handgun.

6 48. Where an individual purchases a handgun and any number of long-guns at  
7 the same time, DOJ charges the purchaser a full DROS fee *for each* transaction.  
8 This means where a long-gun is purchased along with a handgun the purchaser  
9 must pay *two full* DROS fees, one for the handgun and one for the long-gun –  
10 despite *no* separate DROS fee being required for additional long-gun purchases and  
11 only a reduced DROS fee being required for each additional handgun.

12 49. The DOJ promulgated California Code of Regulations, Title 11, section  
13 4001, increasing the cap on the DROS fee from \$14 to \$19 for the first handgun or  
14 any amount of rifles/shotguns in a single transaction, and capping the DROS fee  
15 for each additional *handgun* being purchased along with the first handgun at \$15.

16 50. Subdivision (b) of Penal Code section 28225 [12076(e)] further provides  
17 that “[t]he [DROS] fee shall be no more than is necessary to fund” the activities  
18 enumerated at Penal Code section 28225(b)(1)-(11) [12076(e)(1)-(10)].

19 51. Penal Code section 28225(b)(11) [12076(e)(10)] purports to authorize the  
20 DOJ to use revenues from the DROS fee to fund “the estimated reasonable costs of  
21 [DOJ] firearms-related regulatory and enforcement activities related to the sale,  
22 purchase, possession, loan, or transfer of firearms.”

23 52. Prior to January 1, 2012, section 28225(b)(11) [12076(e)(10)] did not  
24 provide for expenditure of DROS fee revenues on the mere “possession” of  
25 firearms. But the Legislature amended that section during the 2011 Legislative  
26 session to allow for such, based on its following purported findings:

27 SECTION 1. The Legislature finds and declares all of the following:

28 (a) California is the first and only state in the nation to establish an

1 automated system for tracking handgun and assault weapon owners who  
2 might fall into a prohibited status.

3 (b) The California Department of Justice (DOJ) is required to maintain  
4 an online database, which is currently known as the Armed Prohibited  
5 Persons System, otherwise known as APPS, which cross-references all  
6 handgun and assault weapon owners across the state against criminal  
7 history records to determine persons who have been, or will become,  
8 prohibited from possessing a firearm subsequent to the legal acquisition  
9 or registration of a firearm or assault weapon.

10 (c) The DOJ is further required to provide authorized law enforcement  
11 agencies with inquiry capabilities and investigative assistance to  
12 determine the prohibition status of a person of interest.

13 (d) Each day, the list of armed prohibited persons in California grows  
14 by about 15 to 20 people. There are currently more than 18,000 armed  
15 prohibited persons in California. Collectively, these individuals are  
16 believed to be in possession of over 34,000 handguns and 1,590 assault  
17 weapons. The illegal possession of these firearms presents a substantial  
18 danger to public safety.

19 (e) Neither the DOJ nor local law enforcement has sufficient resources  
20 to confiscate the enormous backlog of weapons, nor can they keep up  
21 with the daily influx of newly prohibited persons.

22 (f) A Dealer Record of Sale fee is imposed upon every sale or transfer  
23 of a firearm by a dealer in California. Existing law authorizes the DOJ to  
24 utilize these funds for firearms-related regulatory and enforcement  
25 activities related to the sale, purchase, loan, or transfer of firearms  
26 pursuant to any provision listed in Section 16580 of the Penal Code, but  
27 not expressly for the enforcement activities related to possession.

28 (g) Rather than placing an additional burden on the taxpayers of  
California to fund enhanced enforcement of the existing armed prohibited  
persons program, it is the intent of the Legislature in enacting this  
measure to allow the DOJ to utilize the Dealer Record of Sale Account  
for the additional, limited purpose of funding enforcement of the Armed  
Prohibited Persons System.

53. Penal Code section 28230(a)(2) [12076(f)(1)(B)] provides for DOJ to also  
use DROS fee revenues for “the actual processing costs associated with the  
submission of a [DROS] to the [DOJ].”

54. Section 28235 [12076(g)] provides:

All money received by the department pursuant to this article shall  
be deposited in the Dealers’ Record of Sale Special Account of the  
General Fund, which is hereby created, to be available, upon  
appropriation by the Legislature, for expenditure by the  
department to offset the costs incurred pursuant to any of the  
following:

- 1 (a) This article.
- 2 (b) Section 18910.
- 3 (c) Section 27555.
- 4 (d) Subdivisions (d) and (e) of Section 27560.
- 5 (e) Article 6 (commencing with Section 28450).
- 6 (f) Section 31110.
- 7 (g) Section 31115.
- 8 (h) Subdivision (a) of Section 32020.
- 9 (i) Section 32670.
- 10 (j) Section 33320.

11 55. The reference to “this article” in section 28235 means Article 3 of  
12 Chapter 6 of Title 4 of Part 6 of the California Penal Code (beginning at  
13 section 28200 and ending with section 28250), which includes the section  
14 providing for imposition of the DROS fee.

15 56. The activities covered in the Penal Code sections referenced by section  
16 28235 [12076(g)] include: (1) inspections of “Destructive Device” Permit-Holders  
17 (Cal. Penal Code § 18910 [12305(f)-(g)]); (2) the California FFL Check Program  
18 (Cal. Penal Code § 27555 [12072(f)(1)]); (3) a public education program pertaining  
19 to importers of personal handguns (Cal. Penal Code § [27560(d)-(e)])  
20 [12072(f)(2)(D)]; (4) the Centralized List of Exempted FFLs (Cal. Penal Code §  
21 28450, *et seq.* [12083]); (5) inspections of “Assault Weapon” Permit-Holders (Cal.  
22 Penal Code § 31110 [12289.5]); (6) public education program regarding  
23 registration of “assault weapons” (Cal. Penal Code § 31115 [12289]); (7) retesting  
24 of handguns certified as “not unsafe” (Cal. Penal Code § 32020(a) [12131(c)]; (8)  
25 inspections of Machine Gun Permit-Holders (Cal. Penal Code § 32670 [12234]);  
26 and (9) inspections of Short-Barreled Long Gun Permit-Holders (Cal. Penal Code §  
27 33320 [12099]).

28 57. Pursuant to statute, revenue from the DROS fee is supposed to be  
deposited into the DROS Special Account of the General Fund (“DROS Special

1 Account”). Cal. Penal Code § 28235 [12076(g)].<sup>7</sup>

2 **B. Firearms Safety and Enforcement Special Fund Fees**

3 58. California Penal Code section 28300(a)-(b) [12076.5(a)] provides:

4 (a) The Firearms Safety and Enforcement Special Fund is hereby  
5 established in the State Treasury and shall be administered by the [DOJ].

6 (b) Notwithstanding Section 13340 of the Government Code, all moneys  
7 in the fund are continuously appropriated to the [DOJ], without regard to fiscal  
8 years, for the purpose of implementing and enforcing the provisions of Article  
9 2 (commencing with Section 31610) of Chapter 4 of Division 10, enforcing  
10 Section 830.95, Title 2 (commencing with Section 12001) of Part 4, Sections  
11 16000 to 16960 [12070(c)(2)], inclusive, Sections 16970 [12277] to 17230  
12 [12650], inclusive, Sections 17240 [12401] to 21390 [12028(a)], inclusive,  
13 and Sections 21590 [12028(a)] to 34370 [12078(a)(5)], inclusive, and for the  
14 establishment, maintenance, and upgrading of equipment and services  
15 necessary for firearms dealers to comply with Article 2 (commencing with  
16 Section 28150 [12077(g)]).

17 59. The “provisions of Article 2” mentioned in Section 28300(b) concern the  
18 Handgun Safety Certificate Program (discussed below) provided for in sections  
19 31610 [12800], *et seq.*

20 60. California Penal Code section 830.95 mentioned in Section 28300(b)  
21 prohibits picketing while wearing the uniform of a peace officer.

22 61. Title 2 (commencing with Section 12001) of Part 4 concerns sentence  
23 enhancements for convictions of firearm related crimes.

24 62. The provisions ranging between Section 16000 and 34370 [12078(a)(5)]  
25 mentioned in section 28300(b) as activities funded by the Firearms Safety and  
26 Enforcement Special Fund, include all manner of laws regulating “deadly  
27 weapons,” including not only handguns and long-guns, but also “unsafe  
28

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<sup>7</sup> DEFENDANTS deposit (and commingle) funds collected from some additional fees – for special firearm licensing and miscellaneous services (*see e.g.*, Cal. Penal Code §§ 30900-30905 [12285(a),(b)]), concealed weapon permit applications and Cal. Pen. Code § 26190(a)-(b) [12054]), “Assault Weapon” Permits – into the DROS Special Account. The validity of those fees is not at issue, here; rather, what is at issue is whether DEFENDANTS spend revenues from the Challenged Fees on regulating the activities those other fees are collected for. PLAINTIFFS contend that DEFENDANTS are improperly doing so.

1 handguns,” machine guns, “assault weapons,” destructive devices, ammunition,  
2 boobytraps, body armor, tear gas, silencers, switchblade knives, and “less lethal  
3 devices.”

4 63. The Firearms Safety and Enforcement Special Fund is funded by  
5 revenues generated from two separate fees charged to firearm purchasers.

6 **1. The \$5 Fee**

7 64. California Penal Code Section 28300(c) [12076.5(b)] provides:

8 (c) The [DOJ] may require firearms dealers to charge each person who  
9 obtains a firearm a fee not to exceed five dollars (\$5) for each transaction.  
10 Revenues from this fee shall be deposited in the Firearms Safety and  
11 Enforcement Special Fund.

12 65. Section 28300 [12076.5] does not require the DOJ to charge the maximum  
13 amount authorized under that statute (*i.e.*, \$5), or to even charge *any* fee at all.

14 **2. The Handgun Safety Certificate Exam Fee (\$15)**

15 66. A would-be handgun purchaser must obtain a Handgun Safety Certificate  
16 (“HSC”) before a handgun may be legally received. Cal. Penal Code § 31615.

17 67. To obtain an HSC, a certified instructor (usually the FFL) administers a  
18 test for which the certified instructor is charged up to fifteen dollars (\$15) by the  
19 DOJ.<sup>8</sup> The \$15 fee (“HSC Exam fee”) is generally charged to the exam taker by the  
20 FFL, as allowed by law.

21 68. Upon passage of the test, an individual receives an HSC, which is valid  
22 for five (5) years, meaning an HSC holder can purchase handguns throughout the  
23 5-year period the HSC is valid without retaking the test or repaying the HSC Exam  
24 Fee. Once the HSC expires (after 5 years) the person would have to pay the HSC  
25 Exam Fee and pass the exam again before the person could purchase or receive a  
26 handgun.

27 69. Funds collected from the HSC Exam Fee are placed in the Firearms Safety  
28

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<sup>8</sup> (Cal. Pen. Code § 31650(c) [12805(e)])

1 and Enforcement Special Fund. *See* Cal. Pen. Code § 31650(d) [12805(f)].

2 70. Section 31650(c) [12805(e)], the statute conferring authority on DOJ to  
3 charge the HSC Exam fee, does not require the DOJ charge the maximum amount  
4 authorized under that statute, or to even charge *any* fee at all.

5 **C. Firearm Safety Account Fee (\$1)**

6 71. Penal Code section 23690 [12088.9] provides:

7 (a)(1) The Department of Justice *may* require each dealer to charge each  
8 firearm purchaser or transferee a fee not to exceed one dollar (\$1) for each  
firearm transaction.

9 (2) The fee shall be for the purpose of supporting department program  
10 costs related to this act, including the establishment, maintenance, and  
upgrading of related database systems and public rosters.

11 (b)(1) There is hereby created within the General Fund the Firearm Safety  
Account.

12 (2) Revenue from the fee imposed by subdivision (a) shall be deposited  
13 into the Firearm Safety Account and shall be available for expenditure by the  
Department of Justice upon appropriation by the Legislature.

14 (3) Expenditures from the Firearm Safety Account shall be limited to  
15 program expenditures as defined by subdivision (a).

16 72. There is *no* provision in California law *requiring* DOJ to charge this fee at  
17 all.

18 **D. Legislative History of the DROS Fee and Management of the DROS**  
19 **Special Account**

20 73. The origins of the DROS system and its related fees are believed to go  
21 back to sometime in the 1920s.

22 74. The amount of a DROS fee in and around the year 1990 was \$4.25. *See*  
23 S.B. 670, 1995-1996 Leg. Sess. (Cal. 1995) (as introduced Feb. 22, 1995).

24 75. By 1995, the DROS fee had ballooned to \$14.00, an increase of greater  
25 than 300 percent in less than five years. *Id.*

26 76. In 1995, the California Legislature passed Senate Bills 670 and 671 to cap  
27 the rate for a DROS fee at \$14.00, with increases “at a rate not to exceed any  
28 increase in the California Consumer Price Index.” That amendment is reflected in

1 Penal Code section 28225(a) [12076(e)] described above.

2 77. Senate Bill 670 (1995-1996 Reg. Sess. (Cal. 1995) (as enacted) further  
3 prohibited the DOJ from using the fee to “directly fund or as a loan to fund any  
4 program not specified.”

5 78. In the following years, a trend of appropriating DROS fee revenues to pay  
6 for additional activities unrelated to the clearance of the purchaser to buy a firearm  
7 or register handguns emerged. A series of bills passed that allowed monies in the  
8 DROS Special Account to pay for the ever-expanding list of programs and services  
9 found at section 28235 [12076(g)].

10 79. For example, Assembly Bill 2080 (2002) established a program to address  
11 *illegal firearms trafficking* and authorized its funding from the DROS Special  
12 Account. *See* Penal Code §§ 27555 [12072(f)(1)], 28235 [12076(g)].

13 80. Assembly Bill 2580 (2002) specifically amended section 28235  
14 [12076(g)] to authorize funding from the DROS Special Account for the  
15 inspections of several classes of dangerous weapon permit-holders. *See* Cal. Penal  
16 Code §§ 28235 [12076(g)], 12099 [33320] [inspections of short-barreled long gun  
17 permit-holders], 32670 [12234] [inspections of machine gun permit-holders],  
18 31110 [12289.5] [inspections of “assault weapon” permit-holders], 19000  
19 [12305(f)-(g)] [inspections of destructive devices permit-holders].

20 81. Assembly Bill 2902 (2002) specifically amended section 28235  
21 [12076(g)] to authorize funding for the maintenance of the Centralized List of  
22 Exempted FFLs and the re-testing of handguns deemed “not unsafe.” *See* Cal.  
23 Penal Code §§ 28235 [12076(g)], 12083[28450 *et seq.* ], 32020 [12131(c)].

24 82. In 2001, Plaintiff NATIONAL RIFLE ASSOCIATION (NRA) requested  
25 the Office of California State Auditor (“CSA”) to investigate the DOJ’s operation  
26 of the DROS program, believing that DROS Special Account funds were being  
27 misused.

28 83. CSA responded to Plaintiff NRA’s request, stating that an audit of the

1 DROS program could only be conducted by request from the Joint Legislative  
2 Audit Committee ("JLAC"). Plaintiff NRA then began working with members of  
3 the Legislature to prepare a request to JLAC for an audit.

4 84. Before Assembly Bill 2080's final passage in 2002, the Office of  
5 Legislative Counsel was asked by Senator Bill Morrow to opine on whether  
6 Assembly Bill 2080 authorized using DROS fee revenues, paid by individual  
7 firearms transferees, to support Assembly Bill 2080's purposes.

8 85. While awaiting the Office of Legislative Counsel's response to that  
9 request, then Assemblyman (now Senator) Rod Wright sought information on the  
10 DROS Special Account from the DOJ and Legislative Analyst's Office from the  
11 Assembly Budget Committee. A week later, the Assembly Budget Subcommittee  
12 on State Administration ordered the DOJ to submit a report on the DROS Special  
13 Account status. *See* 2002 Budget Act, Item 0820-001-0460.

14 86. The first report DOJ submitted to the Assembly Budget Subcommittee on  
15 State Administration detailed the status of the DROS Special Account. But no audit  
16 of spending was provided.

17 87. Later that year, the Office of Legislative Counsel responded to Senator  
18 Morrow's request regarding expending DROS Fee revenues to support Assembly  
19 Bill 2080, with the following analysis:

- 20 - Section 28225(b) [12076(e)] provides that the DROS fee be no more than  
21 is necessary to reimburse designated program purposes and may not be  
22 used to fund any other program;
- 23 - Nevertheless, section 28235 [12076(g)] identifies other purposes for  
24 which funds in the DROS Special Account may be used;
- 25 - Under the rules of statutory construction, section 28235 [12076(g)] refers  
26 generally to money in the DROS Special Account, rather than specifically  
27 to the revenue from the section 28225(a) [12076(e)] DROS fee;
- 28 - Because the DROS Special Account contains funds in addition to fees



1 obtained pursuant to 28225(b)(1)-(10) [12076(e)], the purposes of section  
2 28235 [12076(g)] may be accomplished without the use of 28225(a)  
3 [12076(e)] [DROS] funds;

- 4 - Because Assembly Bill 2080 did not amend 28225(a)-(c) [12076(e)] to  
5 fund its new purposes, 28235 [12076(g)] could not be construed to  
6 authorize the expenditure of DROS fees for any purpose not specified in  
7 28225(b) [12076(e)];

8 88. The Office of Legislative Counsel's response provided its explanation on  
9 how it believed 28225(a)-(c) and 28235 [subsections (e) and (g) of section 12076,  
10 respectively] could coexist. Though the Office of Legislative Counsel explained  
11 how those sections could coexist, it did not say DOJ was actually limiting  
12 expenditures in such a manner.

13 89. The DOJ and the Legislative Analyst's Office then submitted a  
14 supplemental report on the status of the DROS Special Account to the Legislature  
15 pursuant to the 2002 Budget Act, Item 0820-001-0460. That report summarized the  
16 annual DROS Special Account revenues and expenditures, DROS-related  
17 programs, DROS application receipt information, the fees then charged, and the  
18 average cost of processing each application. Claiming that expert staff and  
19 necessary funding were unavailable, however, the report did not provide the  
20 necessary comprehensive examination into the DOJ's fee structure to determine  
21 whether the DROS fee was recovering actual costs of the DROS program, or what  
22 aspects of it, or if adjustments to the amount of the fee were appropriate. DOJ thus  
23 conceded that it was expending millions of dollars without information showing  
24 that expenditures of funds from the DROS fee were legally authorized.

25 90. In 2003, Assembly Bill 161 passed, removing the prohibition on using  
26 DROS fee revenues to "directly fund or as a loan to fund any program not  
27 specified." AB 161 therefore allowed DOJ to use funds collected from firearm  
28 transactions for *any* "regulatory and enforcement activit[y] related to the sale,

1 purchase, loan, or transfer of firearms” regardless of whether the activity related to  
2 constitutionally allowable spending.<sup>9</sup>

3 91. As Assembly Bill 161 made its way through the legislative process, the  
4 bill’s sponsor argued that it did not expand the use of revenues from the DROS fee,  
5 but merely *clarified* their use.<sup>10</sup>

6 92. The Bill Analysis of Assembly Bill 161 also indicates the Legislature  
7 relied on the Legislative Counsel’s opinion that DROS fee revenues could not be  
8 used to fund the activities mandated by Assembly Bill 2080.

9 93. The enactment of section 28225(b)(11) [12076(e)(10)] expanded the  
10 scope of section 28225(a)-(c) [12076(e)], providing a “catch-all” to ensure that  
11 those programs (*i.e.*, those sections listed in section 28235 [12076(g)]) could be  
12 supported by revenues from the DROS fee in the DROS Special Account.

13 94. Noting that the DOJ’s previous reports lacked sufficient detail, on January  
14 26, 2004, Senator Morrow submitted a written request to the JLAC, seeking a  
15 formal audit of the DROS Special Account. That request was heard a month later.<sup>11</sup>

16 95. A year after Assembly Bill 161 passed and expanded the list of activities  
17 that DROS funds could be spent on, the DOJ adopted California Code of  
18 Regulations, title 11, section 4001, which increased the cap on DROS Fees as  
19 described above in Paragraph 49. No support was provided by DOJ tying the \$5  
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21 <sup>9</sup> Found in current Penal Code section 12076(e)(10) [28225(b)(11)], which  
22 was further amended in the 2011 Legislative session by Senate Bill 819 as  
23 described below.

24 <sup>10</sup> See Sen. Comm. on Public Safety, Bill Analysis: Dealers Record of Sale  
25 Special Account - Expanding Authorized Use - Appropriation to Fund Firearms  
26 Trafficking Prevention Act of 2002, at 10 (July 8, 2003) *available at*  
[http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab\\_0151-0200/ab\\_161\\_cfa\\_200307\\_08\\_141850\\_sen\\_comm.html](http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_0151-0200/ab_161_cfa_200307_08_141850_sen_comm.html) (last visited Jan. 11, 2012).

27 <sup>11</sup> PLAINTIFFS have so far been unable to ascertain the vote or outcome of  
28 that February 24, 2004 hearing, despite diligent efforts.

1 increase of the maximum fee (from \$14 to \$19) to the California Consumer Price  
2 Index to which DROS fee increases are statutorily limited, nor was any support  
3 provided by DOJ justifying the \$15 fee as necessary to cover its costs relating to  
4 the sale of an additional handgun.

5 96. California Code of Regulations, title 11, section 4001 remained in effect  
6 without any attempts by DOJ to amend it to raise or lower the DROS fee, until  
7 2010 when the DOJ issued a notice of proposed rulemaking stating its intent to  
8 *lower* the maximum fee allowed from \$19 to the pre-2004 emergency regulation  
9 amount of \$14.

10 97. The 2010 initial statement of reasons concerning the proposed rulemaking  
11 indicated that “although the volume of DROS transactions has increased, the  
12 average time spent on each DROS, and thus the processing cost, has decreased.”<sup>12</sup>  
13 It also noted that “[t]he proposed regulations [would] lower the current \$19 DROS  
14 fee to \$14, *commensurate with the actual cost of processing a DROS.*” (emphasis  
15 added).<sup>13</sup>

16 98. Ultimately, the 2010 proposed rulemaking was not adopted, thereby  
17 allowing DOJ to continue obtaining an invalid windfall from DROS fee revenues  
18 to fund present and future government activities.

19 99. After rejection of the proposed decrease in the DROS fee, Plaintiff NRA  
20 submitted a request under the California Public Records Act to the DOJ Bureau of  
21 Firearms, seeking all writings constituting, referring or relating to (1) the DOJ’s  
22 policies and procedures for the handling and management of the DROS Special  
23 Account since January 1, 2000, and (2) a detailed accounting of the DROS Special  
24 Account for the same period.

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25  
26 <sup>12</sup> Cal. Dept. of Justice, Initial Statement of Reasons concerning Proposed  
27 DROS Fee Regulations (2010), *available at*  
<http://ag.ca.gov/firearms/regs/DROSIsoor.pdf> (last visited Jan. 11, 2012).

28 <sup>13</sup> *Id.*

1 100. An attorney with the DOJ's Bureau of Firearms responded that there was  
2 no present way to compile the information sought, that no current audit of the  
3 DROS Special Account exists, that an official audit would be required, and that the  
4 Legislature has no money to initiate one.

5 101. Plaintiff NRA was provided, however, with a list of services the DOJ  
6 Bureau of Firearms provides using monies from the DROS Special Account, a table  
7 summarizing the statutory and regulatory authority for the fees charged and  
8 services provided, a table summarizing DROS Special Account annual revenues  
9 and expenditures since 2001, and a summary of the number of long-gun and  
10 handgun transactions for which the DROS fee was collected during the same  
11 period.

12 102. In 2011, Plaintiff NRA sent the DOJ a follow-up request under the  
13 Public Records Act, seeking records explaining what constituted "DROS  
14 enforcement activities" as identified in the table DOJ previously disclosed that  
15 summarized its purported authority for the fees charged and services provided.  
16 Plaintiff NRA also requested other documents, including ledgers identifying  
17 individual transactions since 2001. The DOJ again asserted that no such accounting  
18 exists, raised numerous privilege grounds, and denied PLAINTIFF NRA's request.

19 103. Finally, the California Legislature passed and Governor Brown signed  
20 into law Senate Bill 819 (Leno). It is effective as of January 1, 2012. SB 819 again  
21 expanded the uses to which DROS fee revenues may be put as described in the  
22 findings for amending section 28225 (see paragraphs 50-52 above).  
23 DEFENDANTS have admitted SB 819s' purpose and effect of using funds from  
24 the DROS fee on activities unrelated to the lawful purchase of a firearm: "To clear  
25 the [Armed and Prohibited Persons System] backlog of approximately 34,000  
26 handguns, Attorney General Harris is the sponsor of Senate Bill 819, which would  
27 revise the Penal Code to *expand* the use of existing regulatory fees collected by gun  
28 dealers to allow the state [DOJ] to use fee revenue to pay for the APPS program."

1 Press Release, Office of the Attorney General, Attorney General Kamala D. Harris  
2 Announces Seizure of 1,200 Guns from Mentally Unstable and Other Individuals  
3 (June 16, 2011) (emphasis added).

4 104. The history of the DROS fee is thus one of continuous expansion  
5 regardless of surrounding circumstances.

6 **E. Legislative History of the Other Challenged Fees and Management of**  
7 **Their Respective Accounts**

8 **1. The \$1 Fee**

9 105. The provision providing for the \$1 Fee, section 23690 [section 12088.9]  
10 did not come into existence until 2002. It was created by California Assembly Bill  
11 106 (1999-2000 Reg. Sess. (Cal. 1999) (as enacted) (“AB 106”). Section 23690  
12 [section 12088.9] was not a part of the changes made by AB 106 when it was  
13 introduced by Senators Scott and Aroner. Rather, the bill was originally about  
14 prohibiting the unlicensed importing of firearms and requiring that all firearms  
15 sold, transferred, or delivered for sale by licensed FFLs be accompanied by a  
16 firearm safety device and warning label in order to prevent accidental shootings  
17 involving children.

18 106. The \$1 Fee was not a part of AB 106 until after the bill’s fifth  
19 amendment, at which time the author decided to include it “for the purpose of  
20 supporting various department program costs related to firearms safety and  
21 registration.” Sen. Comm. on Pub. Safety, Bill Analysis: Firearms - Safety Devices,  
22 at 6-7 (June 22, 1999) *available at* [http://www.leginfo.ca.gov/pub/](http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_0101-0150/ab_106_cfa_19990622_133507_sen_comm.html)  
23 [99-00/bill/asm/ab\\_0101-0150/ab\\_106\\_cfa\\_19990622\\_133507\\_sen\\_comm.html](http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_0101-0150/ab_106_cfa_19990622_133507_sen_comm.html)  
24 (last visited Feb. 7, 2012).

25 **2. The \$5 Fee**

26 107. Not satisfied with the revenue generated from the \$1 Fee for financing  
27 DEFENDANTS’ various government programs, barely two years later, the  
28 California Legislature passed Senate Bill 52 (2001-2002 Reg. Sess.) (“SB 52”). SB

1 52 created Penal Code section 28300 [12076.5], authorizing DEFENDANTS to  
2 charge the \$5 Fee in addition to the \$1 Fee.

3 108. Like the \$1 Fee and AB 106, when SB 52 was introduced by Senators  
4 Scott and Perata it did not include the \$5 Fee. Rather, SB 52 was originally aimed  
5 at eliminating the basic firearms safety certificate program and replacing it with a  
6 handgun safety license (which would come to be the Handgun Safety Certificate).  
7 It also contemplated requiring a shooting proficiency demonstration, as well as a  
8 safe handling demonstration before a handgun could be purchased.<sup>14</sup> It was not  
9 until SB 52's fifth amendment that the \$5 Fee was included.

10 109. According to the Senate Rules Committee's Bill Analysis of SB 52, "the  
11 revenues from [the \$5] fee would be deposited in the Firearms Safety and  
12 Enforcement Special Fund, created by [SB 52], administered by [Defendant] DOJ,  
13 and continuously appropriated to implement and enforce the provisions of this  
14 measure."

15 110. The "provisions of this measure" refer to establishing and maintaining  
16 the Handgun Safety Certificate Program (which, as discussed below, was also  
17 created by SB 52). *See* Sen. Rules Comm., Bill Analysis: Handgun safety  
18 certificate, at 4 (Sept. 10, 2001) *available at* [http://www.leginfo.ca.gov/  
19 pub/01-02/bill/sen/sb\\_0051-0100/sb\\_52\\_cfa\\_20010913\\_101416\\_sen\\_floor.html](http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_0051-0100/sb_52_cfa_20010913_101416_sen_floor.html)  
20 (last visited Feb. 7, 2012).

21 111. Despite being for the *Handgun* Safety Certificate Program – which, as  
22 explained below, is funded by an additional fee charged to handgun purchasers –  
23 SB 52 did not differentiate between purchasers of handguns and long-guns in  
24 assessing the \$5 Fee. It included *long-gun* transactions as subject to the fee as well,  
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26 <sup>14</sup> *See* SB 52 (as introduced Dec. 18, 2000), at 1 *available at*  
27 [http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb\\_0051-0100/sb\\_52\\_bill\\_2000121  
28 8\\_introduced.pdf](http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_0051-0100/sb_52_bill_2000121) (last visited Feb. 8, 2012).

1 despite those purchases having nothing to do with *handguns*.

2 **3. The HSC Exam Fee**

3 112. SB 52 also created section 31650(c) [12805(e)], providing for *another*  
4 fee charged to handgun purchasers, the HSC Exam Fee. The rest of then-section  
5 12805 (excluding subsection (e)) was created about a decade earlier by Assembly  
6 Bill 618 (1991-1992) (“AB 618”).

7 113. Prior to the addition of subsection (e), then-section 12805 generally  
8 required handgun purchasers to have a “Basic Firearms Safety Certificate”  
9 (“BFSC”). *See* Department of Justice Regulations for the Basic Firearms Safety  
10 Certificate Program, <http://www.ag.ca.gov/firearms/regs/bfsc.pdf>.

11 114. To obtain a BFSC, one had to pass an exam with a *one-time* fee of \$10  
12 (with an additional \$10 charged to the test administrator, generally the FFL). The  
13 certificate was valid forever, with no renewal fees required (unless it was lost). *Id.*

14 115. SB 52’s replacement of the BFSC program with section 31650(c)  
15 [12805(e)] (*i.e.*, the current HSC Program) resulted in the fee to take the required  
16 exam to be eligible to receive a handgun being raised to \$15, the certificate for  
17 passing the exam going from having no expiration date to being valid only for five  
18 years, and the elimination of the exception to the certificate requirement for  
19 honorably discharged military veterans and those with valid hunting licenses.<sup>15</sup>

20 116. In sum, SB 52 made it so more people had to take a required exam more  
21 often, and pay more fees.

22 117. SB 52 stated that the purpose of the HSC Exam Fee was “to cover the  
23 department’s cost in carrying out and enforcing [HSC provisions].” *See* SB 52 as  
24 chaptered (Oct. 14, 2001), at 86 available at <http://www.leginfo.ca.gov/pub/>

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25  
26 <sup>15</sup> *See* Department of Justice Regulations for the Basic Firearms Safety  
27 Certificate Program, <http://www.ag.ca.gov/firearms/regs/bfsc.pdf>, at 5-7 (listing  
28 the exemptions to the former Basic Firearms Safety Certificate and the authority  
for those exemptions).

1 01-02/bill/sen/sb\_0051-0100/sb\_52\_bill\_20011014\_chaptered.html (last visited  
2 Feb. 7, 2012). But the California Penal Code currently allows the HSC Exam Fee to  
3 fund regulations of “deadly weapons,” including not only handguns and long-guns,  
4 but also “unsafe handguns,” machine guns, “assault weapons,” destructive devices,  
5 ammunition, boobytraps, body armor, tear gas, silencers, switchblade knives, and  
6 “less lethal devices,” among others. *See* Cal. Penal Code § 28300(b).

7 118. This phenomenon of creating and expanding the scope of these other  
8 fees charged to firearm purchasers appears to have chronologically paralleled with  
9 the similar increase of the DROS Fee and expanded uses of that fee’s revenues.

#### 10 GENERAL ALLEGATIONS

11 119. All of the above paragraphs are re-alleged and incorporated herein by  
12 reference.

13 120. Individual PLAINTIFFS BAUER, WARKENTIN, HACKER, FERRY,  
14 and ADLEY, and those persons represented by organizational PLAINTIFFS NRA  
15 and CRPA FOUNDATION, have each been required to pay, have in fact paid, and  
16 expect to pay in the future each of the Challenged Fees as currently required by  
17 California law before taking possession of firearms purchased from an FFL or  
18 transferred through an FFL as a private party transfer.

19 121. The funds from the Challenged Fees PLAINTIFFS paid and expect to  
20 pay are ultimately surrendered to DEFENDANTS’ control, and purportedly  
21 deposited into the respective account established for each Challenged Fee as  
22 required by California law.

#### 23 I. Defendants’ Imposition of the Challenged Fees as a Prerequisite to the 24 Exercise of a Constitutional Right Is Unlawful

25 122. The fundamental right to possess firearms under the Second Amendment  
26 includes a corresponding right to acquire a firearm.

27 123. The Challenged Fees, which DEFENDANTS generally require be paid  
28 before a purchaser can acquire a firearm, are unconstitutional prerequisites on the



1 exercise of the fundamental right to acquire a firearm freely granted by the United  
2 States Constitution because DEFENDANTS impose them in excessive amounts  
3 and use the resulting windfall revenues to fund activities beyond their valid  
4 regulatory costs.

5 124. The historical and continual increase and improper utilization of the  
6 Challenged Fees by DEFENDANTS for ever expanding improper purposes,  
7 necessitates judicial action to halt infringements and violations of PLAINTIFFS'  
8 constitutional rights.

9 **A. Defendants Use Revenues from the Challenged Fees Unlawfully**

10 125. DEFENDANTS unconstitutionally impose the Challenged Fees for the  
11 purpose of funding, and in fact do fund, activities which are "unrelated to the scope  
12 of the activities of [the fee payer]" (*i.e.*, Plaintiffs') and which do not even bear a  
13 reasonably sufficient nexus to any legitimate regulation of the fee payers' lawful  
14 firearm transactions.

15 126. DEFENDANTS spend revenues from the Challenged Fees on activities  
16 that the Penal Code authorizes, but which have no reasonable relation to regulating  
17 lawful firearm purchases.

18 127. Law-abiding firearm purchasers like PLAINTIFFS are not just being  
19 required to internalize the full social costs of their choice to exercise their  
20 fundamental Second Amendment rights, but also those costs of choices *made by*  
21 *others*, including special weapon permittee holders (e.g., machine gun permits) and  
22 criminal users of *completely unrelated* firearms – much as if, for instance, all  
23 lawful abortion patients had to pay a fee subsidizing specific abortion procedures  
24 they do not support or that are not lawfully available to them, or to finance law  
25 enforcement programs cracking down on illegal abortion operations.

26 128. The costs incurred by DEFENDANTS in processing, issuing, and  
27 policing special weapon permits and conducting general law enforcement  
28 operations cannot constitutionally fall on the shoulders of PLAINTIFFS and other

1 lawful firearm purchasers via a fee.

2 129. DEFENDANTS cause PLAINTIFFS irreparable harm by choosing to  
3 spend revenues obtained from the Challenged Fees on activities not reasonably  
4 related to regulating lawful firearms transactions.

5 **B. The Challenged Fees Are Unconstitutionally Excessive**

6 130. Regardless of whether any of the Challenged Fees are reasonably related  
7 to regulating lawful firearm purchasers like PLAINTIFFS, each is nevertheless  
8 unconstitutionally excessive because the Challenged Fees are fixed in an amount  
9 not calculated to defray DEFENDANTS' expenses of policing the fee payers' (*i.e.*,  
10 Plaintiffs') lawful firearm transactions, but rather are collected to fund general law  
11 enforcement activities that should be funded by the whole public.

12 131. DEFENDANTS currently require all persons not statutorily exempt to  
13 pay each of the applicable Challenged Fees in the maximum amount allowed by  
14 statute before they can receive a firearm.<sup>16</sup>

15 132. There is nothing requiring DOJ to charge the maximum amount  
16 *statutorily* allowed for any of the Challenged Fees, as the DOJ has the discretion to  
17 impose them in the first place (or a lesser amount commensurate with covering its  
18 actual, valid regulatory costs).

19 133. DEFENDANTS do not exercise their statutorily-conferred authority to  
20 lower the amount charged for any of the Challenged Fees.

21 134. Each of the amounts DEFENDANTS have chosen to charge for the  
22 Challenged Fees exceeds the amount necessary to reimburse the DOJ for the costs  
23 of furthering any of DEFENDANTS' valid regulatory activities as to lawful firearm  
24 transactions.

25 135. There is no reasonable support tying the amounts DEFENDANTS decide  
26 to charge for the Challenged Fees to DEFENDANTS' actual, constitutionally valid  
27

28 <sup>16</sup> Except the HSC Exam Fee if the transfer does not involve a handgun. 3799

1 regulatory costs.

2 136. The relatively moderate amounts of the fees is not relevant as to whether  
3 they are excessive for constitutional purposes; they are excessive because they are  
4 more than is necessary for reasonably related regulations.

5 137. Moreover, the amounts DEFENDANTS charge for the Challenged Fees  
6 are not as inoffensive as they may appear when viewed from the perspective of  
7 certain Plaintiffs who have spent hundreds of dollars a year on these fees while  
8 DEFENDANTS have enjoyed substantial (multi-million dollar) annual surpluses in  
9 the accounts into which the funds from the Challenged Fees are deposited, year  
10 after year.

11 138. The surpluses of funds in the Challenged Fees' respective accounts are  
12 so high that the Challenged Fees are not set at an amount "reasonably necessary" to  
13 cover only valid regulatory programs.

14 139. Between 2004 and 2010, the DROS Special Account sustained an  
15 average surplus exceeding \$2 million *annually*.

16 140. In explaining its proposal to lower the DROS Fee in 2010, the DOJ  
17 stated "[t]he proposed regulations [would] lower the current \$19 DROS fee to \$14,  
18 commensurate with the *actual cost* of processing a DROS."<sup>17</sup>

19 141. DEFENDANTS cause PLAINTIFFS irreparable harm by refusing to  
20 exercise their discretion to lower the Challenged Fees to an amount commensurate  
21 with covering their valid regulatory costs alone.

22 **II. California Penal Code Sections Authorizing Defendants' Unlawful Use of**  
23 **Revenues from the Challenged Fees Are Facially Unconstitutional**

24 142. Regardless of whether DEFENDANTS do in fact spend revenues from  
25 the Challenged Fees on activities not reasonably related to regulating lawful  
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27 <sup>17</sup> Cal. Dept. of Justice, Bureau of Firearms, Initial Statement of Reasons  
28 [Concerning Proposed DROS Fee Rulemaking] (2010), *available at*  
<http://ag.ca.gov/firearms/regs/DROSIsoor.pdf>

1 firearms transactions (PLAINTIFFS maintain that they do as outlined above), the  
2 Penal Code sections expressly authorizing such expenditures by DEFENDANTS  
3 are facially unconstitutional.

4 143. California Penal Code section 28235 [12076(g)] – by expressly  
5 authorizing DEFENDANTS’ expenditure of DROS fee revenues on the activities  
6 listed therein such as inspections of Short-Barreled Long Gun Permit-holders (Cal.  
7 Penal Code § 33320 [12099]), retesting of handguns certified as “not unsafe” (Cal.  
8 Penal Code § 32020(a) [12131(c)]), inspections of Machine Gun Permit-holders  
9 (Cal. Penal Code § 32670 [12234]), inspections of “Assault Weapon” Permit-  
10 holders (Cal. Penal Code § 31110 [12289.5]), and inspections of Destructive  
11 Device Permit-holders (Cal. Penal Code § 18910 [12305(f)-(g)]) – unlawfully  
12 places the burden of funding activities not reasonably related to regulating lawful  
13 firearms transactions on people like PLAINTIFFS exercising their constitutional  
14 right to lawfully purchase a firearm, instead of the general public. It is thus invalid  
15 on its face.

16 144. California Penal Code section 28225 – by subsection (b)(11) thereof  
17 [12076(e)(10)] expressly authorizing DEFENDANTS’ expenditure of DROS fee  
18 revenues on general law enforcement activities regulating the unlawful possession  
19 of firearms, including “assault weapons” – unlawfully places the burden of funding  
20 activities not reasonably related to regulating lawful firearms transactions on  
21 people like PLAINTIFFS exercising their constitutional right to lawfully purchase  
22 a firearm, instead of the general public. It is thus invalid on its face.

23 145. Activities regulating the *unlawful* possession of firearms are not  
24 reasonably related to the regulation of *lawful* firearm purchases– especially “assault  
25 weapons” which PLAINTIFFS are generally prohibited from obtaining under  
26  
27  
28

1 California law<sup>18</sup> – and thus cannot constitutionally be funded by fees paid by lawful  
2 firearm purchasers like PLAINTIFFS.

3 146. California Penal Code Sections 31650 [12805(e)] and 28300  
4 [12076.5(b)] – by their respective subsection (c) expressly authorizing  
5 DEFENDANTS’ expenditure of the revenues from their respective fees (the HSC  
6 Exam Fee and \$5 Fee) on enforcing general criminal laws, including laws  
7 regulating machine guns, “assault weapons,” destructive devices, tear gas,  
8 silencers, etc. – unlawfully place the burden of funding activities not reasonably  
9 related to regulating lawful firearms transactions on people like PLAINTIFFS  
10 exercising their constitutional right to lawfully purchase a firearm, instead of the  
11 general public. Both statutes are thus invalid on their face.

12 147. Despite being, at least in part, for the purpose of “implementing and  
13 enforcing” the *Handgun* Safety Certificate Program (*i.e.*, the “provisions of Article  
14 2” mentioned in Section 28300(b)), the \$5 Fee is charged to purchasers of *long-*  
15 *guns* as well, some of whom may not even own, or wish to own, a handgun.

16 **DECLARATORY JUDGMENT ALLEGATIONS**

17 148. There is an actual and present controversy between the parties hereto in  
18 that PLAINTIFFS contend that the manner in which DOJ currently imposes the  
19 Challenged Fees is unlawful. DEFENDANTS have chosen and continue to choose  
20 to require lawful firearm purchasers, including PLAINTIFFS, to pay the maximum  
21 amount statutorily allowed for each of the Challenged Fees.

22 149. PLAINTIFFS desire a judicial declaration of their rights and  
23 DEFENDANTS’ duties; namely, that the manner in which DOJ currently imposes  
24 the Challenged Fees infringes on PLAINTIFFS’ Second Amendment rights.

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26  
27 <sup>18</sup> See generally Cal. Penal Code §§ 30500-31115 [12275-12290] (also  
28 known as the Roberti-Roos Assault Weapons Control Act of 1989 and the .50  
Caliber BMG Regulation Act of 2004).

**INJUNCTIVE RELIEF ALLEGATIONS**

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150. If an injunction does not issue enjoining DEFENDANTS from imposing each of the Challenged Fees as currently imposed, PLAINTIFFS will be irreparably harmed. PLAINTIFFS have been, are presently, and will continue to be injured by the assessment of the Challenged Fees insofar as they constitute unreasonable and unrelated preconditions on the exercise of PLAINTIFFS' Second Amendment rights.

151. If not enjoined by this Court, DEFENDANTS will continue to enforce the Challenged Fees in derogation of PLAINTIFFS' Second Amendment rights.

152. If an injunction does not issue enjoining DEFENDANTS from enforcing Penal Code sections 28225, 28235, 28300, and 31650, PLAINTIFFS will be irreparably harmed. PLAINTIFFS are presently and continuously injured by the enforcement of these sections insofar as such enforcement allows revenues from assessments charged solely to lawful firearm purchasers to be utilized for purposes not reasonably related to valid regulations of lawful firearm transactions.

153. PLAINTIFFS have no adequate remedy at law. Damages are indeterminate or unascertainable and, in any event, would not fully redress any harm suffered by PLAINTIFFS as a result of DEFENDANTS subjecting PLAINTIFFS to the illegal Challenged Fees as a precondition to exercise their constitutional right to acquire firearms.

154. Injunctive relief would eliminate PLAINTIFFS' irreparable harm and allow PLAINTIFFS to acquire firearms free from the unlawful Challenged Fees in accordance with their rights under the Second and Fourteenth Amendments.

155. Accordingly, injunctive relief is appropriate.

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1 **FIRST CLAIM FOR RELIEF:**  
2 **VALIDITY OF DEFENDANTS' IMPOSITION OF CHALLENGED FEES**  
3 **Violation of the Second Amendment Right to Keep and Bear Arms**  
4 **(U.S. Const., Amends. II and XIV)**  
5 **(By All Plaintiffs Against All Defendants)**

6 156. All of the above paragraphs are re-alleged and incorporated herein by  
7 reference.

8 157. DEFENDANTS have decided to impose, and continue to impose, the  
9 Challenged Fees at an excessive amount beyond what is necessary to defray their  
10 valid regulatory expenses, and choose to use the resulting windfall revenues to  
11 fund activities not reasonably related to regulating lawful firearms transactions  
12 such as those engaged in by PLAINTIFFS. In doing so, DEFENDANTS are  
13 abusing their discretion, applying the Challenged Fees in an unconstitutional  
14 manner, and propagating customs, policies, and practices that infringe on  
15 PLAINTIFFS' right to acquire firearms as guaranteed by the Second and  
16 Fourteenth Amendments.

17 158. DEFENDANTS cannot satisfy their burden of justifying these customs,  
18 policies, and practices that infringe PLAINTIFFS' rights.

19 159. PLAINTIFFS are entitled to declaratory and injunctive relief against  
20 DEFENDANTS and their officers, agents, servants, employees, and all persons in  
21 active concert or participation with them who receive actual notice of the  
22 injunction, enjoining them from engaging in such customs, policies, and practices.

23 **SECOND CLAIM FOR RELIEF:**  
24 **FACIAL VALIDITY OF CALIFORNIA PENAL CODE SECTIONS 28235,**  
25 **28300, 31650, & 28225**  
26 **Violation of the Second Amendment Right to Keep and Bear Arms**  
27 **(U.S. Const., Amends. II and XIV)**  
28 **(By All Plaintiffs Against All Defendants)**

160. All of the above paragraphs are re-alleged and incorporated herein by  
reference.

161. By their provisions expressly authorizing DOJ to use revenues from the  
Challenged Fees to fund activities not reasonably related to regulating the

1 constitutionally protected activity of lawful firearms transactions such as those  
2 engaged in by PLAINTIFFS, California Penal Code sections 28225, 28235, 28300,  
3 and 31650 are unconstitutional on their face.

4 162. PLAINTIFFS are entitled to declaratory and permanent injunctive relief  
5 against DEFENDANTS, and any of their officers, agents, servants, employees, and  
6 all persons in active concert or participation with them who receive actual notice of  
7 the injunction, enjoining them from enforcing, or acting pursuant to, California  
8 Penal Code sections 28225, 28235, 28300, and 31650.

9 **PRAYER**

10 WHEREFORE PLAINTIFFS pray for relief as follows:

11 1) For a declaration that the Challenged Fees as currently imposed by  
12 DEFENDANTS infringe upon the right to acquire firearms protected by the Second  
13 Amendment, as incorporated into the Fourteenth Amendment, by impermissibly  
14 preconditioning the exercise of that right on the payment of excessive fees, the  
15 revenues from which are being used to fund activities not reasonably related to  
16 regulating lawful firearms transactions such as those engaged in by PLAINTIFFS,  
17 and that as such are invalid and cannot be lawfully imposed;

18 2) For a preliminary and permanent prohibitory injunction forbidding  
19 DEFENDANTS and their agents, employees, officers, and representatives from  
20 imposing the Challenged Fees without first limiting the activities for which the  
21 fees' revenues are used to only those activities reasonably related to regulating  
22 lawful firearm purchasers like PLAINTIFFS, *and* reducing their amounts to be  
23 commensurate with the *actual costs* of those activities.

24 3) For a declaration that California Penal Code sections 28225, 28235, 28300,  
25 and 31650 violate the Second Amendment on their face.

26 4) For a preliminary and permanent prohibitory injunction forbidding  
27 DEFENDANTS and its agents, employees, officers, and representatives, from  
28 enforcing, or acting pursuant to, California Penal Code sections 28225, 28235,



1 28300, or 31650.

2 6) For remedies available pursuant to 42 U.S.C. § 1983 and for an award of  
3 reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988,  
4 and/or other applicable state and federal law;

5 7) For such other and further relief as may be just and proper.

6 Dated: February 9, 2012

Michel & Associates, P.C.

7

8

/s/ C. D. Michel  
C. D. Michel  
Attorney for the Plaintiffs

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO BRANCH COURTHOUSE

BARRY BAUER, STEPHEN  
WARKENTIN, NICOLE FERRY,  
LELAND ADLEY, JEFFREY  
HACKER, NATIONAL RIFLE  
ASSOCIATION OF AMERICA,  
INC., CALIFORNIA RIFLE PISTOL  
ASSOCIATION FOUNDATION,  
HERB BAUER SPORTING GOODS,  
INC.

CASE NO.: CV-09-2143-RS

CERTIFICATE OF SERVICE

Plaintiffs

vs.

KAMALA HARRIS, in Her Official  
Capacity as Attorney General For the  
State of California; STEPHEN  
LINDLEY, in His Official Capacity  
as Acting Chief for the California  
Department of Justice, and DOES 1-  
10.

Defendants.

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:  
**FIRST AMENDED COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF** 42 U.S.C. sections 1983, 1988  
on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them. Electronically filed documents have been served conventionally by the filer to:

Kimberly Granger, Deputy Attorney General  
Office of the Attorney General  
1300 I Street  
Sacramento, CA 95814

Kamala Harris, in her official capacity as  
Attorney General 1300 I Street  
Sacramento, CA 95814  
Stephen Lindley, in his official capacity as  
Acting Chief for the California Department of  
Justice 4949 Broadway  
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on February 9, 2012.

/s/  
C. D. Michel  
Attorney for Plaintiffs

# EXHIBIT C

1 C. D. Michel - S.B.N. 144258  
Sean A. Brady - S.B.N. 262007  
2 MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Boulevard, Suite 200  
3 Long Beach, CA 90802  
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Email: cmichel@michellawyers.com

5  
6 Attorneys for Plaintiffs  
7

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10 **FRESNO BRANCH COURTHOUSE**

11 BARRY BAUER, STEPHEN  
WARKENTIN, NICOLE FERRY,  
12 JEFFREY HACKER, NATIONAL  
RIFLE ASSOCIATION OF  
13 AMERICA, INC., CRPA  
FOUNDATION, HERB BAUER  
14 SPORTING GOODS, INC.

15 Plaintiffs

16 vs.

17 KAMALA HARRIS, in Her Official  
Capacity as Attorney General For the  
State of California; STEPHEN  
18 LINDLEY, in His Official Capacity  
as Acting Chief for the California  
19 Department of Justice, and DOES 1-  
10.

20 Defendants.  
21  
22  
23

) CASE NO. 1:11-cv-01440-LJO-MJS  
)  
) **SECOND AMENDED COMPLAINT**  
) **FOR DECLARATORY AND**  
) **INJUNCTIVE RELIEF**  
) **42 U.S.C. sections 1983, 1988**

24 PLAINTIFFS, by and through their undersigned attorneys, bring this  
25 Complaint for Declaratory and Injunctive Relief against the above-named  
26 Defendants, their employees, agents, and successors in office (collectively  
27 "DEFENDANTS"), and in support thereof allege the following:  
28

**INTRODUCTION**

1  
2 1. This case involves an important constitutional principle, that while the  
3 government may impose fees on individuals seeking to engage in certain  
4 constitutionally protected activities, the monies generated by such fees cannot be  
5 used to finance state activities not reasonably related to regulating the fee payer's  
6 impact on the state.

7 2. Vindication of this principle requires that DEFENDANTS be enjoined  
8 from using monies generated by a fee, payment of which is required to obtain a  
9 firearm in California, for the purpose of funding general law enforcement activities  
10 associated with the California Department of Justices' ("DOJ") Armed Prohibited  
11 Persons System ("APPS") program. For, such activities share no reasonable nexus  
12 with regulating lawful firearm purchases and, thus, forcing fee payers like  
13 PLAINTIFFS to subsidize them is an unlawful infringement on the Second  
14 Amendment right to lawfully obtain a firearm.

15 3. When a person wishes to obtain a firearm in California, state law generally  
16 requires the person to obtain the firearm through a federally licensed California  
17 firearm vendor (commonly known as an "FFL").

18 4. In doing so, the would-be purchaser<sup>1</sup> must, among other things, fill out a  
19 Dealer's Record of Sale form ("DROS"); the information from which is used by  
20 DEFENDANTS<sup>2</sup> to conduct a background check and confirm the would-be  
21 purchaser may lawfully receive firearms before he or she can take possession of  
22 any firearm. In the case of a handgun, the information is also used to register the  
23

---

24 <sup>1</sup> These fees apply even if a firearm is not being purchased but gifted or  
25 traded as well. But for simplicity sake "purchase" will be used throughout this  
26 Complaint to include all such activities unless specifically stated otherwise.

27 <sup>2</sup> DEFENDANTS are being sued in their official capacity as heads of the  
28 California Department of Justice, which entity is authorized by the Legislature to  
expend the monies at issue in this action.

1 handgun to the purchaser in DEFENDANTS' Automated Firearm System ("AFS").

2 5. DEFENDANTS have statutory discretion to charge firearm purchasers a  
3 mandatory fee for processing each DROS for every firearm transaction (a "DROS  
4 Fee"), which is collected from the firearm recipient through the FFL at the time of  
5 initiating the firearm's transfer.

6 6. The monies that are collected by DEFENDANTS from the DROS Fee are  
7 placed in a special account separate from the general fund, from which the  
8 Legislature may appropriate monies to the DEFENDANTS for statutorily  
9 prescribed purposes.

10 7. Originally, monies from the DROS Fee were intended to cover only DOJ's  
11 costs of processing a DROS, conducting a background check, and, in the case of a  
12 handgun, registration. But the activities for which DROS Fee funds are used have  
13 been ever-expanding for years, going far beyond funding these basic regulatory  
14 functions of the DOJ.

15 8. PLAINTIFFS bring this suit to challenge the constitutionality of  
16 DEFENDANTS' use of the revenues generated from the DROS Fee for general law  
17 enforcement activities which have no relation to fee payers; specifically, activities  
18 associated with the DOJ's Armed Prohibited Persons System program provided for  
19 by California Penal Code section 28225(b)(11) [12076(e)(10)].<sup>3</sup>

20 9. That section was recently amended to add mere *possession* of firearms to  
21 the list of activities for which DEFENDANTS could use DROS Fee revenues,<sup>4</sup>

22  
23  
24 <sup>3</sup> Pursuant to the Legislature's enactment of Assembly Concurrent  
25 Resolution 73 (McCarthy) 2006, which authorized a Non-Substantive  
26 Reorganization of California's Deadly Weapons Statutes, various California Penal  
27 Code sections were renumbered, effective January 1, 2012. For convenience and  
28 ease of reference, the corresponding previous code section for each referenced  
Penal Code section is provided in brackets.

<sup>4</sup> See S.B. 819, 2011 Reg. Sess. (Ca. 2011).

1 thereby allowing the State to force *lawful* firearm *purchasers* to finance any law  
2 enforcement operation concerning *unlawful* firearm *possession*. And that it has  
3 done.

4 10. Governor Brown recently signed into law Senate Bill 140 (“SB 140”),  
5 appropriating \$25 million dollars of the DROS Special Account’s surplus – a  
6 surplus that was not supposed to exist in the first place<sup>5</sup> – solely to fund activities  
7 associated with the APPS program, which seeks to investigate individuals  
8 suspected of possessing firearms unlawfully and to remove the firearms from their  
9 possession.

10 11. Law-abiding firearm purchasers like PLAINTIFFS are thus not just being  
11 required to internalize the full social costs of their choice to exercise their  
12 fundamental Second Amendment rights, but also those costs of choices *made by*  
13 *others to criminally* use firearms – much as if, for instance, those exercising their  
14 fundamental right to marry were forced to fund enforcement of domestic violence  
15 restraining orders with their marriage license fees because some spouses become  
16 subject to one, or, as if the license fees from those who exercise their fundamental  
17 right to assemble in a public forum were taken to fund counter-gang measures

18  
19 <sup>5</sup> California law requires that the DROS fee “shall be no more than is  
20 necessary to fund” certain activities provided by statute (Penal Code section  
21 28225(b)(1)-(11) [12076(e)(1)-(10)]), and constitutional principles prohibit  
22 excessive fees on constitutionally protected conduct. *Murdock v. Pennsylvania*,  
23 319 U.S. 105, 112-14 (1943). Arguably, the large surplus, here, is evidence  
24 suggesting the current DROS fee is excessive, in violation of state and federal law.  
25 Plaintiffs in this case, however, do not ask the Court to resolve that argument. The  
26 passage of SB140 has made the *expenditure* of the existing \$25 million dollar  
27 surplus the more immediate concern. Moreover, whether the DROS fee is  
28 excessive depends, in part, on first determining what activities may be considered  
to fall within the scope of the DROS program and thus properly funded thereby.  
This case seeks a declaration that SB140 improperly authorizes expenditures on  
APPS activities that do *not* fall within that scope, along with injunctive relief  
preventing such expenditures.

1 simply because they relate to gatherings of people, or, as if those who exercise their  
2 fundamental right to vote were forced to fund voter fraud enforcement actions via a  
3 poll tax.

4 12. Because DEFENDANTS' use of DROS Fee revenues on purposes  
5 unrelated to the fee payer affects constitutionally protected activity, irreparable  
6 harm is presumed. Accordingly, PLAINTIFFS seek from this Court a declaration  
7 that DEFENDANTS' use of revenues generated from the DROS Fee to fund  
8 general law enforcement activities associated with the DOJ's APPS program is  
9 unconstitutional, because the criminal misuse of firearms is not sufficiently related  
10 to the fee payers' activities, i.e., lawful firearm transactions. And, as such, an  
11 injunction prohibiting DEFENDANTS from using those revenues on such  
12 activities should issue.

13 **JURISDICTION and VENUE**

14 13. Jurisdiction of this action is founded on 28 U.S.C. §§ 1331 and 1343, in  
15 that this action arises under the Constitution and laws of the United States, and  
16 under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983, in that this action seeks to  
17 redress the deprivation, under color of the laws, statutes, ordinances, regulations,  
18 customs, and usages of the State of California and political subdivisions thereof, of  
19 rights, privileges, or immunities secured by the United States Constitution and by  
20 Acts of Congress.

21 14. PLAINTIFFS' claims for declaratory and injunctive relief are authorized  
22 by 28 U.S.C. §§ 2201 and 2202.

23 15. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)  
24 because a substantial part of the events or omissions giving rise to the claims  
25 occurred in this district.

26 **PARTIES**

27 **I. Plaintiffs**

28 16. Plaintiff BARRY BAUER is a resident, property owner, and taxpayer of



1 Fresno, California. Within the last five years, Plaintiff BAUER has lawfully  
2 purchased firearms from an FFL, for which he has had to pay the DROS Fee.  
3 Plaintiff BAUER intends to continue to purchase firearms through an FFL in the  
4 future.

5 17. Plaintiffs STEPHEN WARKENTIN and JEFFREY HACKER are  
6 residents, property owners, and taxpayers of Fresno, California. Within the last five  
7 years, each has purchased multiple firearms from both an FFL and a private party,  
8 through an FFL as required by California Penal Code § 26500 [12070]. Plaintiffs  
9 WARKENTIN and HACKER intend to continue their pattern of regularly  
10 purchasing firearms through an FFL in the future.

11 18. For each of their transactions, Plaintiffs WARKENTIN and HACKER  
12 have paid the DROS Fee. Plaintiffs WARKENTIN and HACKER have had to pay  
13 the DROS Fee multiple times in the same year, and, in some cases, the same  
14 month.

15 19. Plaintiff NICOLE FERRY is a resident of Fresno, California. Within the  
16 last five years, Plaintiff FERRY has purchased handguns from an FFL for  
17 self-defense and target practice. For each of her transactions, Plaintiff FERRY has  
18 paid the DROS Fee. Plaintiff FERRY intends to purchase firearms through an FFL  
19 in the future.

20 20. Plaintiff NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.  
21 (hereafter "NRA") is a non-profit entity classified under section 501(c)(3) of the  
22 Internal Revenue Code and incorporated under the laws of New York, with its  
23 principal place of business in Fairfax, Virginia. NRA has a membership of  
24 approximately 4 million persons. The purposes of NRA include protection of the  
25 right of law-abiding citizens to keep and bear firearms for the lawful defense of  
26 their families, persons, and property, and from unlawful government regulations  
27 and preconditions placed on the exercise of that right. NRA spends its resources on  
28 each of those activities. NRA brings this action on behalf of itself and its hundreds

1 of thousands of members in California, including Plaintiffs BAUER,  
2 WARKENTIN, and HACKER, who have been, are being, and will in the future be  
3 subjected to DEFENDANTS' imposition of the DROS Fee.

4 21. Plaintiff CRPA FOUNDATION is a non-profit entity classified under  
5 section 501(c)(3) of the Internal Revenue Code and incorporated under California  
6 law, with headquarters in Fullerton, California. Contributions to the CRPA  
7 FOUNDATION are used for the direct benefit of Californians. Funds contributed  
8 to and granted by CRPA FOUNDATION benefit a wide variety of constituencies  
9 throughout California, including gun collectors, hunters, target shooters, law  
10 enforcement, and those who choose to own a firearm to defend themselves and  
11 their families. The CRPA FOUNDATION spends its resources seeking to raise  
12 awareness about unconstitutional laws, defend and expand the legal recognition of  
13 the rights protected by the Second Amendment, promote firearms and hunting  
14 safety, protect hunting rights, enhance marksmanship skills of those participating  
15 in shooting sports, and educate the general public about firearms. The CRPA  
16 FOUNDATION supports law enforcement and various charitable, educational,  
17 scientific, and other firearms-related public interest activities that support and  
18 defend the Second Amendment rights of all law-abiding Americans.

19 22. In this suit, the CRPA FOUNDATION represents the interests of the  
20 many citizen and taxpayer members of its related association, the California Rifle  
21 and Pistol Association, who reside in California and who wish to sell or purchase  
22 firearms, or who have sold or purchased firearms, and have been charged the  
23 DROS Fee. These members are too numerous to conveniently bring this action  
24 individually. The CRPA FOUNDATION brings this action on behalf of itself and  
25 its tens of thousands of supporters in California, including Plaintiff BAUER, who  
26 have been, are being, and will in the future be subjected to the DROS Fee being  
27 used to fund unrelated activities.

28 23. Plaintiff HERB BAUER SPORTING GOODS, INC., is a California

1 corporation with its principal place of business in the County of Fresno, California.  
2 It is a licensed firearms dealer under both federal and California law (i.e., an FFL)  
3 that sells a variety of firearms. California law requires Plaintiff HERB BAUER to  
4 collect the DROS Fee for DOJ, at DOJ's direction, from firearm transferees.  
5 Accordingly, Plaintiff HERB BAUER is injured by its being forced to facilitate  
6 DEFENDANTS' unlawful use of revenues collected from the DROS Fee.

7 24. The individual PLAINTIFFS identified above are residents and taxpayers  
8 of California from the City and County of Fresno who have been required to pay  
9 the DROS Fee, Defendants' use of which violates PLAINTIFFS' constitutional  
10 rights.

11 25. Each of the associational PLAINTIFFS identified above either has  
12 individual members or supporters; or represents individual members of a related  
13 organization, who are citizens and taxpayers of California, including in Fresno  
14 County, who have an acute interest in purchasing firearms and do not wish to pay  
15 unlawful fees, taxes, or other costs associated with that purchase and thus have  
16 standing to seek declaratory and injunctive relief to halt or reduce the  
17 unconstitutional use of the monies collected from the DROS Fee. The interests of  
18 these members are germane to their respective associations' purposes; and neither  
19 the claims asserted nor the relief requested herein requires their members  
20 participate in this lawsuit individually.

## 21 **II. Defendants**

22 26. Defendant KAMALA HARRIS is the Attorney General of California. She  
23 is the chief law enforcement officer of California, and is charged by Article V,  
24 Section 13 of the California Constitution with the duty to inform the general public  
25 and to supervise and instruct local prosecutors and law enforcement agencies  
26 regarding the meaning of the laws of the State, including the DROS Fee, and to  
27 ensure the fair, uniform and consistent enforcement of those laws throughout the  
28 state. She is sued in her official capacity.

1           27. Defendant STEPHEN LINDLEY is the Acting Chief of the DOJ Bureau  
2 of Firearms and, as such, is responsible for executing, interpreting, and enforcing  
3 the laws of the State of California – as well as its customs, practices, and policies –  
4 at issue in this lawsuit. He is sued in his official capacity.

5           28. Defendants HARRIS and LINDLEY (collectively “DEFENDANTS”) are  
6 responsible for administering and enforcing the DROS Fee, are in fact presently  
7 enforcing the DROS Fee against PLAINTIFFS, and will continue to enforce the  
8 DROS Fee against PLAINTIFFS.

9           29. DEFENDANTS also are responsible for spending monies appropriated to  
10 the DOJ by the Legislature from the DROS Special Account, and have been  
11 spending, are spending, and will continue to spend monies from the DROS Fee on  
12 the APPS program.

13           30. The true names or capacities, whether individual, corporate, associate or  
14 otherwise of the DEFENDANTS named herein as DOES 1-10, are presently  
15 unknown to PLAINTIFFS, who therefore sue said DEFENDANTS by such  
16 fictitious names. PLAINTIFFS pray for leave to amend this Complaint and Petition  
17 to show the true names, capacities, and/or liabilities of DOE Defendants if and  
18 when they have been determined.

## 19                           **OVERVIEW OF REGULATORY SCHEME**

### 20   **I. Constitutional Provisions and Controlling Law**

21           31. The Second Amendment to the United States Constitution provides: “A  
22 well regulated militia, being necessary to the security of a free State, the right of  
23 the people to keep and bear arms, shall not be infringed.” U.S. Const. amend. II.

24           32. The Second Amendment protects a fundamental, individual right to  
25 possess firearms for self-defense that is incorporated through the Due Process  
26 clause of the Fourteenth Amendment to restrict state and local governments from  
27 infringing on the right.

28           33. The right to keep and bear arms for self-defense implies a corresponding

1 right to acquire firearms.

2 34. The U.S. Supreme Court has made clear that government's authority to  
3 levy fees on the exercise of constitutional rights is limited. Such fees may only be  
4 imposed to defray the government's expenses incurred in regulating activities  
5 reasonably related to the fee payer.

6 **II. The Dealer's Record of Sale (DROS) Fee Imposed on Firearm Transfers**

7 35. California confers discretion on DOJ to impose various fees on firearm  
8 purchasers, which they must pay as a prerequisite to qualify for receiving a firearm.  
9 The only fee at issue in this case is the DROS Fee, the one associated with  
10 processing the Dealer's Record of Sale.

11 36. California Penal Code sections 28225(a)-(c) [formerly 12076(e)], 28230  
12 [12076(f)], 28235 [12076(g)], and 28240(a)-(b) [12076(i)], establish the fees  
13 associated with a DROS, and govern what the funds collected therefrom can be  
14 used for.

15 37. Subdivision (a) of Penal Code section 28225 [12076(e)] provides:

16 The [DOJ] may require the [FFL] to charge each firearm purchaser a  
17 fee not to exceed fourteen dollars (\$14), except that the fee may be  
18 increased at a rate not to exceed any increase in the California  
Consumer Price Index as compiled and reported by the Department of  
Industrial Relations.

19 38. The DOJ promulgated California Code of Regulations, Title 11, section  
20 4001, increasing the cap on the DROS fee from \$14 to \$19 for the first handgun or  
21 any number of rifles/shotguns in a single transaction, and capping the DROS fee  
22 for each additional *handgun* being purchased along with the first handgun at \$15.

23 39. Subdivision (b) of Penal Code section 28225 [12076(e)] further provides  
24 that "[t]he [DROS] fee shall be no more than is necessary to fund" the activities  
25 enumerated at Penal Code section 28225(b)(1)-(11) [12076(e)(1)-(10)].

26 40. Penal Code section 28225(b)(11) [12076(e)(10)] purports to authorize the  
27 DOJ to use revenues from the DROS fee to fund "the estimated reasonable costs of  
28 [DOJ] firearms-related regulatory and enforcement activities related to the sale,

1 purchase, possession, loan, or transfer of firearms.”

2 41. Prior to January 1, 2012, section 28225(b)(11) [12076(e)(10)] did not  
3 provide for expenditure of DROS fee revenues on the mere “possession” of  
4 firearms. But the Legislature amended that section during the 2011 Legislative  
5 session to allow for such, based on its following purported findings:

6 SECTION 1. The Legislature finds and declares all of the following:

7 (a) California is the first and only state in the nation to establish an  
8 automated system for tracking handgun and assault weapon owners who  
might fall into a prohibited status.

9 (b) The California Department of Justice (DOJ) is required to maintain  
10 an online database, which is currently known as the Armed Prohibited  
11 Persons System, otherwise known as APPS, which cross-references all  
12 handgun and assault weapon owners across the state against criminal  
history records to determine persons who have been, or will become,  
prohibited from possessing a firearm subsequent to the legal acquisition  
or registration of a firearm or assault weapon.

13 (c) The DOJ is further required to provide authorized law enforcement  
14 agencies with inquiry capabilities and investigative assistance to  
determine the prohibition status of a person of interest.

15 (d) Each day, the list of armed prohibited persons in California grows  
16 by about 15 to 20 people. There are currently more than 18,000 armed  
17 prohibited persons in California. Collectively, these individuals are  
believed to be in possession of over 34,000 handguns and 1,590 assault  
weapons. The illegal possession of these firearms presents a substantial  
danger to public safety.

18 (e) Neither the DOJ nor local law enforcement has sufficient resources  
19 to confiscate the enormous backlog of weapons, nor can they keep up  
with the daily influx of newly prohibited persons.

20 (f) A Dealer Record of Sale fee is imposed upon every sale or transfer  
21 of a firearm by a dealer in California. Existing law authorizes the DOJ to  
22 utilize these funds for firearms-related regulatory and enforcement  
23 activities related to the sale, purchase, loan, or transfer of firearms  
pursuant to any provision listed in Section 16580 of the Penal Code, but  
not expressly for the enforcement activities related to possession.

24 (g) Rather than placing an additional burden on the taxpayers of  
25 California to fund enhanced enforcement of the existing armed prohibited  
26 persons program, it is the intent of the Legislature in enacting this  
27 measure to allow the DOJ to utilize the Dealer Record of Sale Account  
for the additional, limited purpose of funding enforcement of the Armed  
Prohibited Persons System.

28 42. Penal Code section 28230(a)(2) [12076(f)(1)(B)] provides for DOJ to also

1 use DROS fee revenues for “the actual processing costs associated with the  
2 submission of a [DROS] to the [DOJ].”

3 43. Pursuant to statute, revenue from the DROS fee is supposed to be  
4 deposited into the DROS Special Account of the General Fund (“DROS Special  
5 Account”) and appropriated by the Legislature. Cal. Penal Code § 28235  
6 [12076(g)].

7  
8 **GENERAL ALLEGATIONS**

9 44. All of the above paragraphs are re-alleged and incorporated herein by  
10 reference.

11 45. Individual PLAINTIFFS BAUER, WARKENTIN, HACKER, and  
12 FERRY, and those persons represented by organizational PLAINTIFFS NRA and  
13 CRPA FOUNDATION, have each been required to pay, have in fact paid, and  
14 expect to pay in the future the DROS Fee as currently required by California law  
15 before taking possession of firearms purchased from an FFL or transferred through  
16 an FFL as a private party transfer.

17 46. The funds from the DROS Fee that PLAINTIFFS paid and expect to pay  
18 in the future are purportedly deposited into the DROS Special Account and  
19 ultimately surrendered to DEFENDANTS’ control pursuant to appropriation from  
20 the DROS Special Account by the Legislature.

21 47. The Legislature has appropriated, and DEFENDANTS intend to spend  
22 from the DROS Special Account, \$25 million to fund, at least in part, general law  
23 enforcement activities associated with the APPS Program.

24 48. Because the fundamental right to possess a firearm under the Second  
25 Amendment includes a corresponding right to acquire a firearm, monies collected  
26 from the DROS Fee must only be used to fund activities that are reasonably related  
27 to the fee payer’s impact on the state.

28 49. Simply because the crimes targeted by the APPS program involve

1 firearms does not mean they have a sufficient nexus to DROS Fee payers such that  
2 its enforcement costs may constitutionally fall on the shoulders of PLAINTIFFS  
3 and other lawful firearm purchasers via the DROS Fee; they do not and cannot.

4 50. DEFENDANTS cause PLAINTIFFS irreparable harm by choosing to  
5 spend revenues obtained from the DROS Fee on general law enforcement  
6 operations associated with the APPS program because they are requiring  
7 PLAINTIFFS to uniquely subsidize government services that are not reasonably  
8 related to regulating lawful firearms transactions, but are admittedly for the general  
9 welfare.

10 51. The utilization of the DROS Fee by DEFENDANTS for these improper  
11 purposes necessitates judicial action to halt infringements and violations of  
12 PLAINTIFFS' constitutional rights.

13 **DECLARATORY JUDGMENT ALLEGATIONS**

14 52. All of the above paragraphs are re-alleged and incorporated herein by  
15 reference.

16 53. There is an actual and present controversy between the parties hereto in  
17 that PLAINTIFFS contend that the manner in which DOJ currently uses the  
18 revenues from the DROS Fee is unconstitutional and on information and belief,  
19 allege that DEFENDANTS' disagree.

20 54. PLAINTIFFS desire a judicial declaration of their rights and  
21 DEFENDANTS' duties; namely, that the DOJ's expenditure of monies collected  
22 from the DROS Fee on general law enforcement activities associated with the  
23 APPS program infringes on PLAINTIFFS' Second Amendment rights.

24 55. To be clear, PLAINTIFFS do not ask this Court to address the legality of  
25 imposing the DROS Fee in the first place nor that of the APPS System.  
26 PLAINTIFFS here merely seek a declaration as to whether the monies from a fee  
27 that they are required to pay before they may lawfully engage in Second  
28



1 Amendment protected conduct, i.e., obtaining a firearm, can be appropriated to  
2 general law enforcement purposes unrelated to regulating PLAINTIFFS' impact on  
3 the state.

4 **INJUNCTIVE RELIEF ALLEGATIONS**

5 56. All of the above paragraphs are re-alleged and incorporated herein by  
6 reference.

7 57. PLAINTIFFS have been, are presently, and will continue to be  
8 irreparably harmed by the assessment of the DROS Fee as a precondition on the  
9 exercise of PLAINTIFFS' Second Amendment rights insofar as the revenues from  
10 such assessment are utilized for purposes not reasonably related to regulating fee  
11 payers' activities in lawfully obtaining a firearm, i.e., general law enforcement  
12 activities.

13 58. If an injunction does not issue from this Court enjoining DEFENDANTS  
14 from spending DROS Fee revenues on such general law enforcement activities,  
15 DEFENDANTS will continue to do so in derogation of PLAINTIFFS' Second  
16 Amendment rights, thereby irreparably harming PLAINTIFFS.

17 59. PLAINTIFFS have no adequate remedy at law. Damages are  
18 indeterminate or unascertainable and, in any event, would not fully redress any  
19 harm suffered by PLAINTIFFS as a result of DEFENDANTS subjecting  
20 PLAINTIFFS to the illegal precondition on the exercise of PLAINTIFFS'  
21 constitutional right to acquire firearms, i.e., funding general law enforcement  
22 activities.

23 60. Injunctive relief would eliminate PLAINTIFFS' irreparable harm and  
24 allow PLAINTIFFS to acquire firearms free from the unlawful precondition  
25 currently inherent in the mandatory DROS Fee, in accordance with their rights  
26 under the Second and Fourteenth Amendments.

27 61. Accordingly, injunctive relief is appropriate.

28

**CLAIM FOR RELIEF:  
VALIDITY OF DEFENDANTS' USE OF DROS FEE REVENUES  
Violation of the Second Amendment Right to Keep and Bear Arms  
(U.S. Const., Amends. II and XIV)  
(By All Plaintiffs Against All Defendants)**

62. All of the above paragraphs are re-alleged and incorporated herein by reference.

63. DEFENDANTS use revenues collected from a fee, payment of which is generally required as a precondition for the lawful receipt of a firearm in California, in order to fund general law enforcement activities not reasonably related to regulating the behavior or impact on the state of the fee payers – like PLAINTIFFS. In doing so, DEFENDANTS are propagating customs, policies, and practices that infringe on PLAINTIFFS' right to acquire firearms as guaranteed by the Second and Fourteenth Amendments.

64. DEFENDANTS cannot satisfy their burden of justifying these customs, policies, and practices that infringe PLAINTIFFS' rights.

65. PLAINTIFFS are entitled to declaratory and injunctive relief against DEFENDANTS and their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, enjoining them from engaging in such customs, policies, and practices.

**PRAYER**

WHEREFORE PLAINTIFFS pray for relief as follows:

1) For a declaration that DEFENDANTS' enforcement of the APPS program is not sufficiently related to PLAINTIFFS' lawful firearm purchases so as to justify DEFENDANTS' using the revenues from the DROS Fee – which PLAINTIFFS must pay to obtain a firearm – for the purpose of funding the APPS program, and that such use of DROS Fee funds impermissibly infringes on PLAINTIFFS' Second Amendment rights because it improperly requires PLAINTIFFS to bear the burden of financing general law enforcement activities as a precondition to exercising those rights;

1           2) For a preliminary and permanent prohibitory injunction forbidding  
2 DEFENDANTS and their agents, employees, officers, and representatives from  
3 using DROS Fee revenues to fund the APPS program;

4           3) For remedies available pursuant to 42 U.S.C. § 1983 and for an award of  
5 reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988,  
6 and/or other applicable state and federal law;

7           4) For such other and further relief as may be just and proper.

8 Dated: July 24, 2013

Michel & Associates, P.C.

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/s/ C. D. Michel  
C. D. Michel  
Attorney for the Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 FRESNO BRANCH COURTHOUSE**

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BARRY BAUER, STEPHEN WARKENTIN, NICOLE FERRY, LELAND ADLEY, JEFFREY HACKER, NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., CALIFORNIA RIFLE PISTOL ASSOCIATION FOUNDATION, HERB BAUER SPORTING GOODS, INC.

CASE NO. 1:11-cv-01440-LJO-MJS

CERTIFICATE OF SERVICE

Plaintiffs

vs.

KAMALA HARRIS, in Her Official Capacity as Attorney General For the State of California; STEPHEN LINDLEY, in His Official Capacity as Acting Chief for the California Department of Justice, and DOES 1-10.

Defendants.

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:  
**SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them. Electronically filed documents have been served conventionally by the filer to:

Anthony R. Hahl, Deputy Attorney General  
 California Department of Justice  
 Office of the Attorney General  
 Civil Law Division  
 Government Law Section  
 1300 I Street, Suite 125  
 Sacramento, CA 94244

I declare under penalty of perjury that the foregoing is true and correct.  
 Executed on July 24, 2013.

/s/ C. D. Michel  
 C. D. Michel  
 Attorney for Plaintiffs

# EXHIBIT D

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO BRANCH COURTHOUSE

BARRY BAUER, STEPHEN  
WARKENTIN, NICOLE FERRY,  
LELAND ADLEY, JEFFREY HACKER,  
NATIONAL RIFLE ASSOCIATION OF  
AMERICA, INC., CALIFORNIA  
RIFLE AND PISTOL ASSOCIATION  
FOUNDATION, HERB BAUER  
SPORTING GOODS, INC.,

Plaintiffs,

vs.

Case No.  
1:11-cv-01440-LJO-MJS

KAMALA HARRIS, in Her Official  
Capacity as Attorney General  
For the State of California;  
STEPHEN LINDLEY, in His  
Official Capacity as Acting  
Chief for the California  
Department of Justice, and  
DOES 1-10,

Defendants.

~~~~~

DEPOSITION OF  
STEPHEN J. LINDLEY  
February 21, 2014  
10:38 a.m.  
1300 I Street  
Sacramento, California

Daniel E. Blair, CSR No. 4388

1 APPEARANCES OF COUNSEL

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4 Michel & Associates, P.C.  
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13 For the Defendants:

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WITNESS: Stephen J. Lindley

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF SACRAMENTO

3 --oOo--

4 DAVID GENTRY, JAMES  
5 PARKER, MARK MIDLAM,  
6 JAMES BASS, and CALGUNS  
7 SHOOTING SPORTS  
8 ASSOCIATION,

9 Plaintiffs and  
10 Petitioners,

11 vs.

Case No. 34-2013-80001667

12 KAMALA HARRIS, in Her  
13 Official Capacity as  
14 Attorney General for the  
15 State of California;  
16 STEPHEN LINDLEY, in His  
17 Official Capacity as  
18 Acting Chief for the  
19 California Department of  
20 Justice, BETTY YEE, in  
21 Her Official Capacity as  
22 State Controller for the  
23 State of California and  
24 DOES 1-10,

25 Defendants and  
Respondents.

DEPOSITION OF

STEPHEN J. LINDLEY

May 24, 2017

9:52 a.m.

1300 I Street  
Sacramento, California

LAURIE D. LERDA, CSR No. 3649

1 APPEARANCES OF COUNSEL

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10 On Behalf of the Defendants and Respondents:

11 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE  
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18 anthony.hakl@doj.ca.gov

19 Also Present: Robert D. Wilson  
20  
21  
22  
23  
24  
25

--oOo--

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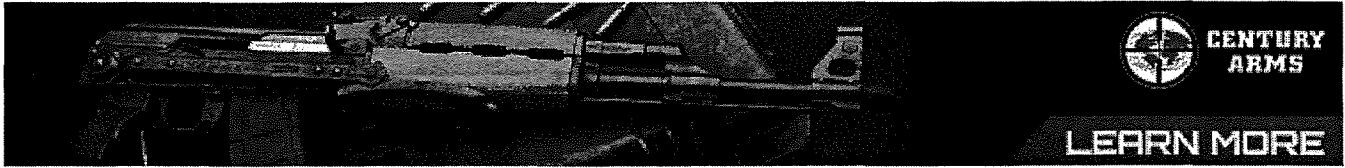
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# **EXHIBIT E**



# AMMOLAND

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## California's Triggerman - C.D. 'Chuck' Michel

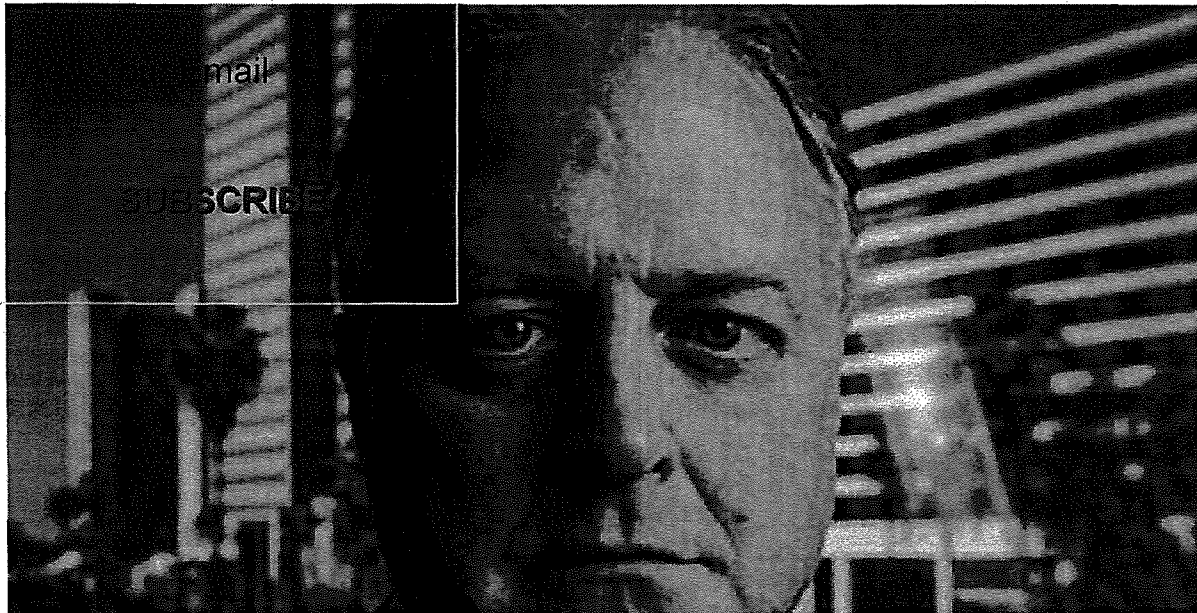
Ammoland Inc. Posted on February 2, 2015 by Ammoland

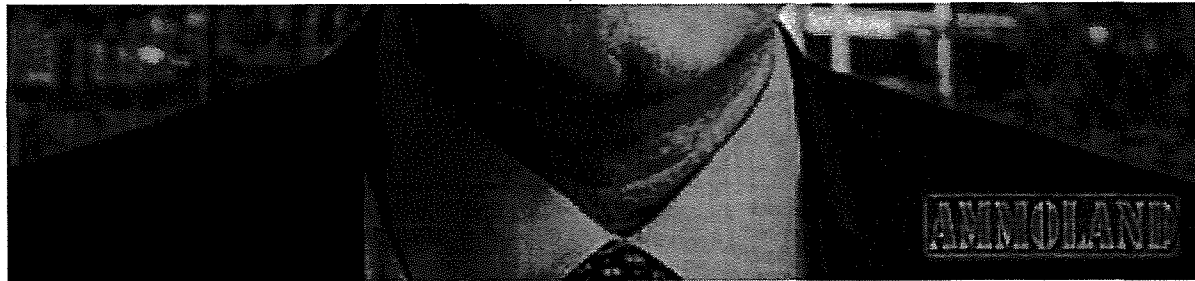
### KEEP IN THE KNOW

by *Bill Blum*

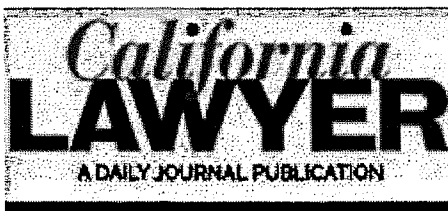
Get the latest firearms news  
 Long Beach attorney *Chuck Michel* has built a successful career by challenging firearms  
 regulations – and winning.

Inbox





California's Triggerman Chuck Michel



California Lawyer



carry handgun permit, it went on to declare that the personal right to keep and bear arms extends outside the home.

**KEEP IN THE KNOW**

Get the latest firearms news

Micher, a Long Beach-based contract attorney for the California Rifle and Pistol Association (CRPA) delivered a *straight to you* statewide amicus brief

plaintiffs attorney in *Peruta v. San Diego* (742 F.3d 1144 (9th Cir. 2014)) since April 2010. In

2011 former Solicitor General Paul D. Clement filed an amicus brief on behalf of the NRA,

and he later argued the case for the appellants.

Add Your Email

"We got everything we asked for from the court," says Michel, who drafted the pleadings.

**SUBSCRIBE**

In a 69-page opinion, Judge Diarmuid O'Scannlain, one of the circuit's most conservative members, crafted a meticulous analysis of the Second Amendment and pre-Civil War gun-ownership rights. He concluded that the county's interpretation of "good cause" to obtain a concealed-carry permit – documenting circumstances showing that the applicant was uniquely in harm's way – infringed the constitutional right to "bear Arms."

California – -(Ammoland.com)- C.D. "Chuck" Michel won big against what he calls the "gun grabbers" last February when a three-judge panel of the Ninth U.S. Circuit Court of Appeals reversed a trial court ruling in one of the most significant Second Amendment cases of his career.

Not only did the 2-1 majority invalidate San Diego County's restrictive policy for obtaining a concealed-

O'Scannlain wrote, "[T]he right is, and has always been, oriented to the end of self-defense. Any contrary interpretation of the right, whether propounded in 1791 or just last week, is error." (Peruta, 742 F.3d at 1155 (emphasis by the court).)

One other federal circuit had explicitly issued such a holding before – *Moore v. Madigan* (702 F.3d 933 (7th Cir. 2012)) – but not in so detailed and definitive an opinion.

From Michel's perspective, the broad sweep of O'Scannlain's prose also vindicated the NRA's steady and deliberate approach to litigation. In the wake of the U.S. Supreme Court's landmark decision recognizing an individual's right to own firearms (*District of Columbia v. Heller*, 554 U.S. 570 (2008)), gun-rights groups had rushed to clarify the scope of permissible regulation. The NRA's contentious rival – *the Second Amendment Foundation in Washington state* – had brought a similar challenge to concealed-carry policy in California's Yolo County. Three weeks after the Ninth Circuit's decision in Peruta, the same panel invalidated Yolo's policy. But it did so in an unpublished three-page decision that cited Peruta as controlling precedent. (Richards v. Prieto, 560 Fed. Appx. 681 (9th Cir. 2014).)

When the sheriff of San Diego County declined to petition for rehearing of Peruta, others attempted to step into the breach. But in November the Ninth Circuit denied intervenor status to Attorney General Kamala D. Harris, the Brady Campaign to Prevent Gun Violence, and the California Police Chiefs and Peace Officers' Associations. (Peruta v. County of San Diego, 771 F.3d 576 (9th Cir. 2014).) Still, Judge Sidney R. Thomas's strong dissent in Peruta gave Michel cause for concern.

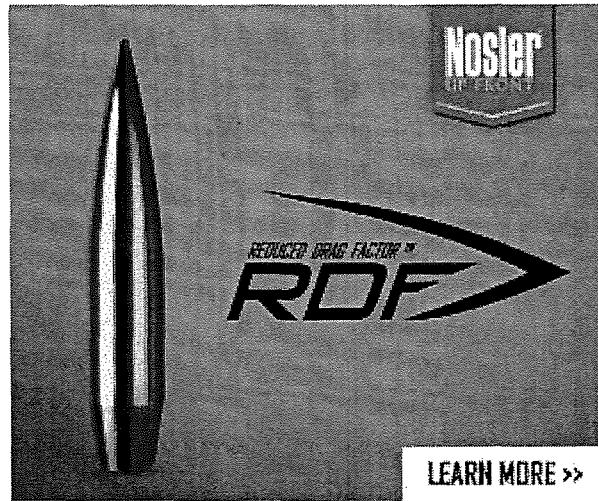
#### Inbox

In December, two days after the Montana jurist began a seven-year term as Chief Judge, Michel's worries were borne out: The Ninth Circuit called for briefing – *due Christmas Eve* – to decide if Peruta should be reheard en banc. If review is granted, Thomas will lead a tribunal that includes ten other judges chosen at random.

No one knows, of course, how the en banc process will conclude.

"The Circuit consists of roughly two-thirds Democratic appointees and one-third Republican," says Michel. "But judges don't always vote along political lines. And our position is very persuasive."

Should the respondents lose an en banc ruling, Michel promises he won't back down. He'll appeal Peruta all the way to the U.S. Supreme Court – very likely joined by libertarians and other advocates of individual gun rights....



6 thoughts on "California's Triggerman – C.D. 'Chuck' Michel"



Wes Smith says:  
**AMMOLAND**  
 SHOOTING SPORTS NEWS

The dark side is that Chuck Michel and the NRA espouse marketing of NRA financial services to children, and fraudulently sell any kid's name and address they can get as an adult to other companies, to get money for the NRA. While Chuck Michel does some good work, he unethically tries to pretend like he's on the side of reasonable discourse, but lies and then uses legal ruses to stab people in the back. Not a nice guy! But it's really amazing that the NRA keeps him working for them, despite his advocating of marketing and illegally selling to kids, and dancing around the edges of mail fraud and wire fraud. Chuck Michel, your past will catch up to you!

Add Your Email

Reply

Oscar **SUBSCRIBE**  
 July 6, 2016 at 1:32 PM

Keep up the great work Mr Michel. I just recently joined the California Rifle and Pistol Association.

Reply

Michael Gallagher says:  
 February 11, 2015 at 9:42 PM



When Wayne La Pierre and the NRA were treating gun owning Californians like red-headed step children (Roberti, Roos) I vowed that they would not get one more dime from me. He (La Pierre) said they would not support a losing fight. I have always supported CRPA and Chuck Michel They won't give up and neither will I. This is OUR state and it was once a beautiful, and Constitutional, place to grow up in and live. I would walk through hell on Sunday for Chuck Michel and CRPA. Gentlemen, keep up the good work.

Reply



Raymond Scott says:

February 11, 2015 at 3:11 PM

Way to go Chuck Michel, Esq.!! Many have given up on our state, but things can change and for the better.Keep up the good fight for our civil rights in California.

Reply



There are times when i think going to war here in california would be injoyable.

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delivered straight to your

February 3, 2015 at 8:24 PM

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# **EXHIBIT F**

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Glenn S. McRoberts - S.B.N. 144852  
2 Scott M. Franklin - S.B.N. 240254  
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7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SACRAMENTO

10  
11 DAVID GENTRY, JAMES PARKER,  
MARK MIDLAM, JAMES BASS, and  
12 CALGUNS SHOOTING SPORTS  
ASSOCIATION

13 Plaintiffs and Petitioners,  
14

15 vs.

16 KAMALA HARRIS, in Her Official  
Capacity as Attorney General for the State of  
California; STEPHEN LINDLEY, in His  
17 Official Capacity as Acting Chief for the  
California Department of Justice, JOHN  
18 CHIANG, in his official capacity as State  
Controller for the State of California, and  
19 DOES 1-10.

20 Defendants and Respondents.  
21

CASE NO. 34-2013-80001667

REQUESTS FOR PRODUCTION OF  
DOCUMENTS  
(SET ONE)

22 PROPOUNDING PARTY:

PLAINTIFFS

23 RESPONDING PARTY:

DEFENDANTS ATTORNEY GENERAL

24 KAMALA HARRIS & BUREAU OF

25 FIREARMS CHIEF STEPHEN LINDLEY

26 SET NO:

ONE

1 Plaintiffs David Gentry, James Parker, Mark Midlam, James Bass, and Calguns Shooting  
2 Sports Association (collectively "PLAINTIFFS") hereby demand Defendants Kamala Harris and  
3 Stephen Lindley (collectively "DEFENDANTS"), produce for inspection and/or photocopying, all  
4 documents, papers, books, account letters, photographs, objects and all other things designated  
5 herein. The production is to take place on June 22, 2014, at 10:00 a.m., at 180 E. Ocean Blvd.,  
6 Suite 200, Long Beach, California, or at such prior time and place as may be agreed upon by  
7 counsel.

8 Within thirty days after service of this request, DEFENDANTS must serve a written  
9 response subscribed under oath describing the documents/things DEFENDANTS will produce and  
10 stating any objections DEFENDANTS have to the production of any documents/things described  
11 below. Failure to serve a response within the allotted time shall be deemed to be a waiver of any  
12 objections to the production of the demanded documents/things.

13 If DEFENDANTS withhold, under claim of privilege or otherwise, any document or part  
14 thereof, which is requested to be produced, the following information must be provided for each  
15 such document:

- 16 (a) the date same was dated, or if undated, the date prepared;
- 17 (b) the name, address, and title of the person preparing same;
- 18 (c) the name, address, and title of the person for or to whom the same was prepared or  
19 addressed;
- 20 (d) the name, address, and title of all persons to whom copies of the same were  
21 provided or otherwise furnished;
- 22 (e) without revealing any privileged or otherwise protected information, a detailed  
23 description of the subject matter and content of same;
- 24 (f) the name, address, location, and title of the person or persons having possession,  
25 custody or control of same at the present time; and
- 26 (g) the grounds upon which the claim of privilege or other reason for failure to produce  
27 document, or part thereof, rests.

28 As to all documents required to be produced hereby, duplicates or photocopies may be

1 provided in place of the original documents where duplicates or photocopies are identical in every  
2 respect to the originals and are clear, legible copies.

3 **REQUEST FOR PRODUCTION NO. 1**

4 Each and every DOCUMENT (as used herein, "DOCUMENT" means any written, printed,  
5 typed, photostatic, photographed, recorded, or otherwise reproduced communication or record of  
6 every kind and description, whether comprised of letters, words, numbers, pictures, sounds, or  
7 symbols, or any combination thereof, whether prepared by hand or by electronic, magnetic,  
8 photographic, mechanic or other means, and including audio or video recordings of  
9 communications, occurrences or events. *This definition includes*, but is not limited to, any and  
10 all of the following: *e-mails*, correspondence, notes, minutes, records, messages, memoranda,  
11 diaries, contracts, agreements, invoices, orders, acknowledgments, receipts, bills, statements,  
12 checks, check registers, carbon copies, financial statements, journals, ledgers, appraisals, reports,  
13 forecasts, compilations, schedules, studies, summaries, analyses, pamphlets, brochures,  
14 advertisements, newspaper clippings, articles, tables, tabulations, plans, photographs, pictures,  
15 film, microfilm, microfiche, computer-stored or computer-readable data, computer programs,  
16 computer printouts, telegrams, telexes, facsimiles, tapes, transcripts, recordings, and all other  
17 sources or formats from which data, information, or communications can be obtained.

18 "DOCUMENT" shall also include any draft, preliminary version, or revisions of the foregoing,  
19 and all copies of a DOCUMENT shall be produced to the extent that the copies differ from the  
20 document produced due to notations, additions, insertions, deletions, comments, attachments,  
21 enclosures or markings of any kind, *but excluding any document produced as part of the*  
22 *December 21, 2012, Response to Plaintiff's Request for Production of Documents, Set One, in*  
23 *the action Bauer v. Harris, United States District Court for the Eastern District of California,*  
24 *Case No. 1:11-cv-1440-LJO-MJS, and also excluding any document provided in a supplement to*  
25 *the response of December 21, 2012, that has been served on counsel for the Plaintiffs in that*  
26 *action) appearing to have been created after January 1, 2000, that shows the calculation of a cost,*  
27 *including an estimated cost, referred to in SECTION 28225 (as used herein, "SECTION 28225"*  
28 *refers to California Penal Code section 28255 and its predecessor, California Penal Code section*

1 12706).

2 **REQUEST FOR PRODUCTION NO. 2**

3 Each and every DOCUMENT appearing to have been created after January 1, 2000,  
4 specifically identifying any figure to be a cost, including an estimated cost, referred to in Penal  
5 Code section 28225, excluding any DOCUMENT provided in response to a request above.

6 **REQUEST FOR PRODUCTION NO. 3**

7 Each and every DOCUMENT referring to a cost arising from APPS (as used herein,  
8 "APPS" refers to the Armed Prohibited Persons System program, also known as Armed &  
9 Prohibited Persons System program or California Armed and Prohibited Person Program, and  
10 enforcement activities based on the use of data derived from APPS, including but not limited to  
11 investigations of persons identified by APPS as potentially possessing one or more firearm  
12 illegally) being paid out funds obtained from the DROS SPECIAL ACCOUNT (as used herein,  
13 "DROS SPECIAL ACCOUNT" refers to the portion of the state's General Fund wherein funds  
14 collected under SECTION 28225 are deposited) prior to May 1, 2013.

15 **REQUEST FOR PRODUCTION NO. 4**

16 Each and every DOCUMENT referring to an APPS-related cost being paid out funds  
17 obtained from the GENERAL FUND (as used herein, the term "GENERAL FUND" refers to the  
18 General Fund for the state of California, *excluding* any special accounts that are normally  
19 considered to be within the General Fund) after April 30, 2013.

20 **REQUEST FOR PRODUCTION NO. 5**

21 Each and every DOCUMENT referring to an APPS-related cost being paid from a source  
22 other than the GENERAL FUND or the DROS SPECIAL ACCOUNT.

23 **REQUEST FOR PRODUCTION NO. 6**

24 Each and every written transcript, audio file, or other DOCUMENT that reflects testimony  
25 Defendant Kamala Harris has given to a legislative body in California, limited to testimony  
26 concerning APPS, the DROS PROCESS (as used herein, "DROS PROCESS" refers to the  
27 background check process that occurs when a firearm purchase or transfer occurs in California;  
28 "DROS PROCESS" can be found at <http://oag.ca.gov/firearms/pubfaqs>), or DROS FEE FUNDS

1 C. D. Michel - S.B.N. 144258  
Scott M. Franklin - S.B.N. 240254  
2 Sean A. Brady - S.B.N. 262007  
MICHEL & ASSOCIATES, P.C.  
3 180 E. Ocean Boulevard, Suite 200  
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5 Email: [cmichel@michellawyers.com](mailto:cmichel@michellawyers.com)

6 Attorneys for Plaintiffs

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SACRAMENTO  
10

11 DAVID GENTRY, JAMES PARKER,  
MARK MIDLAM, JAMES BASS, and  
12 CALGUNS SHOOTING SPORTS  
ASSOCIATION,

13 Plaintiffs and Petitioners,  
14

vs.

15 KAMALA HARRIS, in her official capacity  
as Attorney General for the state of  
16 California; STEPHEN LINDLEY, in his  
official capacity as Acting Chief for the  
17 California Department of Justice, Bureau of  
Firearms; BETTY YEE, in her official  
18 capacity as State Controller for the state of  
California, and DOES 1-10,

19 Defendants and Respondents.  
20

CASE NO. 34-2013-80001667

REQUESTS FOR PRODUCTION OF  
DOCUMENTS (SET FOUR)

21  
22 PROPOUNDING PARTIES:

PLAINTIFFS

23 RESPONDING PARTIES:

DEFENDANTS KAMALA HARRIS &

STEPHEN LINDLEY

24  
25 SET NO:

FOUR

26 ///



1 Plaintiffs David Gentry, James Parker, Mark Midlam, James Bass, and Calguns Shooting  
2 Sports Association (collectively "PLAINTIFFS") hereby demand defendants Kamala Harris and  
3 Stephen Lindley (collectively "DEFENDANTS") produce for inspection and/or photocopying all  
4 documents, papers, books, account letters, photographs, objects, and all other things designated  
5 herein. The production is to take place on October 10, 2016, at 10:00 a.m. at 180 E. Ocean Blvd.,  
6 Suite 200, Long Beach, California, or at such prior time and place as may be agreed upon by  
7 counsel.

8 Within thirty days after service of this request, DEFENDANTS must serve a written  
9 response subscribed under oath describing the documents/things DEFENDANTS will produce and  
10 stating any objections DEFENDANTS have to the production of any documents/things described  
11 below. Failure to serve a response within the allotted time shall be deemed a waiver of any  
12 objections to the production of the demanded documents/things.

13 If DEFENDANTS withhold, under claim of privilege or otherwise, any document or part  
14 thereof which is requested to be produced, the following information must be provided for each  
15 such document:

- 16 (a) the date same was dated, or if undated, the date prepared;
- 17 (b) the name, address, and title of the person preparing same;
- 18 (c) the name, address, and title of the person for or to whom same was prepared or  
19 addressed;
- 20 (d) the name, address, and title of all persons to whom copies of same were provided  
21 or otherwise furnished;
- 22 (e) without revealing any privileged or otherwise protected information, a detailed  
23 description of the subject matter and content of same;
- 24 (f) the name, address, location, and title of the person or persons having possession,  
25 custody, or control of same at the present time; and
- 26 (g) the grounds upon which the claim of privilege or other reason for failure to produce  
27 document, or part thereof, rests.

28 As to all documents required to be produced hereby, duplicates or photocopies may be

1 provided in place of the original documents where duplicates or photocopies are identical in every  
2 respect to the originals and are clear, legible copies.

3 **REQUEST FOR PRODUCTION NO. 92**

4 Each and every DOCUMENT ("DOCUMENT" means any written, printed, typed,  
5 photostatic, photographed, recorded, or otherwise reproduced communication or record of every  
6 kind and description, whether comprised of letters, words, numbers, pictures, sounds, or symbols,  
7 or any combination thereof, whether prepared by hand or by electronic, magnetic, photographic,  
8 mechanic or other means, and including audio or video recordings of communications,  
9 occurrences, or events. *This definition includes*, but is not limited to, any and all of the following:  
10 *e-mails*, correspondence, notes, minutes, records, messages, memoranda, diaries, contracts,  
11 agreements, invoices, orders, acknowledgments, receipts, bills, statements, checks, check  
12 registers, carbon copies, financial statements, journals, ledgers, appraisals, reports, forecasts,  
13 compilations, schedules, studies, summaries, analyses, pamphlets, brochures, advertisements,  
14 newspaper clippings, articles, tables, tabulations, plans, photographs, pictures, film, microfilm,  
15 microfiche, computer-stored or computer-readable data, computer programs, computer printouts,  
16 telegrams, telexes, facsimiles, tapes, transcripts, recordings, and all other sources or formats from  
17 which data, information, or communications can be obtained. "DOCUMENT" shall also include  
18 any draft, preliminary version, or revisions of the foregoing, and all copies of a document shall be  
19 produced to the extent that the copies differ from the document produced due to notations,  
20 additions, insertions, deletions, comments, attachments, enclosures or markings of any kind, *but*  
21 *excluding any document produced in the action Bauer v. Harris, United States District Court*  
22 *for the Eastern District of California, Case No. 1:11-cv-1440-LJO-MJS*, and also excluding  
23 any document provided in response to discovery previously propounded in this action) provided or  
24 appearing to have been provided by CAL DOJ (as used herein, "CAL DOJ" refers to the  
25 California Department of Justice, including the office of the Attorney General, and all persons  
26 working for or at the direction of the California Department of Justice) to a legislative budget  
27 committee that refers to the DROS SPECIAL ACCOUNT (as used herein, "DROS SPECIAL  
28 ACCOUNT" refers to the portion of the state's General Fund wherein DROS FEE funds are

1 deposited), limited to DOCUMENTS that appear to have been created after January 1, 2008.

2 **REQUEST FOR PRODUCTION NO. 93**

3 Each and every DOCUMENT listing the sources of the revenue comprising the  
4 \$17,286,000 of revenue related to “miscellaneous services to the public” that went into the DROS  
5 SPECIAL ACCOUNT for fiscal year 2014-2015; this request is based on data stated in  
6 California’s 2016-2017 budget, though responding to this request does not require reference  
7 thereto by the responding parties.

8 **REQUEST FOR PRODUCTION NO. 94**

9 Each and every DOCUMENT listing the classes of expenditures that comprise the  
10 \$28,616,000 of expenditures related to “Department of Justice (State Operations)” that were  
11 funded from the DROS SPECIAL ACCOUNT for fiscal year 2014-2015; this request is based on  
12 data stated in California’s 2016-2017 budget, though responding to this request does not require  
13 reference thereto by the responding parties.

14 **REQUEST FOR PRODUCTION NO. 95**

15 Each and every DOCUMENT titled “DOJ Programs Funded with DROS Special Fund”  
16 concerning fiscal years 2014-2015 to the present.

17 **REQUEST FOR PRODUCTION NO. 96**

18 Each and every DOCUMENT, whether provided to the office of State Senator Mark Leno  
19 or not, referring to SB 819’s potential impact on the general taxpaying public.

20 **REQUEST FOR PRODUCTION NO. 97**

21 Each and every DOCUMENT appearing to have been created by CAL DOJ between  
22 January 1, 2010, and January 1, 2013, concerning the impact, whether potential or actual, of the  
23 \$11,500,000 loan taken from the DROS SPECIAL ACCOUNT.

24 **REQUEST FOR PRODUCTION NO. 98**

25 Each and every email appearing to have been created by CAL DOJ between January 1,  
26 2010, and January 1, 2013, concerning the impact—whether potential or actual—of the \$11,500,000  
27 loan taken from the DROS SPECIAL ACCOUNT.

28 ///

# EXHIBIT G

**U.S. District Court  
Eastern District of California - Live System (Fresno)  
CIVIL DOCKET FOR CASE #: 1:11-cv-01440-LJO-MJS**

Bauer, et al. vs. Harris, et al.  
Assigned to: District Judge Lawrence J. O'Neill  
Referred to: Magistrate Judge Michael J. Seng  
Case in other court: USCA, 15-15428  
Cause: 42:1983 Civil Rights Act

Date Filed: 08/25/2011  
Date Terminated: 03/02/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Barry Bauer**

represented by **Carl Dawson Michel**  
Michel & Associates, P.C.  
180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802  
562-216-4444  
Fax: 562-216-4445  
Email: cmichel@michellawyers.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Stephen Warkentin**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Nicole Ferry**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Leland Adley**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jeffrey Hacker**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**National Rifle Association of America,  
Inc.**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**California Rifle & Pistol Association  
Foundation**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Herb Bauer Sporting Goods, Inc.**represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Kamala D. Harris**represented by **Susan K. Smith**  
Office of the Attorney General of California  
300 South Spring Street  
6th Floor, South Tower  
Los Angeles, CA 90013  
(213) 897-2105  
Fax: (213) 897-1071  
Email: susan.smith@doj.ca.gov  
*TERMINATED: 07/24/2012*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Anthony R. Hakl , III**  
Attorney General's Office for the State of  
California  
Department of Justice  
1300 I Street  
P.O. Box 255200  
Sacramento, CA 95814  
916-210-6065  
Fax: 916-324-8835  
Email: anthony.hakl@doj.ca.gov  
*ATTORNEY TO BE NOTICED***Defendant****Stephen Lindley**represented by **Susan K. Smith**  
(See above for address)  
*TERMINATED: 07/24/2012*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Anthony R. Hakl , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****Does 1-10**

| Date Filed | #        | Docket Text                                                                                                                                                           |
|------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/25/2011 | <u>1</u> | CIVIL COVER SHEET by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., 3851 |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | National Rifle Association of America, Inc., Stephen Warkentin (Michel, Chuck) (Entered: 08/25/2011)                                                                                                                                                                                                                                                                                                                                                                                     |
| 08/25/2011 | <u>2</u>  | COMPLAINT <i>For Declaratory And Injunctive Relief 42 U.S.C. sections 1983, 1988</i> against Kamala D. Harris, Stephen Lindley, Does 1-10 by National Rifle Association of America, Inc., Herb Bauer Sporting Goods, Inc., Barry Bauer, Leland Adley, Nicole Ferry, California Rifle & Pistol Association Foundation, Stephen Warkentin, Jeffrey Hacker. Attorney Michel, Chuck D. added.(Michel, Chuck) (Entered: 08/25/2011)                                                           |
| 08/26/2011 |           | RECEIPT number #CAE100016086 \$350.00 fbo Barry Bauer by C. D. Michel on 8/26/2011. (Marrujo, C) (Entered: 08/26/2011)                                                                                                                                                                                                                                                                                                                                                                   |
| 08/26/2011 | <u>4</u>  | SUMMONS ISSUED as to *Kamala D. Harris, Stephen Lindley* with answer to complaint due within *21* days. Attorney *Chuck D. Michel* *Michel & Associates, P.C.* *180 East Ocean Blvd., Suite 200* *Long Beach, CA 90802*. (Lundstrom, T) (Entered: 08/26/2011)                                                                                                                                                                                                                            |
| 08/26/2011 | <u>5</u>  | CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 12/8/2011 at 10:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. (Attachments: # <u>1</u> Standing Order, # <u>2</u> Consent Form, # <u>3</u> VDRP Form) (Lundstrom, T) (Entered: 08/26/2011)                                                                                                                                                                                                  |
| 12/02/2011 | <u>6</u>  | MINUTE ORDER: (**TEXT ONLY**) Plaintiff's notified the Court they are still serving Defendant in case. Initial Scheduling Conference set for 12/8/2011 at 10:30 a.m. is CONTINUED to 2/9/2012 at 11:00 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. A Joint Scheduling Conference Report carefully prepared and executed by all counsel, shall be electronically filed in CM/ECF one (1) full week prior to the Scheduling Conference. (Yu, L) (Entered: 12/02/2011) |
| 01/09/2012 | <u>7</u>  | SUMMONS RETURNED EXECUTED: Kamala D. Harris served on 12/22/2011, answer due 1/12/2012. (Attachments: # <u>1</u> Exhibit A)(Michel, Carl) (Entered: 01/09/2012)                                                                                                                                                                                                                                                                                                                          |
| 01/09/2012 | <u>8</u>  | SUMMONS RETURNED EXECUTED: Stephen Lindley served on 12/22/2011, answer due 1/12/2012. (Attachments: # <u>1</u> Exhibit A)(Michel, Carl) (Entered: 01/09/2012)                                                                                                                                                                                                                                                                                                                           |
| 01/10/2012 | <u>9</u>  | STIPULATION and PROPOSED ORDER for To Extend Pleading Deadlines by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 01/10/2012)                                                                                                                                                                      |
| 01/11/2012 | <u>10</u> | STIPULATION TO EXTEND PLEADING DEADLINES AND ORDER signed by Magistrate Judge Michael J. Seng on 1/11/2012. (Yu, L) (Entered: 01/11/2012)                                                                                                                                                                                                                                                                                                                                                |
| 01/17/2012 | <u>11</u> | MINUTE ORDER: (**TEXT ONLY**) Initial Scheduling Conference set for 2/9/2012 at 11:00 AM is CONTINUED to 4/12/2012 at 11:00 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. A Joint Scheduling Report carefully prepared shall be filed with the Court one (1) full week prior to the Scheduling Conference, and shall be emailed to mjsorders@caed.uscourts.gov. (Yu, L) (Entered: 01/17/2012)                                                                         |
| 02/09/2012 | <u>12</u> | FIRST AMENDED COMPLAINT against Does 1-10, Kamala D. Harris, Stephen Lindley by National Rifle Association of America, Inc., Nicole Ferry, California Rifle & Pistol Association Foundation, Stephen Warkentin, Herb Bauer Sporting Goods, Inc., Leland Adley, Barry Bauer, Jeffrey Hacker.(Michel, Carl) (Entered: 02/09/2012)                                                                                                                                                          |
| 03/08/2012 | <u>13</u> | ANSWER to <u>12</u> Amended Complaint, by Kamala D. Harris, Stephen Lindley. Attorney Smith, Susan K. added.(Smith, Susan) (Entered: 03/08/2012)                                                                                                                                                                                                                                                                                                                                         |
| 03/21/2012 | <u>14</u> | MOTION to STAY by Kamala D. Harris, Stephen Lindley. Motion Hearing set for                                                                                                                                                                                                                                                                                                                                                                                                              |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | (Attachments: # <u>1</u> Declaration of Susan K. Smith in Support of Notice of Motion and Motion to Stay)(Smith, Susan) (Entered: 03/21/2012)                                                                                                                                                                                                                                                                                                                                                                         |
| 03/21/2012 | <u>15</u> | REQUEST for <i>Judicial Notice Filed Concurrently with Motion to Stay</i> by Kamala D. Harris, Stephen Lindley re <u>14</u> MOTION to STAY filed by Stephen Lindley, Kamala D. Harris. (Smith, Susan) (Entered: 03/21/2012)                                                                                                                                                                                                                                                                                           |
| 03/22/2012 | <u>16</u> | MINUTE ORDER: (**TEXT ONLY**) <u>14</u> Motion to Stay set for 04/18/2012 at 8:30 a.m. in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill is MOVED to 4/20/2012 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. Initial Scheduling Conference set for 04/12/2012 in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng is CONTINUED to 6/28/2012 at 11:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. (Yu, L) (Entered: 03/22/2012)                 |
| 04/02/2012 | <u>17</u> | STIPULATION and PROPOSED ORDER for Continuance of Motion to Stay Hearing Date and Extend Associated Deadlines and [Proposed] Order by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 04/02/2012)                                                                                                                                |
| 04/03/2012 | <u>18</u> | STIPULATION FOR CONTINUANCE OF MOTION TO STAY HEARING. Motion Hearing is continued to 5/25/2012 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 04/03/2012. (Yu, L) (Entered: 04/03/2012)                                                                                                                                                                                                                                                     |
| 04/20/2012 | <u>19</u> | STIPULATION <i>For Continuance of Motion to Stay Hearing Date and Extend Associated Deadlines and [Proposed] Order</i> by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 04/20/2012)                                                                                                                                            |
| 04/20/2012 | <u>20</u> | STIPULATION FOR CONTINUANCE OF MOTION TO STAY HEARING DATE AND EXTEND ASSOCIATED DEADLINES and ORDER THEREON. Motion Hearing is continued to 6/22/2012 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 04/20/2012. (Yu, L) (Entered: 04/20/2012)                                                                                                                                                                                              |
| 05/15/2012 | <u>21</u> | MINUTE ORDER: (**TEXT ONLY**) <u>14</u> Motion to Stay set for June 22, 2012 at 9:30 a.m. in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng is CONTINUED to July 6, 2012 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. Initial Scheduling Conference set for June 28, 2012 in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng is CONTINUED to August 9, 2012 at 11:00 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. (Yu, L) (Entered: 05/15/2012) |
| 06/06/2012 | <u>22</u> | WITHDRAWAL of <u>14</u> MOTION to STAY by Kamala D. Harris, Stephen Lindley. (Smith, Susan) (Entered: 06/06/2012)                                                                                                                                                                                                                                                                                                                                                                                                     |
| 06/07/2012 | <u>23</u> | MINUTE ORDER: (**TEXT ONLY**) On June 6, Defendant filed a <u>22</u> Withdrawal of Motion to Stay. The Motion Hearing set for July 6, 2012 at 9:30 a.m. before Magistrate Judge Michael J. Seng is VACATED. The Initial Scheduling Conference set for August 9, 2012 at 11:00 a.m. before Magsitrate Judge Michael J. Seng shall proceed as previously ordered. (Yu, L) (Entered: 06/07/2012)                                                                                                                         |
| 07/06/2012 | <u>24</u> | JOINT SCHEDULING REPORT by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 07/06/2012)                                                                                                                                                                                                                                           |



|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/24/2012 | <u>25</u> | NOTICE of Change of Assignment of Counsel Within Attorney General's Office by Kamala D. Harris, Stephen Lindley. (Smith, Susan) (Entered: 07/24/2012)                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 08/07/2012 | 26        | MINUTE ORDER (Text Only): The Initial Scheduling Conference set for August 9, 2012 at 11:00 a.m. shall be held in Magistrate Judge Michael J. Seng's Yosemite Chambers. The parties are directed to appear telephonically by making reservations through CourtCall at 866-582-6878. Please send confirmations to the courtroom deputy at lyu@caed.uscourts.gov. (Arellano, S.) (Entered: 08/07/2012)                                                                                                                                                                          |
| 08/09/2012 | 27        | MINUTES (Text Only) for proceedings held before Magistrate Judge Michael J. Seng: SCHEDULING CONFERENCE held on 8/9/2012 in Chambers. Plaintiffs Counsel Sean Brady present. Defendants Counsel Anthony Hakl present. Court Reporter/CD Number: Held in Chambers, off the record. (Yu, L) (Entered: 08/10/2012)                                                                                                                                                                                                                                                               |
| 08/10/2012 | <u>28</u> | SCHEDULING ORDER : <u>Initial Disclosures</u> : 07/11/2012, <u>Discovery Deadlines</u> : Non-Expert: 2/27/2013. Expert: 6/27/2013. <u>Motion Deadlines</u> : Non-Dispositive Motions filed by 6/27/2013. Dispositive Motions filed by 8/16/2013, <u>Pretrial Conference</u> 11/14/2013 at 08:15 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. <u>Jury Trial</u> 1/28/2014 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill, signed by Magistrate Judge Michael J. Seng on 08/10/2012. (Yu, L) (Entered: 08/13/2012)            |
| 01/22/2013 | <u>29</u> | STIPULATION To Extend Discovery Cut-Off Dates and Proposed Order by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 01/22/2013)                                                                                                                                                                                                                                                          |
| 01/23/2013 | <u>30</u> | STIPULATION TO EXTEND DISCOVERY CUT-OFF DATES AND ORDER signed by Magistrate Judge Michael J. Seng on 1/23/2013. (Yu, L) (Entered: 01/23/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 05/22/2013 | <u>31</u> | STIPULATION and PROPOSED ORDER for to Vacate Rule 16 Scheduling Order by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Attachments: # <u>1</u> Declaration of Sean A. Brady in Support)(Michel, Carl) (Entered: 05/22/2013)                                                                                                                                                                                    |
| 05/28/2013 | <u>32</u> | Stipulation to Vacate Rule 16 Scheduling Order and Order Thereon. A Scheduling Conference is now set for August 8, 2013 at 10:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 05/28/2013. (Yu, L) (Entered: 05/28/2013)                                                                                                                                                                                                                                                                                     |
| 06/13/2013 | <u>33</u> | MOTION to AMEND the <u>12</u> Amended Complaint, by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Motion for Leave to Amend Complaint, # <u>2</u> Exhibit A to Memorandum of Points and Authorities, # <u>3</u> Declaration of Sean A. Brady in Support of Motion for Leave to Amend Complaint)(Michel, Carl) (Entered: 06/13/2013) |
| 06/14/2013 | 34        | MINUTE ORDER: (***TEXT ONLY***)A Motion Hearing on Plaintiff's Motion to Amend is set for July 26, 2013 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 06/14/2013. (Yu, L) (Entered: 06/14/2013)                                                                                                                                                                                                                                                                                                     |
| 07/09/2013 | <u>35</u> | STATEMENT of NON-OPPOSITION by Kamala D. Harris, Stephen Lindley to <u>33</u> MOTION to AMEND the <u>12</u> Amended Complaint., (Attachments: # <u>1</u> Proof of Service) (Hakl, Anthony) (Entered: 07/09/2013)                                                                                                                                                                                                                                                                                                                                                              |
| 07/22/2013 | <u>36</u> | ORDER granting <u>33</u> Plaintiff's Motion for Leave to File a Second Amended Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | The Motion Hearing set for July 26, 2013 is VACATED. Plaintiff to file a Second Amended Complaint within ten (10) days of the service of this order, signed by Magistrate Judge Michael J. Seng on 7/22/2013. (Yu, L) (Entered: 07/22/2013)                                                                                                                                                                                                                                                                                                                                                    |
| 07/24/2013 | <u>37</u> | SECOND AMENDED COMPLAINT against All Defendants by National Rifle Association of America, Inc., Nicole Ferry, California Rifle & Pistol Association Foundation, Stephen Warkentin, Herb Bauer Sporting Goods, Inc., Leland Adley, Barry Bauer, Jeffrey Hacker.(Michel, Carl) (Entered: 07/24/2013)                                                                                                                                                                                                                                                                                             |
| 08/02/2013 | 38        | MINUTE ORDER: (***)TEXT ONLY(***)The Initial Scheduling Conference set for August 8, 2013 at 10:30 a.m. is CONTINUED to September 27, 2013 at 10:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 08/02/2013. (Yu, L) (Entered: 08/02/2013)                                                                                                                                                                                                                                                                                   |
| 08/07/2013 | <u>39</u> | ANSWER to <u>37</u> Amended Complaint, by Kamala D. Harris, Stephen Lindley. (Attachments: # <u>1</u> Proof of Service)(Hakl, Anthony) (Entered: 08/07/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 09/13/2013 | <u>40</u> | JOINT SCHEDULING REPORT by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 09/13/2013)                                                                                                                                                                                                                                                                                                                    |
| 09/17/2013 | 41        | MINUTE ORDER: (***)TEXT ONLY(***)The Initial Scheduling Conference set for September 27, 2013 at 10:30 a.m. is ADVANCED to September 27, 2013 at 09:00 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. The parties may appear telephonically by contacting Courtroom Deputy, Laurie C. Yu at (209)372-8917 or lyu@caed.uscourts.gov, signed by Magistrate Judge Michael J. Seng on 09/17/2013. (Yu, L) (Entered: 09/17/2013)                                                                                                                                                  |
| 09/27/2013 | 42        | MINUTES (Text Only) for proceedings held before Magistrate Judge Michael J. Seng: SCHEDULING CONFERENCE held on 9/27/2013. Parties appeared telephonically. Formal order to follow. Plaintiffs Counsel Sean Brady present. Defendants Counsel Anthony Hakl present. Court Reporter/CD Number: Held in Chambers off the record. (Yu, L) (Entered: 09/27/2013)                                                                                                                                                                                                                                   |
| 09/30/2013 | <u>43</u> | SCHEDULING ORDER : Discovery Deadlines: Non-Expert: 4/20/2014. Expert: 8/15/2014. Expert Disclosure Deadlines: Filing: 5/22/2014, Supplemental/Rebuttal: 06/20/2014. Motion Deadlines: Non-Dispositive Motions filed by 9/22/2014. Dispositive Motions filed by 11/17/2014, Pretrial Conference set for 2/10/2015 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. Jury Trial set for 3/24/2015 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill, signed by Magistrate Judge Michael J. Seng on 09/30/2013. (Yu, L) (Entered: 09/30/2013) |
| 11/06/2014 | <u>44</u> | MOTION to CONTINUE <i>Time for Filing Dispositive Motions</i> by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Attachments: # <u>1</u> Declaration Declaration of Sean A Brady in Support of Joint Motion to Extend Time for Filing Dispositive Motions, # <u>2</u> Proposed Order Proposed Order)(Michel, Carl) (Entered: 11/06/2014)                                                                                          |
| 11/07/2014 | 45        | (TEXT ENTRY ONLY) MINUTE ORDER: The Court has reviewed the joint motion to extend time for filing dispositive motions <u>44</u> , which also contains a request to vacate the trial date. This submission does not present good cause to either vacate or continue the trial date and is therefore DENIED WITHOUT PREJUDICE. The parties may submit a revised stipulation that reasonably modifies the dispositive motions and pretrial deadlines signed by District Judge Lawrence J. O'Neill on November 7, 2014. (Munoz, I) (Entered: 11/07/2014)                                           |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/07/2014 | <u>46</u> | MOTION for EXTENSION OF TIME to file Dispositive Motions & Related Deadlines by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Attachments: # <u>1</u> Declaration of Sean A. Brady in Support of Motion, # <u>2</u> Proposed Order)(Michel, Carl) (Entered: 11/07/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/13/2014 | <u>47</u> | ORDER EXTENDING TIME FOR FILING DISPOSITIVE MOTIONS <u>46</u> signed by District Judge Lawrence J. O'Neill on November 13, 2014. (Munoz, I) (Entered: 11/13/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12/12/2014 | <u>48</u> | MOTION for 45-DAY EXTENSION OF TIME to Extend Time to File Dispositive Motions by Barry Bauer. (Attachments: # <u>1</u> Declaration of Sean A Brady in Support of Joint Motion to Extend Time to File Dispositive Motions, # <u>2</u> Proposed Order)(Michel, Carl) (Entered: 12/12/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12/15/2014 | <u>49</u> | AMENDED MOTION for EXTENSION OF TIME to re <u>48</u> MOTION for 45-DAY EXTENSION OF TIME to Extend Time to File Dispositive Motions by Barry Bauer. (Attachments: # <u>1</u> Declaration of Sean A Brady in Support of Joint Amended Motion to Extend Time to File Dispositive Motions, # <u>2</u> Proposed Order Granting Joint Motion to Extend Time to File Dispositive Motions)(Michel, Carl) (Entered: 12/15/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12/15/2014 | <u>50</u> | ORDER GRANTING JOINT AMENDED MOTION TO EXTEND TIME TO FILE DISPOSITIVE MOTIONS (Docs. 48 & 49) signed by District Judge Lawrence J. O'Neill on December 15, 2014. (Munoz, I) (Entered: 12/15/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 01/20/2015 | <u>51</u> | MOTION for SUMMARY JUDGMENT by Kamala D. Harris. Motion Hearing set for 2/26/2015 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Statement Undisputed Facts in Support, # <u>3</u> Declaration of Stephen Lindley, # <u>4</u> Declaration of Joel Tochterman, # <u>5</u> Declaration of Anthony R. Hakl, # <u>6</u> Exhibit Exhibit A to Dec of Hakl, # <u>7</u> Exhibit Exhibit B to Dec of Hakl, # <u>8</u> Exhibit Exhibit C-E of Dec of Hakl, # <u>9</u> Exhibit Exhibit F to Dec of Hakl, # <u>10</u> Proof of Service)(Hakl, Anthony) (Entered: 01/20/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 01/20/2015 | <u>52</u> | MOTION for SUMMARY JUDGMENT by Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. Motion Hearing set for 2/26/2015 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. (Attachments: # <u>1</u> Points and Authorities Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Summary Judgment, # <u>2</u> Statement Plaintiffs' Statement of Undisputed Facts in Support of Motion for Summary Judgment, # <u>3</u> Declaration Declaration of Jeffrey Hacker In Support of Motion for Summary Judgment, # <u>4</u> Declaration Declaration of Christopher Cox on Behalf of the National Rifle Association in Support of Motion for Summary Judgment, # <u>5</u> Declaration Declaration of Steven Dember on Behalf of the CRPA Foundation in Support of Motion for Summary Judgment, # <u>6</u> Declaration Declaration of Barry Bauer as Plaintiff and on Behalf of Herb Bauer's Sporting Goods, Inc. in Support of Motion for Summary Judgment, # <u>7</u> Declaration Declaration of Margaret E. Leidy in Support of Plaintiffs' Motion for Summary Judgment; Exhibits A Through JJ, # <u>8</u> Exhibit Exhibits to Margaret Leidy's Declaration - Part 1, # <u>9</u> Exhibit Exhibits to Margaret Leidy's Declaration - Part 2, # <u>10</u> Exhibit Plaintiffs' Request for Judicial Notice, # <u>11</u> Exhibit Exhibits to Plaintiffs' Request for Judicial Notice)(Michel, Carl) (Entered: 01/20/2015) |
| 01/21/2015 | <u>53</u> | NOTICE of Errata re Plaintiffs' Request for Judicial Notice by Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin re <u>52</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Exhibit Plaintiffs' Request for                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | Judicial Notice, # <u>2</u> Exhibit Exhibits to Plaintiffs' Request for Judicial Notice)(Michel, Carl) (Entered: 01/21/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02/12/2015 | <u>54</u> | OPPOSITION by Kamala D. Harris to <u>52</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Declaration of Anthony Hakl, # <u>2</u> Exhibit Exhibit A to Hakl Dec, # <u>3</u> Exhibit Exhibit B to Hakl Dec, # <u>4</u> Declaration of Stephen Lindley, # <u>5</u> Exhibit Exhibit A to Lindley Dec, # <u>6</u> Response to Statement of Undisputed Facts)(Hakl, Anthony) (Entered: 02/12/2015)                                                                                                                                                                                                                                                                        |
| 02/12/2015 | <u>55</u> | OPPOSITION by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin to <u>51</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Response Plaintiffs' Response to Statement of Undisputed Facts in Support of Defendants' Motion for Summary Judgment, or in the Alternative Summary Adjudication)(Michel, Carl) (Entered: 02/12/2015)                                                                                                                                                                            |
| 02/17/2015 | <u>56</u> | MINUTE ORDER: (TEXT ENTRY ONLY) In the interests of judicial and party efficiency and to afford the Court sufficient time to confirm the parties' contention that this this case can be decided on the pending cross motions for summary judgment without the need for a trial, the deadline for filing a joint pretrial conference statement is EXTENDED to Friday, February 20, 2015 signed by District Judge Lawrence J. O'Neill on February 17, 2015. (Munoz, I) (Entered: 02/17/2015)                                                                                                                                                                                   |
| 02/18/2015 | <u>57</u> | MINUTE ORDER: (TEXT ENTRY ONLY) The Court has reviewed preliminarily the pending cross motions for summary judgment and concurs with the parties that this case can be resolved on the papers without the need for a trial. Accordingly, the pretrial conference and trial dates are VACATED. In addition, upon expiration of the reply deadline, the Court will take the matter under submission on the papers without oral argument pursuant to Local Rule 230(g). Therefore, the hearing on the pending motions, currently set for February 26, 2015, is also VACATED signed by District Judge Lawrence J. O'Neill on February 18, 2015. (Munoz, I) (Entered: 02/18/2015) |
| 02/19/2015 | <u>58</u> | REPLY by Kamala D. Harris to RESPONSE to <u>51</u> MOTION for SUMMARY JUDGMENT. (Hakl, Anthony) (Entered: 02/19/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 02/19/2015 | <u>59</u> | REPLY by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin re <u>52</u> MOTION for SUMMARY JUDGMENT. (Michel, Carl) (Entered: 02/19/2015)                                                                                                                                                                                                                                                                                                                                                                           |
| 03/02/2015 | <u>60</u> | MEMORANDUM DECISION AND ORDER Re Cross Motions for Summary Judgment re <u>51</u> , <u>52</u> , signed by District Judge Lawrence J. O'Neill on 03/02/15. CASE CLOSED. (Gonzalez, R) (Entered: 03/02/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 03/02/2015 | <u>61</u> | JUDGMENT dated *03/02/15* pursuant to order. (Gonzalez, R) (Entered: 03/02/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 03/06/2015 | <u>62</u> | NOTICE of APPEAL by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc.. (Filing fee \$ 505, receipt number 0972-5780827) (Michel, Carl) (Entered: 03/06/2015)                                                                                                                                                                                                                                                                                                                                                                           |
| 03/09/2015 | <u>63</u> | USCA APPEAL FEES received in the amount of \$ 505 (Receipt # 09725780827) from Leland Adley on 3/6/2015 re <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. (Lundstrom, T)857 (Entered: 03/09/2015)                                                                                                                                                                                                                                                                                             |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. Notice of Appeal filed *3/6/2015*, Complaint filed *8/25/2011* and Appealed Order / Judgment filed *3/2/2015*. ** *Fee Status: Paid on 3/6/2015 in the amount of \$505.00* (Attachments: # <u>1</u> Appeal Information) (Gonzalez, R) (Entered: 03/09/2015) |
| 03/09/2015 | <u>65</u> | USCA CASE NUMBER 15-15428 for <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. (Gonzalez, R) (Entered: 03/09/2015)                                                                                                                                         |
| 06/01/2017 | <u>66</u> | USCA OPINION as to <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. <i>AFFIRMED</i> . (Gonzalez, R) (Entered: 06/02/2017)                                                                                                                                  |
| 07/12/2017 | <u>67</u> | ORDER of USCA as to <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. <i>Appellant's Petition for Rehearing En Banc is DENIED</i> . (Sant Agata, S) (Entered: 07/12/2017)                                                                                   |
| 07/20/2017 | <u>68</u> | USCA MANDATE as to <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. <i>The judgment of this Court, entered June 01, 2017, takes effect this date</i> . (Gonzalez, R) (Entered: 07/20/2017)                                                                 |

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# EXHIBIT H



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# CALGUNS Shooting Sports Association

## Gun Clubs

📍 1135 W Queenside Dr Covina CA 917223123

1135 W Queenside Dr Covina CA 917223123

☎ 62675782076267578207

✉ jacob@cgssa.org

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- Oldest First
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Sort by: **Votes**

- Newest First
- Oldest First
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- Most Reviews
- Highest Rated

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# EXHIBIT I








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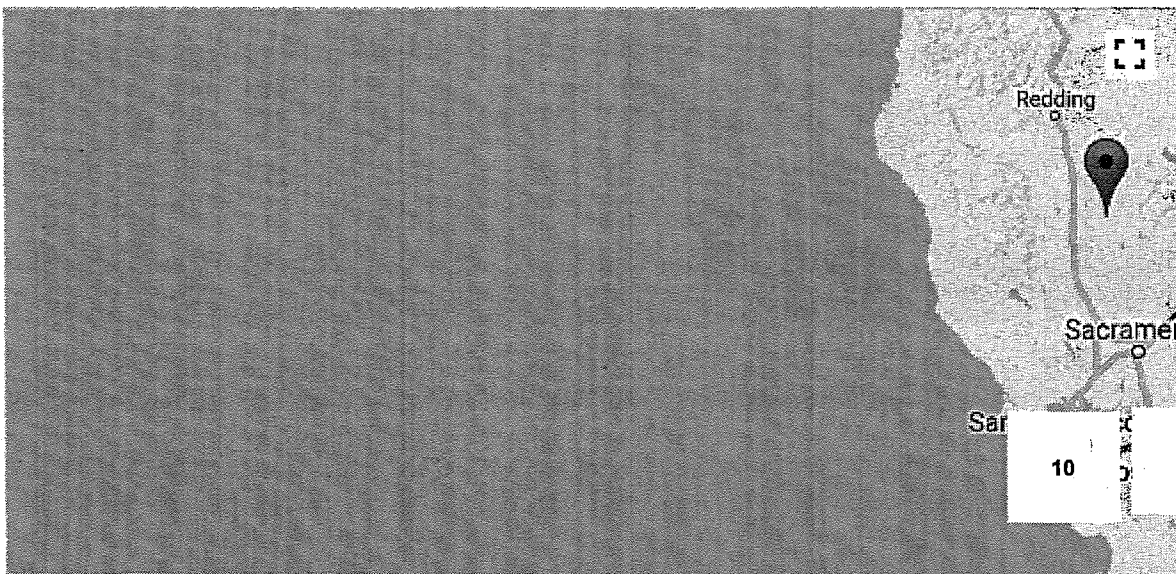


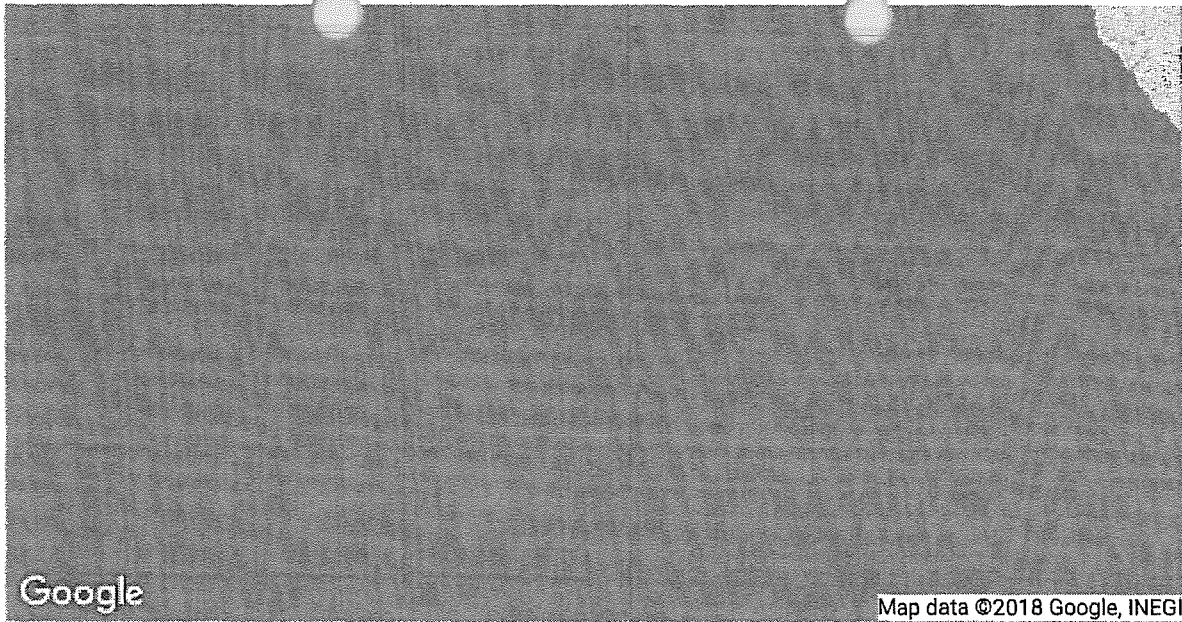
# Members' Council Directory

The NRA Members' Councils of California – California's ORIGINAL  
Grassroots Gun Lobby

## Find your local Members' Council

|                                                                                                              |
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| Enter a location        |
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### About NRA

**The National Rifle Association is America's longest-standing civil rights organization. Together with our more than five million members, we're proud defenders of history's patriots and diligent protectors of the Second Amendment.**

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# **EXHIBIT J**

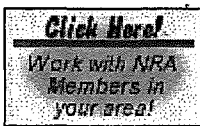
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NRA Members' Councils of California

# NRA Members' Councils of California CALIFORNIA ALERT SYSTEM

*A message from our friends at the Calguns Shooting Sports Association*

### FIGHT BACK



As seen on the NRA Members' Council Facebook and Twitter pages:  
<https://www.facebook.com/NRAMembersCouncils/>

<https://twitter.com/CalNRA>

### CALIFORNIANS

Join with other NRA Members in your area! We are only asking for a little of your time.

*Together, we can make a difference!*

### HELP THE NRA

Spread the word about our activities in California!

Take a moment and post this message to Internet forums and web sites where gun owners congregate on-line. And don't forget to click on the "Forward this e-mail to a Friend" button so they can sign up for our important messages from the CALIFORNIA ALERT SYSTEM. CAL-ERTs are provided as a free service of the NRA Members' Councils of California.

### Challengers & Volunteers Needed!

Come on out and test out that Glock you bought. The match is low key and fun. Bring a friend, ammo, and your Glock and enjoy the day. Interested?



Join Our Mailing List!

# CALGUNS/GLOCK

This is the new format for the CALIFORNIA ALERT SYSTEM.

Please sign-up for CAL-ERTs by using this link and entering your email address. As is our policy, we will only send something to you when it is important that you receive our information. Also, please don't hesitate to forward this message to your friends.

Thank you in advance.

*H. Paul Payne*  
Program Administrator for the  
NRA Members' Councils of  
California

[Join Our Mailing List!](#)

## WEST COAST CHALLENGE II

### SPRING 2017

On Saturday, April 1st, and Sunday, April 2nd, in conjunction with the GLOCK Sports Shooting Foundation (GSSF), we will be returning to Burro Canyon Shooting Park (22100 E East Fork Rd, Azusa, CA 91702) to host the GLOCK West Coast Challenge II - Spring. The event will run both days, and consist of open squadding from 9AM to 1PM.

We're currently looking for volunteers for three days (Friday, Saturday, and Sunday) of the event (Friday will be a setup day). To make things a little easier to manage, and improve the quality of match officiation we're going to open up volunteer opportunities to those who can work full days first and then open it up to partial day volunteers as needed. As a full day volunteer, you will still earn two entries for each day worked into the special drawing of a free GLOCK Pistol. This drawing is just for the volunteers and the winner will be drawn at the end of the day on Sunday (you do not have to be present to win). In addition, each volunteer will receive a trendy GLOCK Range Officer Polo Shirt, a GLOCK Range Officer Hat, and complimentary gift of their choice from GLOCK for each day worked. If you're a volunteer who has volunteered both days, but is also competing, we will allow you time off to shoot your match (or matches).

Click [here](#) to register as a volunteer for the match (Volunteer Registration)

Click [here](#) to register for the match. (Standard Registration)

Click [here](#) to register for the match. (GLOCK Girls Side Match and Pocket GLOCKS Division)

[Directions to the range](#)

[GLOCK Shooting Sports Foundation \(GSSF\) Website](#)

[The GLOCK Report Volume II 2015](#) (The rules start on page 7)

If you're not familiar with GSSF matches here's a nice 17 minute video that takes you stage by stage and division by division.



[CGSSA GSSF Volunteer Flyer](#)

[CGSSA GSSF Challenger Flyer](#)

[Burro Canyon Shooting Park](#)  
22100 E East Fork Rd Azusa, CA 91702

## **DON'T FORGET TO FORWARD THIS MESSAGE TO YOUR FRIENDS, CLUBS, GROUPS, AND EVERY GUN OWNER IN CALIFORNIA**

---

### **Help NRA Get Californians Connected with NRA's California Resources**

Help the NRA expand its California network to keep all pro-Second Amendment Californians better informed about legislation in Congress, Sacramento, and locally that threatens your right to keep and bear arms, as well as developments in Second Amendment litigation and regulatory enforcement actions. Please **forward this email** to your family, friends and fellow gun owners, whether they belong to the NRA or not! Encourage them to sign up for California NRA's Stayed Informed **e-mails here**. And follow NRA through these additional connections:

#### **Websites:**

**[NRA-ILA](#)** , **[NRA-ILA California](#)** , **[CalNRA.com](#)** , **[CalGunLaws.com](#)** , **[HuntforTruth.org](#)**

#### **Facebook Pages:**

**[NRA's Facebook page](#)** , **[CalGunLaws.com Facebook page](#)** , **[NRA Members' Councils' Facebook page](#)** , **[Hunt for Truth Facebook page](#)**

**LinkedIn:** **[NRA's LinkedIn page](#)** , **YouTube:** **[NRA YouTube](#)** , **Twitter:** **[NRA Twitter](#)** , **[NRA-ILA Twitter](#)** , **[CalNRA Twitter](#)** , **[CalGunLaws Twitter](#)**

The NRA recognizes that California is one of the most active Second Amendment "battleground states," so for decades NRA has devoted substantial resources to fighting for the right to keep and bear arms for Californians. The NRA has full-time legislative advocates in its Sacramento office fighting ill-conceived gun ban proposals. NRA coordinates a statewide campaign to fight ill-conceived local gun bans and regulations. And NRA has been litigating cases in California courts to promote the right to self-defense, the right to hunt, and the Second Amendment for many years. NRA's California legal team continues to work pro-actively to strike down ill-conceived gun control laws and ordinances, and to protect the Second Amendment rights of California firearms owners. For information about NRA's litigation efforts, see **<http://michellawyers.com/significant-cases/civil-rights-cases/>**

LINKS YOU MIGHT BE INTERESTED IN:



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NEWS  
Videos**

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**NRA's California Attorneys**

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# **EXHIBIT K**



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**Calguns Shooting Sports Association**

January 14, 2013 ·

From NRA's H Paul Payne:

**LAST MINUTE ALERT -- PLEASE ATTEND MEETING IN DEL MAR**

We just learned that the city of Del Mar, in San Diego County is attempting to pass a resolution that would negatively affect the Crossroads of the West Gun Show that is held at the Del Mar Fairgrounds five times per year.

[http://www.delmar.ca.us/.../City%20C.../cc20130114\\_item%2012.pdf](http://www.delmar.ca.us/.../City%20C.../cc20130114_item%2012.pdf)

While we realize that this information comes at the last minute, please try to attend the Del Mar City Council meeting and speak against "Item 12" on the agenda, which is the resolution.

The meeting will begin at 6:00PM tonight and will occur at 1050 Camino Del Mar. A map is available at <http://goo.gl/maps/2hW3Q>.

**FORWARD THIS INFORMATION TO ANYONE IN SAN DIEGO COUNTY!**

[http://www.delmar.ca.us/Government/C...\\_item%2012.pdf](http://www.delmar.ca.us/Government/C..._item%2012.pdf)

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or

Create New Account

# **EXHIBIT L**

(<http://cgssa.org/>)

CalGuns Shooting Sports Association

- [cgssaadmin@cgssa.org](mailto:cgssaadmin@cgssa.org) (mailto:cgssaadmin@cgssa.org)
- [f](https://facebook.com/calguns) (<https://facebook.com/calguns>)
- [t](https://twitter.com/calgunsdotnet) (<https://twitter.com/calgunsdotnet>)
- [in](http://linkedin.com/company/calguns-shooting-sports-association) (<http://linkedin.com/company/calguns-shooting-sports-association>)
- [g](https://www.google.com/+cgssa.org) (<https://www.google.com/+cgssa.org>)

# About Us

Home (<http://cgssa.org/>) / About Us



## Mission Statement

### To help rebuild the California Shooting Sports Community.

The CALGUNS Shooting Sports Association believes that the 2nd Amendment must be maintained, exercised and advanced in order to keep it relevant within our current day California Shooting Community. To support this belief we:

1. Maintain: Bring California Firearms Owner out from behind their keyboards and back out to the range to meet like-minded people thereby encouraging what becomes a constantly developing community.
2. Exercise: Once out and meeting and gathering, empower this developing community with information about the political landscape and its effect on their future as well as what Shooting Sports Options there are and can be in California.
3. Advance: Encourage the developing community to reach out and involve others through education and community development events.

Warmest Regards

Jacob Rascon  
 (aka) Pennys Dad  
 President, CALGUNS Shooting Sports Assoc.  
 State Director, CALGUNS.Net Community Outreach  
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 Jacob@CGSSA.Org

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- Checkout (<http://cgssa.org/checkout/>)
- Checkout → Pay

- [My Account \(http://cgssa.org/my-account/\)](http://cgssa.org/my-account/)

## Archives

- [July 2017 \(http://cgssa.org/2017/07/\)](http://cgssa.org/2017/07/)
- [May 2017 \(http://cgssa.org/2017/05/\)](http://cgssa.org/2017/05/)
- [April 2017 \(http://cgssa.org/2017/04/\)](http://cgssa.org/2017/04/)
- [March 2017 \(http://cgssa.org/2017/03/\)](http://cgssa.org/2017/03/)
- [February 2017 \(http://cgssa.org/2017/02/\)](http://cgssa.org/2017/02/)
- [January 2017 \(http://cgssa.org/2017/01/\)](http://cgssa.org/2017/01/)
- [November 2016 \(http://cgssa.org/2016/11/\)](http://cgssa.org/2016/11/)
- [October 2016 \(http://cgssa.org/2016/10/\)](http://cgssa.org/2016/10/)
- [September 2016 \(http://cgssa.org/2016/09/\)](http://cgssa.org/2016/09/)
- [July 2016 \(http://cgssa.org/2016/07/\)](http://cgssa.org/2016/07/)
- [May 2016 \(http://cgssa.org/2016/05/\)](http://cgssa.org/2016/05/)
- [April 2016 \(http://cgssa.org/2016/04/\)](http://cgssa.org/2016/04/)
- [March 2016 \(http://cgssa.org/2016/03/\)](http://cgssa.org/2016/03/)
- [January 2016 \(http://cgssa.org/2016/01/\)](http://cgssa.org/2016/01/)
- [November 2015 \(http://cgssa.org/2015/11/\)](http://cgssa.org/2015/11/)
- [October 2015 \(http://cgssa.org/2015/10/\)](http://cgssa.org/2015/10/)
- [September 2015 \(http://cgssa.org/2015/09/\)](http://cgssa.org/2015/09/)
- [August 2015 \(http://cgssa.org/2015/08/\)](http://cgssa.org/2015/08/)
- [July 2015 \(http://cgssa.org/2015/07/\)](http://cgssa.org/2015/07/)
- [June 2015 \(http://cgssa.org/2015/06/\)](http://cgssa.org/2015/06/)
- [May 2015 \(http://cgssa.org/2015/05/\)](http://cgssa.org/2015/05/)
- [April 2015 \(http://cgssa.org/2015/04/\)](http://cgssa.org/2015/04/)
- [March 2015 \(http://cgssa.org/2015/03/\)](http://cgssa.org/2015/03/)
- [February 2015 \(http://cgssa.org/2015/02/\)](http://cgssa.org/2015/02/)
- [January 2015 \(http://cgssa.org/2015/01/\)](http://cgssa.org/2015/01/)
- [December 2014 \(http://cgssa.org/2014/12/\)](http://cgssa.org/2014/12/)
- [November 2014 \(http://cgssa.org/2014/11/\)](http://cgssa.org/2014/11/)
- [October 2014 \(http://cgssa.org/2014/10/\)](http://cgssa.org/2014/10/)
- [September 2014 \(http://cgssa.org/2014/09/\)](http://cgssa.org/2014/09/)
- [August 2014 \(http://cgssa.org/2014/08/\)](http://cgssa.org/2014/08/)
- [July 2014 \(http://cgssa.org/2014/07/\)](http://cgssa.org/2014/07/)
- [June 2014 \(http://cgssa.org/2014/06/\)](http://cgssa.org/2014/06/)
- [May 2014 \(http://cgssa.org/2014/05/\)](http://cgssa.org/2014/05/)
- [April 2014 \(http://cgssa.org/2014/04/\)](http://cgssa.org/2014/04/)
- [February 2014 \(http://cgssa.org/2014/02/\)](http://cgssa.org/2014/02/)
- [January 2014 \(http://cgssa.org/2014/01/\)](http://cgssa.org/2014/01/)
- [December 2013 \(http://cgssa.org/2013/12/\)](http://cgssa.org/2013/12/)

• A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

()

- [f \(https://facebook.com/calguns\)](https://facebook.com/calguns)
- [t \(https://twitter.com/calgunsdotnet\)](https://twitter.com/calgunsdotnet)
- [in \(http://linkedin.com/company/calguns-shooting-sports-association\)](http://linkedin.com/company/calguns-shooting-sports-association)
- [g \(https://www.google.com/+cgssa.org\)](https://www.google.com/+cgssa.org)

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# **EXHIBIT M**

# BECOME AN INSTRUCTOR

Since 1871, a major objective of the National Rifle Association has been to provide education and training in the safe and proper use of firearms. Knowing how to shoot is an important requirement for NRA instructors, but you will also need to know how to teach others to shoot. NRA Instructor Training Courses help you develop the additional knowledge, skills and techniques needed to organize and teach courses in the NRA Basic Firearm Training Program.

## To qualify as an NRA Instructor:

- Candidates must possess and demonstrate a solid background in firearm safety and shooting skills acquired through previous firearm training and/or previous shooting experience. Instructor candidates must be intimately familiar with each action type in the discipline for which they wish to be certified.
- Candidates will be required to demonstrate solid and safe firearm handling skills required to be successful during an instructor training course by completing pre-course questionnaires and qualification exercises administered by the NRA Appointed Training Counselor.
- Candidates must satisfactorily complete an NRA Instructor Training Course in the discipline they wish to teach (e.g., NRA Basic Pistol Course), and receive the endorsement of the NRA Training Counselor conducting that training.

NRA Instructor courses are discipline specific. During the course candidates

will learn NRA policies and procedures; basic public speaking skills; training methodology; use of a training team and training aids; organizing a course, building a budget; and finally preparing to teach. In addition, candidates will be provided the appropriate lesson plans and basic course student packets. Role-playing is a major part of an instructor course; therefore, the minimum class size should be at least four candidates, with 10-12 candidates being ideal. Candidates take turns working in teams, actually conducting portions of the course to other candidates who portray basic students.

Instructor training courses are conducted by NRA Training Counselors. Training Counselors are active and experienced instructors who have been certified by NRA to train experienced shooters to teach others to shoot. Training Counselors will evaluate candidates' performance based on their ability to handle the firearms with confidence, use of appropriate training aids, following the lesson plans and meeting all learning objectives, while utilizing the teaching philosophies expected of NRA Certified Instructors. Candidates can also expect to learn the NRA discipline specific instructional methods and evaluating and improving the performance of beginning shooters.

## To qualify as an NRA Carry Guard Instructor:

Though much of the above NRA Instructor requirements still apply to potential NRA Carry Guard instructors, the advanced nature of NRA Carry Guard training requires an additional application process.

The NRA Carry Guard Instructor Program will be led by the NRA Carry Guard Development Team, which includes NRA Director of Education and Training and NRA Carry Guard Training Director Eric Frohardt and NRA Carry Guard National Director George Severence.

Prerequisites: For instructor applications to be considered, potential instructors must:

- Pass the NRA Carry Guard Level 1 training course with Distinction (score of 90% or more)
- Submit a resume

Applicants who qualify based upon the above criteria will be required to:

- Attend and pass an NRA Carry Guard Level 1 Instructor Training course (Instructor Training dates to be announced)
- Undergo a probationary instructor period (details of such will be provided during Instructor Training)

Note: Any potential NRA Carry Guard instructor may be subject to a background check, as well as in-person and/or telephone interviews.



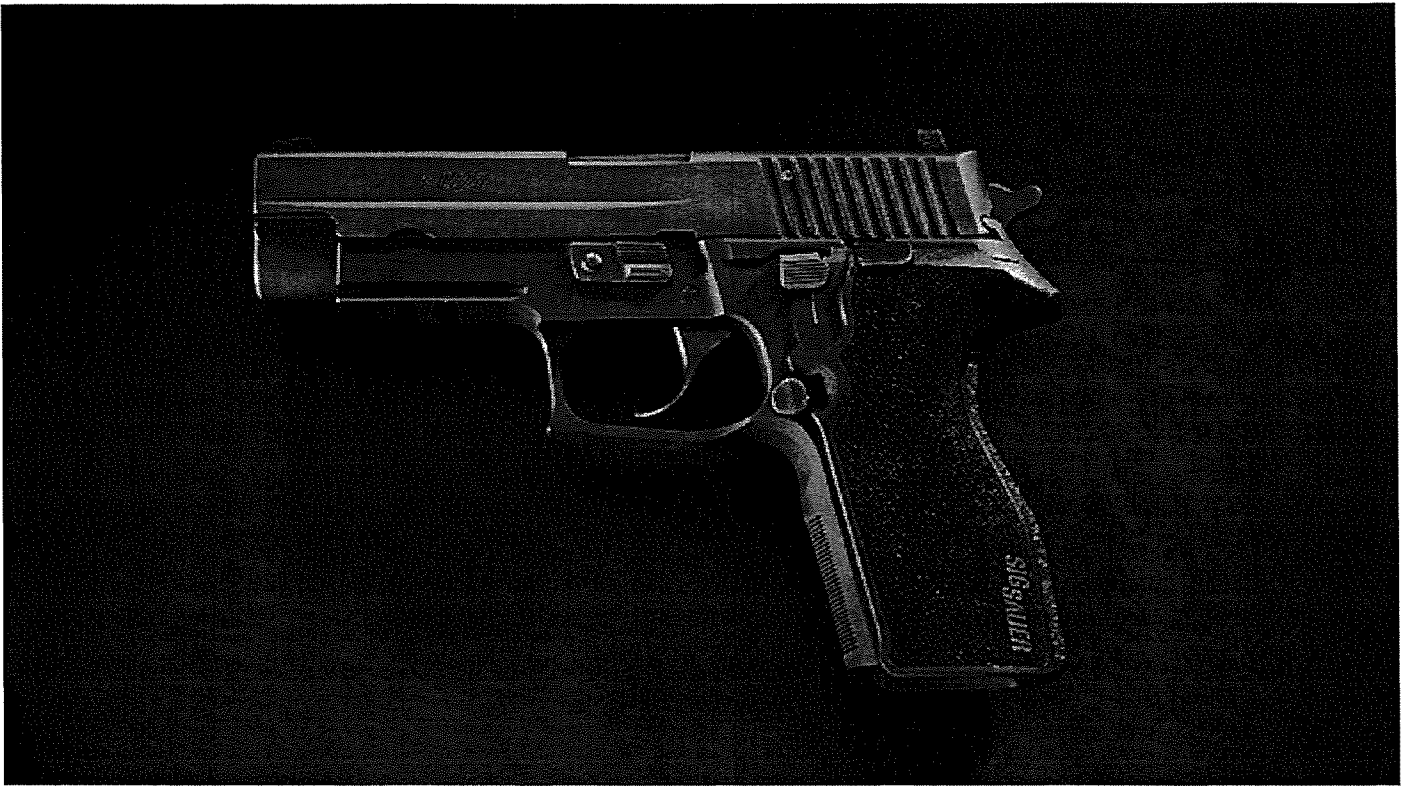
## Home Safety Courses [↗](#)

When it comes to shooting, safety is always priority number one. Learn how to teach others to safely handle their firearm at home and at the range. Take your first step towards becoming an NRA safety training instructor.

[+](#) Course Details

FIND NEAR YOU [↗](#)





## Pistol Courses [↗](#)

Gain the knowledge, skills, and attitude essential to organizing, promoting and teaching the NRA Education & Training Division's various pistol courses, including basics of pistol shooting, defensive training, reloading and NRA Carry Guard concealed carry training. Explore the available courses below and get more information about the curriculum and focus of each instructor class.

[+](#) Course Details

FIND NEAR YOU [↗](#)



## Rifle Courses [↗](#)

The NRA Education & Training Division offers a variety of rifle training courses, from the basics of pistol shooting to muzzleloading and reloading. Get more information about the curriculum and focus of each course.

[+](#) Course Details

FIND NEAR YOU [↗](#)



## Shotgun Courses [↗](#)

Share your love of shotgun shooting with others and become an NRA certified shotgun instructor or coach. Get more information about the curriculum and focus of each course.

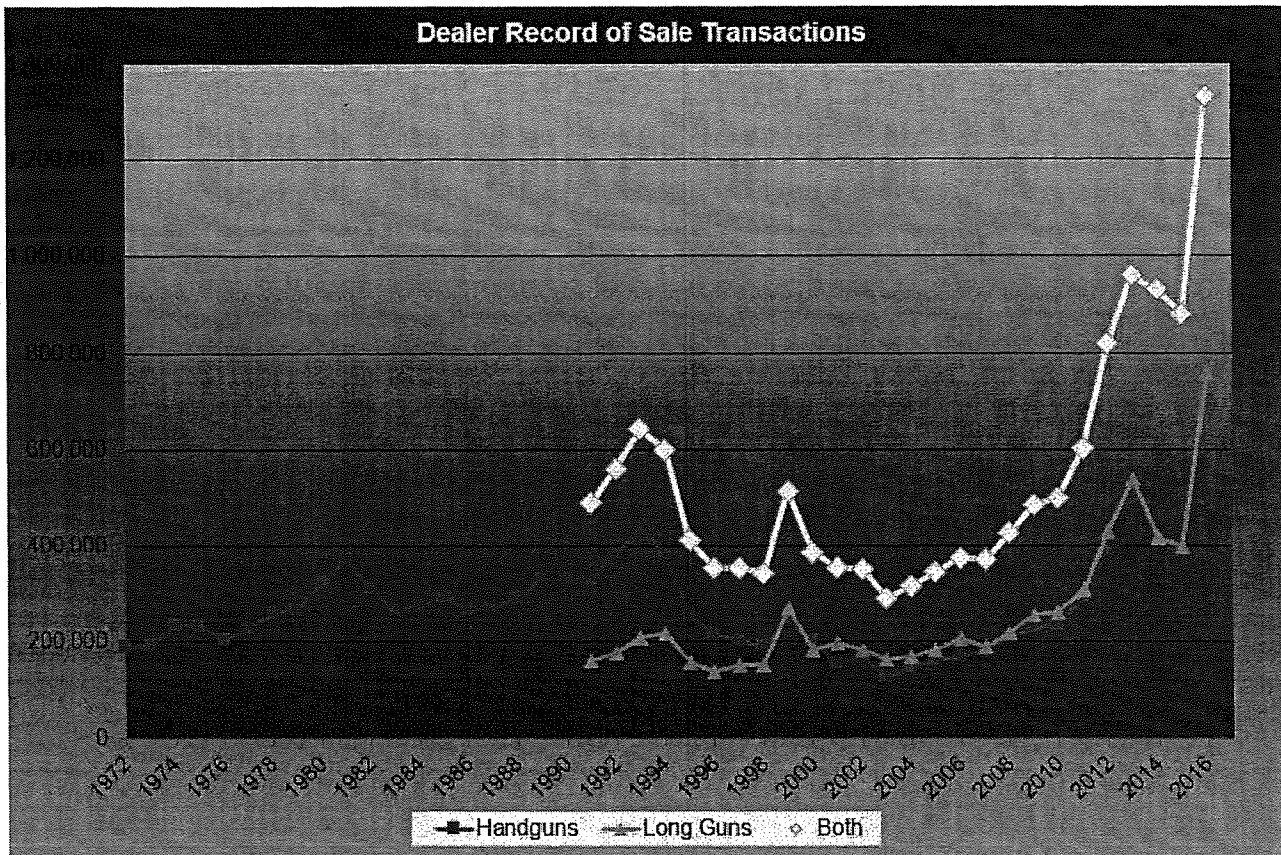
[+](#) Course Details

FIND NEAR YOU [↗](#)

# EXHIBIT N

## DEALER RECORD OF SALE TRANSACTIONS

The following chart shows the total number of transactions processed by DOJ between 1972 and 2016.



### NOTES

- 1972-1990:** Figures represent handguns only; legislation requiring eligibility check on long gun purchasers and expanded prohibiting categories effective January 1, 1991.
- 1972-1974:** DOJ was required to notify dealers and law enforcement of prohibited firearm purchasers, but was unable to stop delivery because the waiting period was limited to 5 days.
- 1975-1997:** 15-day waiting period in place.
- 1997-present:** 10-day waiting period in place.
- 2000:** Limit handgun purchases to 1 in a 30-day period.
- 2014:** DOJ retains long gun information.

# DEALER RECORD OF SALE

(Calendar Year Statistics)

| Year | Handguns | Handgun Denials |
|------|----------|-----------------|
| 1972 | 190,335  |                 |
| 1973 | 192,108  |                 |
| 1974 | 234,691  |                 |
| 1975 | 231,916  |                 |
| 1976 | 204,658  |                 |
| 1977 | 225,412  |                 |
| 1978 | 258,485  |                 |
| 1979 | 268,447  |                 |
| 1980 | 325,041  |                 |
| 1981 | 371,160  |                 |
| 1982 | 311,870  | 1,008           |
| 1983 | 268,462  | 1,148           |
| 1984 | 275,882  | 1,349           |
| 1985 | 293,624  | 1,413           |
| 1986 | 266,480  | 1,515           |
| 1987 | 273,628  | 1,702           |
| 1988 | 291,171  | 1,803           |
| 1989 | 333,069  | 1,793           |
| 1990 | 330,295  | 2,437           |

| Year | Handgun | Handgun Denials | Long guns | Long gun Denials | All Guns  | Total Denials |
|------|---------|-----------------|-----------|------------------|-----------|---------------|
| 1991 | 329,133 | 3,934           | 160,300   | 1,925            | 489,433   | 5,859         |
| 1992 | 382,122 | 4,037           | 177,486   | 1,726            | 559,608   | 5,763         |
| 1993 | 433,822 | 4,605           | 208,375   | 1,904            | 642,197   | 6,509         |
| 1994 | 382,085 | 3,862           | 217,587   | 2,564            | 599,672   | 6,426         |
| 1995 | 254,626 | 2,534           | 157,042   | 1,672            | 411,668   | 4,206         |
| 1996 | 215,804 | 2,111           | 138,068   | 1,531            | 353,872   | 3,642         |
| 1997 | 204,409 | 1,839           | 150,727   | 1,615            | 355,136   | 3,454         |
| 1998 | 189,481 | 1,721           | 153,059   | 1,596            | 342,540   | 3,317         |
| 1999 | 244,569 | 2,233           | 268,849   | 2,546            | 513,418   | 4,779         |
| 2000 | 201,865 | 1,572           | 184,345   | 1,903            | 386,210   | 3,475         |
| 2001 | 155,203 | 1,449           | 198,519   | 2,158            | 353,722   | 3,607         |
| 2002 | 169,469 | 1,661           | 182,956   | 2,172            | 352,425   | 3,833         |
| 2003 | 126,233 | 1,254           | 164,143   | 1,774            | 290,376   | 3,028         |
| 2004 | 145,335 | 1,497           | 169,730   | 1,828            | 315,065   | 3,325         |
| 2005 | 160,990 | 1,592           | 183,857   | 1,878            | 344,847   | 3,470         |
| 2006 | 169,629 | 2,045           | 205,944   | 1,689            | 375,573   | 3,734         |
| 2007 | 180,190 | 2,373           | 190,438   | 1,926            | 370,628   | 4,299         |
| 2008 | 208,312 | 2,737           | 216,932   | 2,201            | 425,244   | 4,938         |
| 2009 | 228,368 | 2,916           | 255,504   | 2,221            | 483,872   | 5,137         |
| 2010 | 236,086 | 2,740           | 262,859   | 2,286            | 498,945   | 5,026         |
| 2011 | 293,429 | 3,094           | 307,814   | 2,767            | 601,243   | 5,805*        |
| 2012 | 388,006 | 3,842           | 429,732   | 3,682            | 817,738   | 7,524         |
| 2013 | 422,030 | 3,813           | 538,149   | 3,680            | 960,179   | 7493          |
| 2014 | 512,174 | 4,272           | 418,863   | 4,297            | 931,037   | 8,569         |
| 2015 | 483,372 | 5,417           | 397,231   | 4,252            | 880,603   | 9,669         |
| 2016 | 572,644 | 6,172           | 758,678   | 6,149            | 1,331,322 | 12,321        |

\*The Handgun and Long Gun Dealer Record of Sale Denials counts do not equal because the same subject may have been denied for both a handgun and long gun purchased at the same time.

# **EXHIBIT O**

**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 322-9041  
Facsimile: (916) 324-8835  
E-Mail: Anthony.Hakl@doj.ca.gov

October 6, 2017

Scott Franklin  
Michel & Associates, P.C.  
180 E. Ocean Boulevard, Suite 200  
Long Beach, CA 90802

RE: Gentry, David, et al. v. Xavier Becerra, et al.  
Superior Court of California, County of Sacramento, Case No. 34-2013-80001667

Dear Mr. Franklin:

Attached are the documents responsive to the Request for Production of Documents (Set Four), Request No. 95. They are numbered AGRFP001240-001301. Note that they cover fiscal year 2014-15 (the year requested) and 2015-16 (the most recent year for which complete data is available).

Also attached are the verifications for the discovery responses we served earlier this week.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony R. Hakl", written over a horizontal line.

ANTHONY R. HAKL  
Deputy Attorney General

For **XAVIER BECERRA**  
Attorney General



## DOJ Programs Funded with DROS Special Fund

FY 2015/16

### BUREAU OF FIREARMS

| Unit Code                          | Program Title          | Appropriation        | Actual<br>Year-End<br>Expenditures | DROS<br>Funding % |
|------------------------------------|------------------------|----------------------|------------------------------------|-------------------|
| 510                                | Dealers Record of Sale | \$ 12,623,000        | \$ 11,573,006 <sup>1/</sup>        | 100%              |
| 505                                | Armed Prohibited       | \$ 7,430,000         | \$ 7,332,426                       | 100%              |
| 823                                | Gun Show               | \$ 813,000           | \$ 784,675                         | 100%              |
| 710                                | Executive Unit         | \$ 733,000           | \$ 1,005,414                       | 23%               |
| 930                                | APPS (SB 140)          | \$ 8,000,000         | \$ 6,036,072                       | 100%              |
| <b>FIREARMS TOTAL DROS FUNDING</b> |                        | <b>\$ 29,599,000</b> | <b>\$ 26,731,593</b>               |                   |

### DIVISION OF CRIMINAL JUSTICE INFORMATION SERVICES

| Unit Code                       | Program Title             | Appropriation        | Actual<br>Year-End<br>Expenditures | DROS<br>Funding % |
|---------------------------------|---------------------------|----------------------|------------------------------------|-------------------|
| 861                             | Technology Support Bureau | \$ 1,330,000         | \$ 1,236,705                       | 2%                |
| 795                             | DROS - Long Gun           | \$ 205,000           | \$ 176,239                         | 100%              |
| 732                             | Firearms Program - DROS   | \$ 329,000           | \$ 247,755                         | 100%              |
| 700                             | CJIS Facilities           | \$ 2,000             | \$ 2,391                           | 0.04%             |
| <b>DCJIS TOTAL DROS FUNDING</b> |                           | <b>\$ 1,866,000</b>  | <b>\$ 1,663,090</b>                |                   |
| <b>DOJ TOTAL DROS FUNDING</b>   |                           | <b>\$ 31,465,000</b> | <b>\$ 28,394,683</b>               |                   |

<sup>1/</sup> Actual year-end expenditures include \$2,337,446 in statewide ProRata charges.

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| <b>PERSONAL SERVICES</b>         |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT          | 1,081,501.16           | .00                   | 9,115,934.39       | .00                      |         |
| CIVIL SERVICE-TEMP HELP          | 177,801.66             | .00                   | 977,588.35         | .00                      |         |
| OVERTIME                         | 532,533.53             | .00                   | 2,281,681.08       | .00                      |         |
| STAFF BENEFITS                   | 686,741.25             | .00                   | 5,018,830.57       | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| PERSONAL SERVICES                | 2,478,577.60           | .00                   | 17,394,034.39      | .00                      |         |
| <b>OPERATING EXP &amp; EQUIP</b> |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | 30,116.27              | .00                   | 193,675.82         | .00                      |         |
| PRINTING                         | 3,398.24               | .00                   | 24,943.03          | .00                      |         |
| COMMUNICATIONS                   | 23,739.69              | .00                   | 150,796.02         | .00                      |         |
| POSTAGE                          | 574.97                 | .00                   | 72,117.67          | .00                      |         |
| INSURANCE                        | .00                    | .00                   | 3,326.01           | .00                      |         |
| TRAVEL IN-STATE                  | 17,815.32              | .00                   | 154,660.51         | .00                      |         |
| TRAVEL OUT-OF-STATE              | 150.67                 | .00                   | 4,082.62           | .00                      |         |
| TRAINING                         | 2,364.75               | .00                   | 7,896.87           | .00                      |         |
| FACILITIES OPERATION             | 374,264.01             | .00                   | 303,795.05         | .00                      |         |
| UTILITIES                        | 3,624.30               | .00                   | 32,177.10          | .00                      |         |
| CONSULTANT & PROFESSIONAL SVCS-I | 677,210.15             | .00                   | 32,014.87          | .00                      |         |
| CONSULTANT & PROFESSIONAL SVCS-E | 63,771.54              | .00                   | 60,535.27          | .00                      |         |
| DEPARTMENTAL SERVICES            | 85,209.21              | .00                   | 876,798.21         | .00                      |         |
| INFORMATION TECHNOLOGY           | 53,460.85              | .00                   | 165,822.54         | .00                      |         |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 2,337,446.00       | .00                      |         |
| EQUIPMENT                        | .00                    | .00                   | 34,015.50          | .00                      |         |
| OTHER ITEMS OF EXPENSE           | 686,836.15             | .00                   | 521,613.06         | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            | 1,581,627.58           | .00                   | 3,256,868.93       | .00                      |         |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                    |                          |         |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 44,617.28          | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | 44,617.28          | .00                      |         |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |         |

AGRFP001241

DATE 7/25/2016

TIME 13:22:49

DEPARTMENT OF JUSTICE  
REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT

| <u>DESCRIPTION</u> | <u>CURRENT PERIOD EXPENSE</u> | <u>WORKING APPROPRIATION</u> | <u>Y-T-D EXPENDITURES</u> | <u>OUTSTANDING ENCUMBRANCES</u> | <u>BALANCE</u> |
|--------------------|-------------------------------|------------------------------|---------------------------|---------------------------------|----------------|
| GRAND TOTAL        | 896,950.02                    | 21,599,000.00                | 20,695,520.60             | .00                             | 903,479        |

AGRP001242

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BAL |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----|
| PERSONAL SERVICES                |                        |                       |                    |                          |     |
| CIVIL SERVICE-PERMANENT          | 27,169.02              | .00                   | 331,477.97         | .00                      |     |
| CIVIL SERVICE-TEMP HELP          | 2,873.80               | .00                   | 46,661.86          | .00                      |     |
| OVERTIME                         | 53.12                  | .00                   | 2,259.36           | .00                      |     |
| STAFF BENEFITS                   | 50,559.50              | .00                   | 421,510.42         | .00                      |     |
| =====                            | 80,655.44              | .00                   | 801,909.61         | .00                      |     |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |     |
| GENERAL EXPENSE                  | 50.27                  | .00                   | 5,144.68           | .00                      |     |
| PRINTING                         | 43.24                  | .00                   | 863.72             | .00                      |     |
| COMMUNICATIONS                   | 5,113.76               | .00                   | 27,477.53          | .00                      |     |
| POSTAGE                          | .00                    | .00                   | 134.43             | .00                      |     |
| INSURANCE                        | .00                    | .00                   | 3,326.01           | .00                      |     |
| TRAVEL IN-STATE                  | 340.62                 | .00                   | 6,683.16           | .00                      |     |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 1.64               | .00                      |     |
| TRAINING                         | .00                    | .00                   | 24.62              | .00                      |     |
| FACILITIES OPERATION             | 1,099.26               | .00                   | 30,816.89          | .00                      |     |
| UTILITIES                        | 114.93                 | .00                   | 1,468.01           | .00                      |     |
| CONSULTANT & PROFESSIONAL SVCS-I | 2,860.16               | .00                   | 54,868.76          | .00                      |     |
| CONSULTANT & PROFESSIONAL SVCS-E | 40.12                  | .00                   | 1,395.32           | .00                      |     |
| DEPARTMENTAL SERVICES            | 5,170.29               | .00                   | 53,202.00          | .00                      |     |
| INFORMATION TECHNOLOGY           | 93.15                  | .00                   | 1,899.54           | .00                      |     |
| OTHER ITEMS OF EXPENSE           | 975.68                 | .00                   | 12,680.82          | .00                      |     |
| =====                            | 15,901.48              | .00                   | 199,987.13         | .00                      |     |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |     |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 3,517.28           | .00                      |     |
| =====                            | .00                    | .00                   | 3,517.28           | .00                      |     |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |     |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |     |
| =====                            | .00                    | .00                   | .00                | .00                      |     |

AGRFP001243

FY 2015    CHAPT 001    FUND 0460000    CROSS-REFERENCE N5

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

| <u>DESCRIPTION</u> | <u>CURRENT PERIOD EXPENSE</u> | <u>WORKING APPROPRIATION</u> | <u>Y-T-D EXPENDITURES</u> | <u>OUTSTANDING ENCUMBRANCES</u> | <u>BALANCE</u> |
|--------------------|-------------------------------|------------------------------|---------------------------|---------------------------------|----------------|
| GRAND TOTAL        | 96,556.92                     | 733,000.00                   | 1,005,414.02              | .00                             | 272,414.       |

AGRF001244

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: EXECUTIVE UNITS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-------|
| PERSONAL SERVICES                |                        |                       |                    |                          |       |
| CIVIL SERVICE-PERMANENT          | 27,169.02              | .00                   | 331,477.97         | .00                      |       |
| CIVIL SERVICE-TEMP HELP          | 2,873.80               | .00                   | 46,661.85          | .00                      |       |
| OVERTIME                         | 53.12                  | .00                   | 2,259.36           | .00                      |       |
| STAFF BENEFITS                   | 50,559.50              | .00                   | 421,510.42         | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| PERSONAL SERVICES                | 80,655.44              | .00                   | 801,909.61         | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |       |
| GENERAL EXPENSE                  | 50.27                  | .00                   | 5,144.68           | .00                      |       |
| PRINTING                         | 43.24                  | .00                   | 863.72             | .00                      |       |
| COMMUNICATIONS                   | 5,113.76               | .00                   | 27,477.53          | .00                      |       |
| POSTAGE                          | .00                    | .00                   | 134.43             | .00                      |       |
| INSURANCE                        | .00                    | .00                   | 3,326.01           | .00                      |       |
| TRAVEL IN-STATE                  | 340.62                 | .00                   | 6,683.16           | .00                      |       |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 1.64               | .00                      |       |
| TRAINING                         | .00                    | .00                   | 24.62              | .00                      |       |
| FACILITIES OPERATION             | 1,099.26               | .00                   | 30,816.89          | .00                      |       |
| UTILITIES                        | 114.93                 | .00                   | 1,468.01           | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-I | 2,860.16               | .00                   | 54,868.76          | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-E | 40.12                  | .00                   | 1,395.32           | .00                      |       |
| DEPARTMENTAL SERVICES            | 5,170.29               | .00                   | 53,202.00          | .00                      |       |
| INFORMATION TECHNOLOGY           | 93.15                  | .00                   | 1,899.54           | .00                      |       |
| OTHER ITEMS OF EXPENSE           | 975.68                 | .00                   | 12,680.82          | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            | 15,901.48              | .00                   | 199,987.13         | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |       |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 3,517.28           | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | 3,517.28           | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |       |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |

AGRFP001246

FY 2015 CHAP 0 FUND 0460000 CROSS-REFERENCE N51

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: EXECUTIVE UNITS

| DESCRIPTION | <u>CURRENT<br/>PERIOD EXPENSE</u> | <u>WORKING<br/>APPROPRIATION</u> | <u>Y-T-D<br/>EXPENDITURES</u> | <u>OUTSTANDING<br/>ENCUMBRANCES</u> | <u>BAL</u> |
|-------------|-----------------------------------|----------------------------------|-------------------------------|-------------------------------------|------------|
| GRAND TOTAL | 96,556.92                         | 733,000.00                       | 1,005,414.02                  | .00                                 | 272,       |

AGRFP001246

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: EXECUTIVE UNITS  
TASK : EXECUTIVE UNIT \*7100

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT          | 25,611.57              | .00                   | 312,788.57         | .00                      | .0      |
| CIVIL SERVICE-TEMP HELP          | 2,873.80               | .00                   | 46,661.86          | .00                      | .0      |
| OVERTIME                         | .00                    | .00                   | 1,517.25           | .00                      | .0      |
| STAFF BENEFITS                   | 49,906.98              | .00                   | 413,726.03         | .00                      | .0      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| PERSONAL SERVICES                | 78,392.35              | .00                   | 774,693.71         | .00                      | .0      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | 39.62                  | .00                   | 5,099.18           | .00                      | .0      |
| PRINTING                         | 43.24                  | .00                   | 863.72             | .00                      | .0      |
| COMMUNICATIONS                   | 637.39                 | .00                   | 7,541.35           | .00                      | .0      |
| POSTAGE                          | .00                    | .00                   | 134.43             | .00                      | .0      |
| INSURANCE                        | .00                    | .00                   | 2,494.51           | .00                      | .0      |
| TRAVEL IN-STATE                  | 340.62                 | .00                   | 6,672.37           | .00                      | .0      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 1.64               | .00                      | .0      |
| TRAINING                         | .00                    | .00                   | 24.62              | .00                      | .0      |
| FACILITIES OPERATION             | 1,068.79               | .00                   | 30,650.45          | .00                      | .0      |
| UTILITIES                        | 114.93                 | .00                   | 1,468.01           | .00                      | .0      |
| CONSULTANT & PROFESSIONAL SVCS-I | 2,860.16               | .00                   | 54,868.76          | .00                      | .0      |
| CONSULTANT & PROFESSIONAL SVCS-E | 40.12                  | .00                   | 1,395.32           | .00                      | .0      |
| DEPARTMENTAL SERVICES            | 5,170.29               | .00                   | 53,202.00          | .00                      | .0      |
| INFORMATION TECHNOLOGY           | 48.78                  | .00                   | 1,345.63           | .00                      | .0      |
| OTHER ITEMS OF EXPENSE           | 829.53                 | .00                   | 11,940.91          | .00                      | .0      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            | 11,193.47              | .00                   | 177,702.90         | .00                      | .0      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 3,517.28           | .00                      | .0      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | 3,517.28           | .00                      | .0      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .0      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .0      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |

AGRF001247



FY 2015    CHAPT 001    FUND 0460000

CROSS-REFERENCE NS11

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: EXECUTIVE UNITS  
TASK : EXECUTIVE UNIT \*7100

| DESCRIPTION | <u>CURRENT<br/>PERIOD EXPENSE</u> | <u>WORKING<br/>APPROPRIATION</u> | <u>Y-T-D<br/>EXPENDITURES</u> | <u>OUTSTANDING<br/>ENCUMBRANCES</u> | <u>BALANCE</u> |
|-------------|-----------------------------------|----------------------------------|-------------------------------|-------------------------------------|----------------|
| GRAND TOTAL | 89,585.82                         | 733,000.00                       | 955,913.89                    | .00                                 | 222,913.       |

AGRFP001248

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: EXECUTIVE UNITS  
TASK : HONOR GUARD \*5040

| DESCRIPTION           | CURRENT<br>PERIOD EXPENSE | WORKING<br>APPROPRIATION | Y-T-D<br>EXPENDITURES | OUTSTANDING<br>ENCUMBRANCES | BALAN |
|-----------------------|---------------------------|--------------------------|-----------------------|-----------------------------|-------|
| PERSONAL SERVICES     |                           |                          |                       |                             |       |
| OVERTIME              | 53.12                     | .00                      | 742.11                | .00                         |       |
| STAFF BENEFITS        | .77                       | .00                      | 9.49                  | .00                         |       |
| =====                 |                           |                          |                       |                             |       |
| PERSONAL SERVICES     | 53.89                     | .00                      | 751.60                | .00                         |       |
| =====                 |                           |                          |                       |                             |       |
| OPERATING EXP & EQUIP |                           |                          |                       |                             |       |
| TRAVEL IN-STATE       | .00                       | .00                      | 10.79                 | .00                         |       |
| =====                 |                           |                          |                       |                             |       |
| OPERATING EXP & EQUIP | .00                       | .00                      | 10.79                 | .00                         |       |
| =====                 |                           |                          |                       |                             |       |
| GRAND TOTAL           | 53.89                     | .00                      | 762.39                | .00                         | 7     |

AGRF001249

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: OPERATIONS SUPPORT  
TASK : RADIO COMMUNICATION\*5130

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES       |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT | 1,557.45               | .00                   | 18,689.40          | .00                      |         |
| STAFF BENEFITS          | 651.75                 | .00                   | 7,774.90           | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| PERSONAL SERVICES       | 2,209.20               | .00                   | 26,464.30          | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |         |
| GENERAL EXPENSE         | 10.65                  | .00                   | 45.50              | .00                      |         |
| COMMUNICATIONS          | 4,476.37               | .00                   | 19,936.18          | .00                      |         |
| INSURANCE               | .00                    | .00                   | 831.50             | .00                      |         |
| FACILITIES OPERATION    | 30.47                  | .00                   | 166.44             | .00                      |         |
| INFORMATION TECHNOLOGY  | 44.37                  | .00                   | 553.91             | .00                      |         |
| OTHER ITEMS OF EXPENSE  | 146.15                 | .00                   | 739.91             | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP   | 4,708.01               | .00                   | 22,273.44          | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| GRAND TOTAL             | 6,917.21               | .00                   | 48,737.74          | .00                      | 48,7    |

AGRF001250

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT          | 1,054,332.14           | .00                   | 8,784,456.42       | .00                      | .00     |
| CIVIL SERVICE-TEMP HELP          | 174,927.86             | .00                   | 930,926.49         | .00                      | .00     |
| OVERTIME                         | 532,480.41             | .00                   | 2,279,421.72       | .00                      | .00     |
| STAFF BENEFITS                   | 636,181.75             | .00                   | 4,597,320.15       | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| PERSONAL SERVICES                | 2,397,922.16           | .00                   | 16,592,124.78      | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | 30,066.00              | .00                   | 188,531.14         | .00                      | .00     |
| PRINTING                         | 3,355.00               | .00                   | 24,079.31          | .00                      | .00     |
| COMMUNICATIONS                   | 18,625.93              | .00                   | 123,318.49         | .00                      | .00     |
| POSTAGE                          | 574.97                 | .00                   | 71,983.24          | .00                      | .00     |
| TRAVEL IN-STATE                  | 17,474.70              | .00                   | 147,977.35         | .00                      | .00     |
| TRAVEL OUT-OF-STATE              | 150.67                 | .00                   | 4,080.98           | .00                      | .00     |
| TRAINING                         | 2,364.75               | .00                   | 7,872.25           | .00                      | .00     |
| FACILITIES OPERATION             | 375,363.27             | .00                   | 334,611.94         | .00                      | .00     |
| UTILITIES                        | 3,509.37               | .00                   | 30,709.09          | .00                      | .00     |
| CONSULTANT & PROFESSIONAL SVCS-I | 680,070.31             | .00                   | 22,853.89          | .00                      | .00     |
| CONSULTANT & PROFESSIONAL SVCS-E | 63,811.66              | .00                   | 59,139.95          | .00                      | .00     |
| DEPARTMENTAL SERVICES            | 80,038.92              | .00                   | 823,596.21         | .00                      | .00     |
| INFORMATION TECHNOLOGY           | 53,367.70              | .00                   | 163,923.00         | .00                      | .00     |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 2,337,446.00       | .00                      | .00     |
| EQUIPMENT                        | .00                    | .00                   | 34,015.50          | .00                      | .00     |
| OTHER ITEMS OF EXPENSE           | 687,811.83             | .00                   | 534,293.88         | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            | 1,597,529.06           | .00                   | 3,056,881.80       | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 41,100.00          | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | 41,100.00          | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |

AGRFP001251

FY 2015    CHAPT 0010    FUND 0460000    CROSS-REFERENCE NC

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

| <u>DESCRIPTION</u> | <u>CURRENT<br/>PERIOD EXPENSE</u> | <u>WORKING<br/>APPROPRIATION</u> | <u>Y-T-D<br/>EXPENDITURES</u> | <u>OUTSTANDING<br/>ENCUMBRANCES</u> | <u>BALANCE</u> |
|--------------------|-----------------------------------|----------------------------------|-------------------------------|-------------------------------------|----------------|
| GRAND TOTAL        | 800,393.10                        | 20,866,000.00                    | 19,690,106.58                 | .00                                 | 1,175,893.42   |

AGRFP001282

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: ARMED PROHIBITED \*5050

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES  | OUTSTANDING ENCUMBRANCES | BALA        |
|----------------------------------|------------------------|-----------------------|---------------------|--------------------------|-------------|
| <b>PERSONAL SERVICES</b>         |                        |                       |                     |                          |             |
| CIVIL SERVICE-PERMANENT          | 585,210.70             | .00                   | 3,295,224.60        | .00                      |             |
| CIVIL SERVICE-TEMP HELP          | 142,191.04             | .00                   | 416,757.48          | .00                      |             |
| OVERTIME                         | 433,393.76             | .00                   | 1,053,265.92        | .00                      |             |
| STAFF BENEFITS                   | 402,341.52             | .00                   | 1,871,566.35        | .00                      |             |
| =====                            | =====                  | =====                 | =====               | =====                    | =====       |
| <b>PERSONAL SERVICES</b>         | <b>1,563,137.02</b>    | <b>.00</b>            | <b>6,636,824.35</b> | <b>.00</b>               |             |
| <b>OPERATING EXP &amp; EQUIP</b> |                        |                       |                     |                          |             |
| GENERAL EXPENSE                  | 2,871.90               | .00                   | 22,736.86           | .00                      |             |
| PRINTING                         | 1,525.00               | .00                   | 1,871.20            | .00                      |             |
| COMMUNICATIONS                   | 12,054.50              | .00                   | 32,704.29           | .00                      |             |
| POSTAGE                          | 574.97                 | .00                   | 1,027.65            | .00                      |             |
| TRAVEL IN-STATE                  | 9,923.31               | .00                   | 64,452.80           | .00                      |             |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 1,164.29            | .00                      |             |
| TRAINING                         | 2,318.75               | .00                   | 5,107.75            | .00                      |             |
| FACILITIES OPERATION             | 788.22                 | .00                   | 7,886.10            | .00                      |             |
| CONSULTANT & PROFESSIONAL SVCS-I | 2,802.99               | .00                   | 36,725.95           | .00                      |             |
| CONSULTANT & PROFESSIONAL SVCS-E | 791.86                 | .00                   | 34,001.22           | .00                      |             |
| DEPARTMENTAL SERVICES            | 32,054.42              | .00                   | 329,838.29          | .00                      |             |
| INFORMATION TECHNOLOGY           | .00                    | .00                   | 5,986.51            | .00                      |             |
| EQUIPMENT                        | .00                    | .00                   | 34,015.50           | .00                      |             |
| OTHER ITEMS OF EXPENSE           | 52,929.42              | .00                   | 145,013.77          | .00                      |             |
| =====                            | =====                  | =====                 | =====               | =====                    | =====       |
| <b>OPERATING EXP &amp; EQUIP</b> | <b>118,635.34</b>      | <b>.00</b>            | <b>654,501.18</b>   | <b>.00</b>               |             |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                     |                          |             |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 41,100.00           | .00                      |             |
| =====                            | =====                  | =====                 | =====               | =====                    | =====       |
| <b>SPEC ITEMS OF EXPENSE</b>     | <b>.00</b>             | <b>.00</b>            | <b>41,100.00</b>    | <b>.00</b>               |             |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                     |                          |             |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                 | .00                      |             |
| =====                            | =====                  | =====                 | =====               | =====                    | =====       |
| <b>SPEC ITEMS OF EXPENSE</b>     | <b>.00</b>             | <b>.00</b>            | <b>.00</b>          | <b>.00</b>               |             |
| =====                            | =====                  | =====                 | =====               | =====                    | =====       |
| <b>GRAND TOTAL</b>               | <b>1,681,772.36</b>    | <b>7,430,000.00</b>   | <b>7,332,425.53</b> | <b>.00</b>               | <b>97,5</b> |

AGRF001253

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: DROS \*5100

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE      |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|--------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |              |
| CIVIL SERVICE-PERMANENT          | 448,692.14             | .00                   | 5,197,687.31       | .00                      | .00          |
| CIVIL SERVICE-TEMP HELP          | 32,736.82              | .00                   | 514,159.01         | .00                      | .00          |
| OVERTIME                         | 88,602.14              | .00                   | 1,004,030.49       | .00                      | .00          |
| STAFF BENEFITS                   | 224,081.69             | .00                   | 2,576,700.13       | .00                      | .00          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====        |
| PERSONAL SERVICES                | 794,112.79             | .00                   | 9,292,576.94       | .00                      | .00          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====        |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |              |
| GENERAL EXPENSE                  | 25,706.37              | .00                   | 119,285.76         | .00                      | .00          |
| PRINTING                         | 1,830.00               | .00                   | 20,691.28          | .00                      | .00          |
| COMMUNICATIONS                   | 6,571.43               | .00                   | 90,614.20          | .00                      | .00          |
| POSTAGE                          | .00                    | .00                   | 70,955.59          | .00                      | .00          |
| TRAVEL IN-STATE                  | 6,858.59               | .00                   | 76,178.64          | .00                      | .00          |
| TRAVEL OUT-OF-STATE              | 150.67                 | .00                   | 2,911.69           | .00                      | .00          |
| TRAINING                         | 46.00                  | .00                   | 966.00             | .00                      | .00          |
| FACILITIES OPERATION             | 376,151.49             | .00                   | 342,648.04         | .00                      | .00          |
| UTILITIES                        | 3,509.37               | .00                   | 30,709.09          | .00                      | .00          |
| CONSULTANT & PROFESSIONAL SVCS-I | 682,873.30             | .00                   | 59,579.84          | .00                      | .00          |
| CONSULTANT & PROFESSIONAL SVCS-E | 64,603.52              | .00                   | 25,138.73          | .00                      | .00          |
| DEPARTMENTAL SERVICES            | 42,447.82              | .00                   | 436,785.85         | .00                      | .00          |
| INFORMATION TECHNOLOGY           | 53,367.70              | .00                   | 157,936.49         | .00                      | .00          |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 2,337,446.00       | .00                      | .00          |
| OTHER ITEMS OF EXPENSE           | 741,466.67             | .00                   | 686,962.72         | .00                      | .00          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====        |
| OPERATING EXP & EQUIP            | 1,724,607.03           | .00                   | 2,280,428.72       | .00                      | .00          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====        |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |              |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====        |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====        |
| GRAND TOTAL                      | 930,494.24             | 12,623,000.00         | 11,573,005.66      | .00                      | 1,049,994.34 |

AGRFP001254

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: GUN SHOW    \*8230

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES       |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT | 20,429.30              | .00                   | 291,544.51         | .00                      |         |
| OVERTIME                | 18,484.51              | .00                   | 222,125.31         | .00                      |         |
| STAFF BENEFITS          | 9,758.54               | .00                   | 149,053.67         | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| PERSONAL SERVICES       | 40,672.35              | .00                   | 662,723.49         | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |         |
| GENERAL EXPENSE         | 1,487.73               | .00                   | 46,508.52          | .00                      |         |
| PRINTING                | .00                    | .00                   | 1,516.83           | .00                      |         |
| TRAVEL IN-STATE         | 692.80                 | .00                   | 7,345.91           | .00                      |         |
| TRAVEL OUT-OF-STATE     | .00                    | .00                   | 5.00               | .00                      |         |
| TRAINING                | .00                    | .00                   | 1,798.50           | .00                      |         |
| FACILITIES OPERATION    | .00                    | .00                   | 150.00             | .00                      |         |
| DEPARTMENTAL SERVICES   | 5,536.68               | .00                   | 56,972.07          | .00                      |         |
| OTHER ITEMS OF EXPENSE  | 725.42                 | .00                   | 7,655.07           | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP   | 8,442.63               | .00                   | 121,951.90         | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| SPEC ITEMS OF EXPENSE   |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY  | .00                    | .00                   | .00                | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| SPEC ITEMS OF EXPENSE   | .00                    | .00                   | .00                | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| GRAND TOTAL             | 49,114.98              | 813,000.00            | 784,675.39         | .00                      | 28,3    |

AGRFP001255



DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| <b>PERSONAL SERVICES</b>         |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT          | 62,252.51              | .00                   | 711,846.31         | .00                      |         |
| CIVIL SERVICE-TEMP HELP          | 1,154.22               | .00                   | 14,604.14          | .00                      |         |
| OVERTIME                         | 153.10                 | .00                   | 5,518.34           | .00                      |         |
| SALARY RECOVERY                  | .00                    | .00                   | 41.00              | .00                      |         |
| STAFF BENEFITS                   | 32,106.22              | .00                   | 351,783.25         | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| PERSONAL SERVICES                | 95,666.05              | .00                   | 1,083,711.04       | .00                      |         |
| <b>OPERATING EXP &amp; EQUIP</b> |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | 36.65                  | .00                   | 1,512.08           | .00                      |         |
| PRINTING                         | 9.40                   | .00                   | 185.14             | .00                      |         |
| COMMUNICATIONS                   | 332.03                 | .00                   | 4,331.00           | .00                      |         |
| POSTAGE                          | .00                    | .00                   | 68.88              | .00                      |         |
| INSURANCE                        | .00                    | .00                   | 84.10              | .00                      |         |
| TRAVEL IN-STATE                  | 1,723.94               | .00                   | 1,116.81           | .00                      |         |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 29.12              | .00                      |         |
| TRAINING                         | 2.67                   | .00                   | 1,276.97           | .00                      |         |
| FACILITIES OPERATION             | 32.36                  | .00                   | 2,191.94           | .00                      |         |
| CONSULTANT & PROFESSIONAL SVCS-I | 926.50                 | .00                   | 4,400.72           | .00                      |         |
| CONSULTANT & PROFESSIONAL SVCS-E | 3,980.88               | .00                   | 70,770.45          | .00                      |         |
| DEPARTMENTAL SERVICES            | 17,328.40              | .00                   | 178,308.39         | .00                      |         |
| INFORMATION TECHNOLOGY           | 77,427.67              | .00                   | 314,963.56         | .00                      |         |
| OTHER ITEMS OF EXPENSE           | 21.72                  | .00                   | 139.65             | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            | 98,369.00              | .00                   | 579,378.81         | .00                      |         |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| GRAND TOTAL                      | 194,035.05             | 1,866,000.00          | 1,663,089.85       | .00                      | 202,910 |

AGRFP001286

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : CJIS OPERATIONAL SUP PRG

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |
| STAFF BENEFITS                   | .00                    | .00                   | .23                | .00                      | .00     |
| =====                            |                        |                       |                    |                          |         |
| PERSONAL SERVICES                | .00                    | .00                   | .23                | .00                      | .00     |
| =====                            |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | .48                    | .00                   | 25.02              | .00                      | .00     |
| COMMUNICATIONS                   | 4.96                   | .00                   | 90.57              | .00                      | .00     |
| POSTAGE                          | .00                    | .00                   | 68.88              | .00                      | .00     |
| FACILITIES OPERATION             | 32.36                  | .00                   | 2,191.94           | .00                      | .00     |
| CONSULTANT & PROFESSIONAL SVCS-I | 3.89                   | .00                   | 8.36               | .00                      | .00     |
| INFORMATION TECHNOLOGY           | .00                    | .00                   | 3.37               | .00                      | .00     |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 2.16               | .00                      | .00     |
| =====                            |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP            | 41.69                  | .00                   | 2,390.30           | .00                      | .00     |
| =====                            |                        |                       |                    |                          |         |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     |
| =====                            |                        |                       |                    |                          |         |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     |
| =====                            |                        |                       |                    |                          |         |
| GRAND TOTAL                      | 41.69                  | 2,000.00              | 2,390.53           | .00                      | 390.53  |

AGRFPO01257

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : CJIS OPERATIONAL SUP PRG

COMPONENT: COSP

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |
| STAFF BENEFITS                   | .00                    | .00                   | .23                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| PERSONAL SERVICES                | .00                    | .00                   | .23                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | .48                    | .00                   | 25.02              | .00                      | .00     |
| COMMUNICATIONS                   | 4.96                   | .00                   | 90.57              | .00                      | .00     |
| POSTAGE                          | .00                    | .00                   | 68.88              | .00                      | .00     |
| FACILITIES OPERATION             | 32.36                  | .00                   | 2,191.94           | .00                      | .00     |
| CONSULTANT & PROFESSIONAL SVCS-I | 3.89                   | .00                   | 8.36               | .00                      | .00     |
| INFORMATION TECHNOLOGY           | .00                    | .00                   | 3.37               | .00                      | .00     |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 2.16               | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            | 41.69                  | .00                   | 2,390.30           | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| GRAND TOTAL                      | 41.69                  | 2,000.00              | 2,390.53           | .00                      | 390.53  |

AGRFP001258

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV    COMPONENT: COSP  
ELEMENT : CJIS OPERATIONAL SUP PRG    TASK : CJIS-FAC & COMM \*7000

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-------|
| PERSONAL SERVICES                |                        |                       |                    |                          |       |
| STAFF BENEFITS                   | .00                    | .00                   | .23                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| PERSONAL SERVICES                | .00                    | .00                   | .23                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |       |
| GENERAL EXPENSE                  | .48                    | .00                   | 25.02              | .00                      |       |
| COMMUNICATIONS                   | 4.96                   | .00                   | 90.57              | .00                      |       |
| POSTAGE                          | .00                    | .00                   | 68.88              | .00                      |       |
| FACILITIES OPERATION             | 32.36                  | .00                   | 2,191.94           | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-I | 3.89                   | .00                   | 8.36               | .00                      |       |
| INFORMATION TECHNOLOGY           | .00                    | .00                   | 3.37               | .00                      |       |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 2.16               | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            | 41.69                  | .00                   | 2,390.30           | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |       |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| GRAND TOTAL                      | 41.69                  | 2,000.00              | 2,390.53           | .00                      | 31    |

AGRF001259

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM ID & INVEST

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT          | 10,406.60              | .00                   | 133,876.36         | .00                      | .00       |
| OVERTIME                         | .00                    | .00                   | 3,460.66           | .00                      | .00       |
| STAFF BENEFITS                   | 6,298.41               | .00                   | 54,760.41          | .00                      | .00       |
| =====                            |                        |                       |                    |                          |           |
| PERSONAL SERVICES                | 16,705.01              | .00                   | 192,097.43         | .00                      | .00       |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |
| TRAVEL IN-STATE                  | 1,908.20               | .00                   | .00                | .00                      | .00       |
| CONSULTANT & PROFESSIONAL SVCS-I | 894.39                 | .00                   | 2,683.17           | .00                      | .00       |
| DEPARTMENTAL SERVICES            | 5,148.13               | .00                   | 52,974.03          | .00                      | .00       |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            | 4,134.32               | .00                   | 55,657.20          | .00                      | .00       |
| =====                            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       |
| =====                            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       |
| =====                            |                        |                       |                    |                          |           |
| GRAND TOTAL                      | 20,839.33              | 329,000.00            | 247,754.63         | .00                      | 81,245.37 |

AGRFP001260

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR

DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM ID & INVEST

COMPONENT: FIREARMS PGM - DROS\*7320

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT          | 10,406.60              | .00                   | 133,876.36         | .00                      | .00       |
| OVERTIME                         | .00                    | .00                   | 3,460.66           | .00                      | .00       |
| STAFF BENEFITS                   | 5,298.41               | .00                   | 54,760.41          | .00                      | .00       |
| =====                            | 16,705.01              | .00                   | 192,097.43         | .00                      | .00       |
| PERSONAL SERVICES                |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |
| TRAVEL IN-STATE                  | 1,908.20               | .00                   | .00                | .00                      | .00       |
| CONSULTANT & PROFESSIONAL SVCS-T | 894.39                 | .00                   | 2,683.17           | .00                      | .00       |
| DEPARTMENTAL SERVICES            | 5,148.13               | .00                   | 52,974.03          | .00                      | .00       |
| =====                            | 4,134.32               | .00                   | 55,657.20          | .00                      | .00       |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       |
| =====                            | .00                    | .00                   | .00                | .00                      | .00       |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       |
| =====                            | .00                    | .00                   | .00                | .00                      | .00       |
| GRAND TOTAL                      | 20,839.33              | 329,000.00            | 247,754.63         | .00                      | 81,245.33 |

AGRFP001261

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FUR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM INFO & ANALYS

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| PERSONAL SERVICES       |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT | 8,577.00               | .00                   | 91,652.10          | .00                      | .00       |
| STAFF BENEFITS          | 6,147.75               | .00                   | 65,596.55          | .00                      | .00       |
| =====                   |                        |                       |                    |                          |           |
| PERSONAL SERVICES       | 14,724.75              | .00                   | 157,248.65         | .00                      | .00       |
| =====                   |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |           |
| DEPARTMENTAL SERVICES   | 1,845.56               | .00                   | 18,990.69          | .00                      | .00       |
| =====                   |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP   | 1,845.56               | .00                   | 18,990.69          | .00                      | .00       |
| =====                   |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE   |                        |                       |                    |                          |           |
| INTERNAL COST RECOVERY  | .00                    | .00                   | .00                | .00                      | .00       |
| =====                   |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE   | .00                    | .00                   | .00                | .00                      | .00       |
| =====                   |                        |                       |                    |                          |           |
| GRAND TOTAL             | 16,570.31              | 205,000.00            | 176,239.34         | .00                      | 28,760.66 |

AGRFP001262

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM INFO & ANLYS

COMPONENT: DROS - LONG GUN \*7950

| DESCRIPTION             | CURRENT<br>PERIOD EXPENSE | WORKING<br>APPROPRIATION | Y-T-D<br>EXPENDITURES | OUTSTANDING<br>ENCUMBRANCES | BALAN |
|-------------------------|---------------------------|--------------------------|-----------------------|-----------------------------|-------|
| PERSONAL SERVICES       |                           |                          |                       |                             |       |
| CIVIL SERVICE-PERMANENT | 8,577.00                  | .00                      | 91,652.10             | .00                         |       |
| STAFF BENEFITS          | 6,147.75                  | .00                      | 65,596.55             | .00                         |       |
| =====                   |                           |                          |                       |                             |       |
| PERSONAL SERVICES       | 14,724.75                 | .00                      | 157,248.65            | .00                         |       |
| =====                   |                           |                          |                       |                             |       |
| OPERATING EXP & EQUIP   |                           |                          |                       |                             |       |
| DEPARTMENTAL SERVICES   | 1,845.56                  | .00                      | 18,990.69             | .00                         |       |
| =====                   |                           |                          |                       |                             |       |
| OPERATING EXP & EQUIP   | 1,845.56                  | .00                      | 18,990.69             | .00                         |       |
| =====                   |                           |                          |                       |                             |       |
| SPEC ITEMS OF EXPENSE   |                           |                          |                       |                             |       |
| INTERNAL COST RECOVERY  | .00                       | .00                      | .00                   | .00                         |       |
| =====                   |                           |                          |                       |                             |       |
| SPEC ITEMS OF EXPENSE   | .00                       | .00                      | .00                   | .00                         |       |
| =====                   |                           |                          |                       |                             |       |
| GRAND TOTAL             | 16,570.31                 | 205,000.00               | 176,239.34            | .00                         | 28,76 |

AGRFP001263



DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : HAWKINS DATA CENTER

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-------|
| PERSONAL SERVICES                |                        |                       |                    |                          |       |
| CIVIL SERVICE-PERMANENT          | 43,268.91              | .00                   | 486,317.85         | .00                      |       |
| CIVIL SERVICE-TEMP HELP          | 1,154.22               | .00                   | 14,604.14          | .00                      |       |
| OVERTIME                         | 153.10                 | .00                   | 2,057.68           | .00                      |       |
| SALARY RECOVERY                  | .00                    | .00                   | 41.00              | .00                      |       |
| STAFF BENEFITS                   | 19,660.06              | .00                   | 231,426.06         | .00                      |       |
| =====                            | =====                  | =====                 | =====              | =====                    | ===== |
| PERSONAL SERVICES                | 64,236.29              | .00                   | 734,364.73         | .00                      |       |
| =====                            | =====                  | =====                 | =====              | =====                    | ===== |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |       |
| GENERAL EXPENSE                  | 36.17                  | .00                   | 1,487.06           | .00                      |       |
| PRINTING                         | 9.40                   | .00                   | 185.14             | .00                      |       |
| COMMUNICATIONS                   | 327.07                 | .00                   | 4,240.43           | .00                      |       |
| INSURANCE                        | .00                    | .00                   | 84.10              | .00                      |       |
| TRAVEL IN-STATE                  | 184.26                 | .00                   | 1,116.81           | .00                      |       |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 29.12              | .00                      |       |
| TRAINING                         | 2.67                   | .00                   | 1,276.97           | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-I | 28.22                  | .00                   | 1,709.19           | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-E | 3,980.88               | .00                   | 70,770.45          | .00                      |       |
| DEPARTMENTAL SERVICES            | 10,334.71              | .00                   | 106,343.67         | .00                      |       |
| INFORMATION TECHNOLOGY           | 77,427.67              | .00                   | 314,960.19         | .00                      |       |
| OTHER ITEMS OF EXPENSE           | 21.72                  | .00                   | 137.49             | .00                      |       |
| =====                            | =====                  | =====                 | =====              | =====                    | ===== |
| OPERATING EXP & EQUIP            | 92,347.43              | .00                   | 502,340.62         | .00                      |       |
| =====                            | =====                  | =====                 | =====              | =====                    | ===== |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |       |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |       |
| =====                            | =====                  | =====                 | =====              | =====                    | ===== |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |       |
| =====                            | =====                  | =====                 | =====              | =====                    | ===== |
| GRAND TOTAL                      | 156,583.72             | 1,330,000.00          | 1,236,705.35       | .00                      | 93,29 |

AGRFP001264

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : HAWKINS DATA CENTER

COMPONENT: CRIM JUS INFO TECH \*8600

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |
| CIVIL SERVICE-PERMANENT          | 10,939.52              | .00                   | 121,951.81         | .00                      | .00        |
| CIVIL SERVICE-TEMP HELP          | 222.93                 | .00                   | 3,186.02           | .00                      | .00        |
| OVERTIME                         | 15.72                  | .00                   | 55.81              | .00                      | .00        |
| STAFF BENEFITS                   | 5,216.27               | .00                   | 57,835.70          | .00                      | .00        |
| =====                            |                        |                       |                    |                          |            |
| PERSONAL SERVICES                | 16,394.44              | .00                   | 183,029.34         | .00                      | .00        |
| =====                            |                        |                       |                    |                          |            |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |
| TRAVEL IN-STATE                  | 20.13                  | .00                   | 2.09               | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-I | 14.11                  | .00                   | .00                | .00                      | .00        |
| =====                            |                        |                       |                    |                          |            |
| OPERATING EXP & EQUIP            | 6.02                   | .00                   | 2.09               | .00                      | .00        |
| =====                            |                        |                       |                    |                          |            |
| GRAND TOTAL                      | 16,388.42              | .00                   | 183,031.43         | .00                      | 183,031.43 |

AGRFP001265

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : HAWKINS DATA CENTER

COMPONENT: TECH SUPPORT BUR \*8610

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |
| CIVIL SERVICE-PERMANENT          | 15,288.18              | .00                   | 176,235.95         | .00                      | .00        |
| CIVIL SERVICE-TEMP HELP          | 553.07                 | .00                   | 7,464.85           | .00                      | .00        |
| OVERTIME                         | 126.83                 | .00                   | 1,471.32           | .00                      | .00        |
| SALARY RECOVERY                  | 41.00                  | .00                   | .00                | .00                      | .00        |
| STAFF BENEFITS                   | 7,480.43               | .00                   | 84,050.40          | .00                      | .00        |
| =====                            | 23,489.51              | .00                   | 269,222.52         | .00                      | .00        |
| PERSONAL SERVICES                | 23,489.51              | .00                   | 269,222.52         | .00                      | .00        |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |
| GENERAL EXPENSE                  | 36.17                  | .00                   | 1,485.10           | .00                      | .00        |
| PRINTING                         | 9.40                   | .00                   | 185.14             | .00                      | .00        |
| COMMUNICATIONS                   | 327.07                 | .00                   | 4,240.43           | .00                      | .00        |
| INSURANCE                        | .00                    | .00                   | 84.10              | .00                      | .00        |
| TRAVEL IN-STATE                  | 234.04                 | .00                   | 1,108.55           | .00                      | .00        |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 29.12              | .00                      | .00        |
| TRAINING                         | 2.67                   | .00                   | 1,276.97           | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-I | 14.11                  | .00                   | 1,709.19           | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-E | 3,980.88               | .00                   | 70,770.45          | .00                      | .00        |
| DEPARTMENTAL SERVICES            | 10,334.71              | .00                   | 106,343.67         | .00                      | .00        |
| INFORMATION TECHNOLOGY           | 77,427.57              | .00                   | 314,960.19         | .00                      | .00        |
| OTHER ITEMS OF EXPENSE           | 21.72                  | .00                   | 137.49             | .00                      | .00        |
| =====                            | 92,383.10              | .00                   | 502,330.40         | .00                      | .00        |
| OPERATING EXP & EQUIP            | 92,383.10              | .00                   | 502,330.40         | .00                      | .00        |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        |
| =====                            | .00                    | .00                   | .00                | .00                      | .00        |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        |
| =====                            |                        |                       |                    |                          |            |
| GRAND TOTAL                      | 115,872.61             | 1,330,000.00          | 771,552.92         | .00                      | 558,447.00 |

AGRFPO01266

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : HAWKINS DATA CENTER

COMPONENT: DEPT TECH SVS BUR \*8620

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|
| PERSONAL SERVICES       |                        |                       |                    |                          |            |
| CIVIL SERVICE-PERMANENT | 13,373.45              | .00                   | 147,426.64         | .00                      | .          |
| CIVIL SERVICE-TEMP HELP | 326.20                 | .00                   | 3,094.01           | .00                      | .          |
| OVERTIME                | 10.55                  | .00                   | 512.24             | .00                      | .          |
| SALARY RECOVERY         | 41.00                  | .00                   | 41.00              | .00                      | .          |
| STAFF BENEFITS          | 5,335.83               | .00                   | 71,048.62          | .00                      | .          |
| =====                   | =====                  | =====                 | =====              | =====                    | =====      |
| PERSONAL SERVICES       | 19,005.03              | .00                   | 222,040.51         | .00                      | .          |
| =====                   | =====                  | =====                 | =====              | =====                    | =====      |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |            |
| GENERAL EXPENSE         | .00                    | .00                   | 1.96               | .00                      | .          |
| TRAVEL IN-STATE         | 33.59                  | .00                   | 2.23               | .00                      | .          |
| =====                   | =====                  | =====                 | =====              | =====                    | =====      |
| OPERATING EXP & EQUIP   | 33.59                  | .00                   | 4.19               | .00                      | .          |
| =====                   | =====                  | =====                 | =====              | =====                    | =====      |
| GRAND TOTAL             | 18,971.44              | .00                   | 222,044.70         | .00                      | 222,044.70 |

AGRF001267

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: SINS SUPPORT \*8630  
ELEMENT : HARRIS DATA CENTER

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES       |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT | 3,667.76               | .00                   | 40,703.45          | .00                      |         |
| CIVIL SERVICE-TEMP HELP | 52.02                  | .00                   | 859.26             | .00                      |         |
| OVERTIME                | .00                    | .00                   | 18.31              | .00                      |         |
| STAFF BENEFITS          | 1,627.53               | .00                   | 18,491.34          | .00                      |         |
| =====                   | =====                  | =====                 | =====              | =====                    | =====   |
| PERSONAL SERVICES       | 5,347.31               | .00                   | 60,072.36          | .00                      |         |
| =====                   | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |         |
| TRAVEL IN-STATE         | 3.94                   | .00                   | 3.94               | .00                      |         |
| =====                   | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP   | 3.94                   | .00                   | 3.94               | .00                      |         |
| =====                   | =====                  | =====                 | =====              | =====                    | =====   |
| GRAND TOTAL             | 5,351.25               | .00                   | 60,076.30          | .00                      | 60,076  |

AGRFP001268

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:02:06

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR SPECIAL ACCOUNTS

PROGRAM : SPECIAL FUNDS COMPONENT: DROS (0460)  
 ELEMENT : SPECIAL APPROPRIATIONS TASK : APPS BACKLOG \*9300

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN     |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| <b>PERSONAL SERVICES</b>         |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT          | 193,672.87-            | .00                   | 1,953,887.85       | .00                      |           |
| CIVIL SERVICE-TEMP HELP          | 10,957.00-             | .00                   | 204,277.53         | .00                      |           |
| OVERTIME                         | 137,741.44-            | .00                   | 1,525,895.39       | .00                      |           |
| STAFF BENEFITS                   | 117,586.07-            | .00                   | 1,202,859.14       | .00                      |           |
| =====                            | =====                  | =====                 | =====              | =====                    | =====     |
| PERSONAL SERVICES                | 459,957.38-            | .00                   | 4,886,919.91       | .00                      |           |
| =====                            | =====                  | =====                 | =====              | =====                    | =====     |
| <b>OPERATING EXP &amp; EQUIP</b> |                        |                       |                    |                          |           |
| GENERAL EXPENSE                  | 7,854.66-              | .00                   | 69,576.32          | .00                      |           |
| PRINTING                         | .00                    | .00                   | 5,019.57           | .00                      |           |
| COMMUNICATIONS                   | 8,110.73-              | .00                   | 114,743.50         | .00                      |           |
| POSTAGE                          | .00                    | .00                   | 3,258.85           | .00                      |           |
| INSURANCE                        | .00                    | .00                   | 82,742.10          | .00                      |           |
| TRAVEL IN-STATE                  | 3,754.37-              | .00                   | 39,929.85          | .00                      |           |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 2,801.46           | .00                      |           |
| TRAINING                         | .00                    | .00                   | 4,280.00           | .00                      |           |
| FACILITIES OPERATION             | 79,452.68-             | .00                   | 428,708.64         | .00                      |           |
| CONSULTANT & PROFESSIONAL SVCS-I | 724.38-                | .00                   | 2,783.02           | .00                      |           |
| CONSULTANT & PROFESSIONAL SVCS-E | 15,299.04-             | .00                   | 43,760.27          | .00                      |           |
| INFORMATION TECHNOLOGY           | 982.68-                | .00                   | 62,416.63          | .00                      |           |
| EQUIPMENT                        | .00                    | .00                   | 578.09             | .00                      |           |
| OTHER ITEMS OF EXPENSE           | 71,936.99-             | .00                   | 288,554.02         | .00                      |           |
| =====                            | =====                  | =====                 | =====              | =====                    | =====     |
| OPERATING EXP & EQUIP            | 188,115.53-            | .00                   | 1,149,152.32       | .00                      |           |
| =====                            | =====                  | =====                 | =====              | =====                    | =====     |
| GRAND TOTAL                      | 648,072.91-            | 24,000,000.00         | 6,036,072.23       | .00                      | 17,963,91 |

AGRFPP001269

**DOJ Programs Funded with Firearms Safety and Enforcement Special Fund**

**FY 2015/16  
BUREAU OF FIREARMS**

| Unit Code                         | Program Title                | Appropriation       | Actual Year-End Expenditures | FSE Funding % |
|-----------------------------------|------------------------------|---------------------|------------------------------|---------------|
| 507                               | Handgun Safety Certification | \$ 4,249,000        | \$ 4,113,121                 | 1/ 100%       |
| 509                               | Firearms Safety Account      | \$ 53,000           | \$ 37,501                    | 13%           |
| <b>FIREARMS TOTAL FSE FUNDING</b> |                              | <b>\$ 4,302,000</b> | <b>\$ 4,150,621</b>          |               |

1/ Actual year-end expenditures include \$156,540 in statewide ProRata charges.

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR  
FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |
| CIVIL SERVICE-PERMANENT          | 76,420.23              | .00                   | 847,193.69         | .00                      | .00        |
| CIVIL SERVICE-TEMP HELP          | .00                    | .00                   | 89,883.42          | .00                      | .00        |
| OVERTIME                         | 1,993.90               | .00                   | 30,765.10          | .00                      | .00        |
| SHIFT BENEFITS                   | 80,470.67              | .00                   | 536,889.22         | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| PERSONAL SERVICES                | 158,884.80             | .00                   | 1,504,731.43       | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |
| GENERAL EXPENSE                  | 20,330.95              | .00                   | 28,470.57          | .00                      | .00        |
| PRINTING                         | 2,919.08               | .00                   | 4,060.08           | .00                      | .00        |
| COMMUNICATIONS                   | 8,209.46               | .00                   | 8,223.51           | .00                      | .00        |
| POSTAGE                          | 7.75                   | .00                   | 768.76             | .00                      | .00        |
| INSURANCE                        | .00                    | .00                   | 10,638.27          | .00                      | .00        |
| TRAVEL IN-STATE                  | 9,097.92               | .00                   | 22,293.77          | .00                      | .00        |
| TRAINING                         | 3,960.00               | .00                   | 3,960.00           | .00                      | .00        |
| FACILITIES OPERATION             | 138,709.94             | .00                   | 481,269.88         | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-I | 4,570.42               | .00                   | 34,650.94          | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-E | 71,289.30              | .00                   | 674,765.12         | .00                      | .00        |
| DEPARTMENTAL SERVICES            | 10,083.65              | .00                   | 103,760.23         | .00                      | .00        |
| INFORMATION TECHNOLOGY           | 5,754.65               | .00                   | 393,935.26         | .00                      | .00        |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 156,540.00         | .00                      | .00        |
| EQUIPMENT                        | .00                    | .00                   | 214,652.85         | .00                      | .00        |
| OTHER ITEMS OF EXPENSE           | 139,561.80             | .00                   | 507,900.82         | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| OPERATING EXP & EQUIP            | 414,494.92             | .00                   | 2,645,890.06       | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| GRAND TOTAL                      | 573,379.72             | 4,302,000.00          | 4,150,621.49       | .00                      | 151,378.51 |

AGRFP001271



DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR  
FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: BASIC FIREARMS SPFY\*5070

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |
| CIVIL SERVICE-PERMANENT          | 75,303.15              | .00                   | 834,076.17         | .00                      | .00        |
| CIVIL SERVICE-TEMP HELP          | .00                    | .00                   | 89,883.42          | .00                      | .00        |
| OVERTIME                         | 1,993.90               | .00                   | 30,672.63          | .00                      | .00        |
| STAFF BENEFITS                   | 79,809.06              | .00                   | 529,586.74         | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| PERSONAL SERVICES                | 157,106.11             | .00                   | 1,484,218.96       | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |
| GENERAL EXPENSE                  | 20,330.95              | .00                   | 27,836.86          | .00                      | .00        |
| PRINTING                         | 2,919.08               | .00                   | 4,060.08           | .00                      | .00        |
| COMMUNICATIONS                   | 8,209.46               | .00                   | 8,223.51           | .00                      | .00        |
| POSTAGE                          | 7.75                   | .00                   | 768.76             | .00                      | .00        |
| INSURANCE                        | .00                    | .00                   | 10,638.27          | .00                      | .00        |
| TRAVEL IN-STATE                  | 9,097.92               | .00                   | 22,293.77          | .00                      | .00        |
| TRAINING                         | 3,960.00               | .00                   | 3,960.00           | .00                      | .00        |
| FACILITIES OPERATION             | 138,709.94             | .00                   | 481,269.88         | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-I | 3,397.82               | .00                   | 27,371.00          | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-E | 71,289.30              | .00                   | 674,765.12         | .00                      | .00        |
| DEPARTMENTAL SERVICES            | 9,227.79               | .00                   | 94,953.45          | .00                      | .00        |
| INFORMATION TECHNOLOGY           | 5,754.65               | .00                   | 393,935.26         | .00                      | .00        |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 156,540.00         | .00                      | .00        |
| EQUIPMENT                        | .00                    | .00                   | 214,652.85         | .00                      | .00        |
| OTHER ITEMS OF EXPENSE           | 139,561.80             | .00                   | 507,633.82         | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| OPERATING EXP & EQUIP            | 412,466.46             | .00                   | 2,628,901.83       | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| GRAND TOTAL                      | 569,572.57             | 4,249,000.00          | 4,113,120.79       | .00                      | 135,879.21 |

AGRFP001272

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR  
FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: FIREARMS SPFY ACCT \*5090

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-------|
| PERSONAL SERVICES                |                        |                       |                    |                          |       |
| CIVIL SERVICE-PERMANENT          | 1,117.08               | .00                   | 13,117.52          | .00                      |       |
| OVERTIME                         | .00                    | .00                   | 92.47              | .00                      |       |
| STAFF BENEFITS                   | 661.61                 | .00                   | 7,302.48           | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| PERSONAL SERVICES                | 1,778.69               | .00                   | 20,512.47          | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |       |
| GENERAL EXPENSE                  | .00                    | .00                   | 634.51             | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-I | 1,172.60               | .00                   | 7,279.94           | .00                      |       |
| DEPARTMENTAL SERVICES            | 855.86                 | .00                   | 8,806.78           | .00                      |       |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 267.00             | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            | 2,028.46               | .00                   | 16,988.23          | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |       |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| GRAND TOTAL                      | 3,807.15               | 53,000.00             | 37,500.70          | .00                      | 15,4  |

AGRFP001273

# DOJ Programs Funded with Firearms Safety Account Special Fund

## FY 2015/16 BUREAU OF FIREARMS

| Unit Code                         | Program Title           | Appropriation     | Actual<br>Year-End<br>Expenditures | FSA<br>Funding % |
|-----------------------------------|-------------------------|-------------------|------------------------------------|------------------|
| 509                               | Firearms Safety Account | \$ 344,000        | \$ 257,987                         | 1/ 87%           |
| <b>FIREARMS TOTAL FSA FUNDING</b> |                         | <b>\$ 344,000</b> | <b>\$ 257,987</b>                  |                  |

1/ Actual year-end expenditures include \$14,587 in statewide ProRata charges.

DATE 7/25/2016

DEPARTMENT OF JUSTICE

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
FIREARM SAFETY ACCOUNT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: FIREARMS SFY ACCT \*5090

| DESCRIPTION                      | CURRENT<br>PERIOD EXPENSE | WORKING<br>APPROPRIATION | Y-T-D<br>EXPENDITURES | OUTSTANDING<br>ENCUMBRANCES | BALANCE |
|----------------------------------|---------------------------|--------------------------|-----------------------|-----------------------------|---------|
| PERSONAL SERVICES                |                           |                          |                       |                             |         |
| CIVIL SERVICE-PERMANENT          | 7,250.48                  | .00                      | 85,139.84             | .00                         |         |
| OVERTIME                         | .00                       | .00                      | 600.18                | .00                         |         |
| STAFF BENEFITS                   | 4,294.22                  | .00                      | 47,397.20             | .00                         |         |
| =====                            |                           |                          |                       |                             |         |
| PERSONAL SERVICES                | 11,544.70                 | .00                      | 133,137.22            | .00                         |         |
| =====                            |                           |                          |                       |                             |         |
| OPERATING EXP & EQUIP            |                           |                          |                       |                             |         |
| GENERAL EXPENSE                  | .00                       | .00                      | 4,118.27              | .00                         |         |
| CONSULTANT & PROFESSIONAL SVCS-I | 7,610.80                  | .00                      | 47,250.90             | .00                         |         |
| DEPARTMENTAL SERVICES            | 5,555.02                  | .00                      | 57,160.88             | .00                         |         |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                       | .00                      | 14,587.00             | .00                         |         |
| OTHER ITEMS OF EXPENSE           | .00                       | .00                      | 1,733.00              | .00                         |         |
| =====                            |                           |                          |                       |                             |         |
| OPERATING EXP & EQUIP            | 13,165.82                 | .00                      | 124,850.05            | .00                         |         |
| =====                            |                           |                          |                       |                             |         |
| SPEC ITEMS OF EXPENSE            |                           |                          |                       |                             |         |
| INTERNAL COST RECOVERY           | .00                       | .00                      | .00                   | .00                         |         |
| =====                            |                           |                          |                       |                             |         |
| SPEC ITEMS OF EXPENSE            | .00                       | .00                      | .00                   | .00                         |         |
| =====                            |                           |                          |                       |                             |         |
| GRAND TOTAL                      | 24,710.52                 | 344,000.00               | 257,987.27            | .00                         | 86,0    |

AGRF001275

## DOJ Programs Funded with DROS Special Fund

FY 2014/15

### BUREAU OF FIREARMS

| Unit Code                          | Program Title          | Appropriation        | Actual<br>Year-End<br>Expenditures | DROS<br>Funding % |
|------------------------------------|------------------------|----------------------|------------------------------------|-------------------|
| 510                                | Dealers Record of Sale | \$ 13,938,458        | \$ 13,243,312 <sup>1/</sup>        | 100%              |
| 505                                | Armed Prohibited       | \$ 6,921,859         | \$ 7,330,454                       | 100%              |
| 823                                | Gun Show               | \$ 785,365           | \$ 933,138                         | 100%              |
| 930                                | APPS (SB 140)          | \$ 8,000,000         | \$ 5,481,379                       | 100%              |
| <b>FIREARMS TOTAL DROS FUNDING</b> |                        | <b>\$ 29,645,682</b> | <b>\$ 26,988,283</b>               |                   |

### DIVISION OF CRIMINAL JUSTICE INFORMATION SERVICES

| Unit Code                       | Program Title             | Appropriation        | Actual<br>Year-End<br>Expenditures | DROS<br>Funding % |
|---------------------------------|---------------------------|----------------------|------------------------------------|-------------------|
| 861                             | Technology Support Bureau | \$ 1,308,000         | \$ 1,223,845                       | 2%                |
| 795                             | DROS - Long Gun           | \$ 199,659           | \$ 185,656                         | 100%              |
| 732                             | Firearms Program - DROS   | \$ 315,885           | \$ 216,253                         | 100%              |
| 700                             | CJIS Facilities           | \$ 2,000             | \$ 2,040                           | 0.04%             |
| <b>DCJIS TOTAL DROS FUNDING</b> |                           | <b>\$ 1,825,544</b>  | <b>\$ 1,627,794</b>                |                   |
| <b>DOJ TOTAL DROS FUNDING</b>   |                           | <b>\$ 31,471,226</b> | <b>\$ 28,616,077</b>               |                   |

<sup>1/</sup> Actual year-end expenditures include \$1,415,577 in statewide ProRata charges.

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT

| DESCRIPTION                      | CURRENT<br>PERIOD EXPENSE | WORKING<br>APPROPRIATION | Y-T-D<br>EXPENDITURES | OUTSTANDING<br>ENCUMBRANCES | BALANCE           |
|----------------------------------|---------------------------|--------------------------|-----------------------|-----------------------------|-------------------|
| <b>PERSONAL SERVICES</b>         |                           |                          |                       |                             |                   |
| CIVIL SERVICE-PERMANENT          | 689,258.38                | .00                      | 8,023,728.66          | .00                         | .00               |
| CIVIL SERVICE-TEMP HELP          | 37,715.82                 | .00                      | 382,739.21            | .00                         | .00               |
| OVERTIME                         | 113,518.18                | .00                      | 1,306,917.58          | .00                         | .00               |
| STAFF BENEFITS                   | 333,737.56                | .00                      | 3,974,886.80          | .00                         | .00               |
| =====                            | =====                     | =====                    | =====                 | =====                       | =====             |
| PERSONAL SERVICES                | 1,174,229.94              | .00                      | 13,688,272.25         | .00                         | .00               |
| <b>OPERATING EXP &amp; EQUIP</b> |                           |                          |                       |                             |                   |
| GENERAL EXPENSE                  | 5,814.51                  | .00                      | 85,349.89             | .00                         | .00               |
| PRINTING                         | 7,368.00                  | .00                      | 33,497.75             | .00                         | .00               |
| COMMUNICATIONS                   | 11,663.75                 | .00                      | 178,594.67            | .00                         | .00               |
| POSTAGE                          | 445.70                    | .00                      | 6,817.32              | .00                         | .00               |
| TRAVEL IN-STATE                  | 14,420.72                 | .00                      | 132,253.00            | .00                         | .00               |
| TRAVEL OUT-OF-STATE              | 214.11                    | .00                      | 1,418.25              | .00                         | .00               |
| TRAINING                         | 985.00                    | .00                      | 3,227.00              | .00                         | .00               |
| FACILITIES OPERATION             | 605,233.73                | .00                      | 304,179.68            | .00                         | .00               |
| UTILITIES                        | 2,834.63                  | .00                      | 33,220.83             | .00                         | .00               |
| CONSULTANT & PROFESSIONAL SVCS-I | 189,000.15                | .00                      | 885,606.93            | .00                         | .00               |
| CONSULTANT & PROFESSIONAL SVCS-R | 64,465.32                 | .00                      | 561,411.54            | .00                         | .00               |
| DEPARTMENTAL SERVICES            | 189,873.50                | .00                      | 1,249,965.39          | .00                         | .00               |
| INFORMATION TECHNOLOGY           | 660,846.46                | .00                      | 877,593.65            | .00                         | .00               |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                       | .00                      | 1,415,577.00          | .00                         | .00               |
| EQUIPMENT                        | 51,627.00                 | .00                      | 1,785,751.90          | .00                         | .00               |
| OTHER ITEMS OF EXPENSE           | 23,937.19                 | .00                      | 264,166.32            | .00                         | .00               |
| =====                            | =====                     | =====                    | =====                 | =====                       | =====             |
| OPERATING EXP & EQUIP            | 515,008.31                | .00                      | 7,818,631.12          | .00                         | .00               |
| <b>SPEC ITEMS OF EXPENSE</b>     |                           |                          |                       |                             |                   |
| INTERNAL COST RECOVERY           | .00                       | .00                      | .00                   | .00                         | .00               |
| =====                            | =====                     | =====                    | =====                 | =====                       | =====             |
| SPEC ITEMS OF EXPENSE            | .00                       | .00                      | .00                   | .00                         | .00               |
| =====                            | =====                     | =====                    | =====                 | =====                       | =====             |
| <b>GRAND TOTAL</b>               | <b>1,689,238.25</b>       | <b>21,645,682.00</b>     | <b>21,506,903.37</b>  | <b>.00</b>                  | <b>138,778.63</b> |

AGRFP001277

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN  |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|--------|
| PERSONAL SERVICES                |                        |                       |                    |                          |        |
| CIVIL SERVICE-PERMANENT          | 689,258.38             | .00                   | 8,023,728.66       | .00                      |        |
| CIVIL SERVICE-TEMP HELP          | 37,715.82              | .00                   | 382,739.21         | .00                      |        |
| OVERTIME                         | 113,518.18             | .00                   | 1,306,917.58       | .00                      |        |
| STAFF BENEFITS                   | 333,737.56             | .00                   | 3,974,886.80       | .00                      |        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====  |
| PERSONAL SERVICES                | 1,174,229.94           | .00                   | 13,688,272.25      | .00                      |        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====  |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |        |
| GENERAL EXPENSE                  | 5,814.51               | .00                   | 85,349.89          | .00                      |        |
| PRINTING                         | 7,368.00               | .00                   | 33,497.75          | .00                      |        |
| COMMUNICATIONS                   | 11,663.75              | .00                   | 178,594.67         | .00                      |        |
| POSTAGE                          | 445.70                 | .00                   | 6,817.32           | .00                      |        |
| TRAVEL IN-STATE                  | 14,420.72              | .00                   | 132,253.00         | .00                      |        |
| TRAVEL OUT-OF-STATE              | 214.11                 | .00                   | 1,418.25           | .00                      |        |
| TRAINING                         | 985.00                 | .00                   | 3,227.00           | .00                      |        |
| FACILITIES OPERATION             | 605,233.73             | .00                   | 304,179.68         | .00                      |        |
| UTILITIES                        | 2,834.63               | .00                   | 33,220.83          | .00                      |        |
| CONSULTANT & PROFESSIONAL SVCS-I | 189,000.15             | .00                   | 885,606.93         | .00                      |        |
| CONSULTANT & PROFESSIONAL SVCS-E | 64,465.32              | .00                   | 561,411.54         | .00                      |        |
| DEPARTMENTAL SERVICES            | 189,873.50             | .00                   | 1,249,965.39       | .00                      |        |
| INFORMATION TECHNOLOGY           | 660,846.46             | .00                   | 877,593.65         | .00                      |        |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 1,415,577.00       | .00                      |        |
| EQUIPMENT                        | 51,627.00              | .00                   | 1,785,751.90       | .00                      |        |
| OTHER ITEMS OF EXPENSE           | 23,937.19              | .00                   | 264,166.32         | .00                      |        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====  |
| OPERATING EXP & EQUIP            | 515,008.31             | .00                   | 7,818,631.12       | .00                      |        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====  |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |        |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====  |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====  |
| GRAND TOTAL                      | 1,689,238.25           | 21,645,682.00         | 21,506,903.37      | .00                      | 138,77 |

AGRFP001278

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: ARMED PROHIBITED \*5050

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE     |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |             |
| CIVIL SERVICE-PERMANENT          | 233,583.32             | .00                   | 2,871,086.31       | .00                      | .00         |
| CIVIL SERVICE-TEMP HELP          | 11,626.48              | .00                   | 77,317.87          | .00                      | .00         |
| OVERTIME                         | 14,526.76              | .00                   | 188,112.50         | .00                      | .00         |
| STAFF BENEFITS                   | 116,846.35             | .00                   | 1,475,305.86       | .00                      | .00         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====       |
| PERSONAL SERVICES                | 376,582.91             | .00                   | 4,611,822.54       | .00                      | .00         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====       |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |             |
| GENERAL EXPENSE                  | 2,088.08               | .00                   | 18,051.53          | .00                      | .00         |
| PRINTING                         | .00                    | .00                   | 6,244.58           | .00                      | .00         |
| COMMUNICATIONS                   | 1,832.03               | .00                   | 31,558.69          | .00                      | .00         |
| POSTAGE                          | 445.70                 | .00                   | 4,321.32           | .00                      | .00         |
| TRAVEL IN-STATE                  | 6,182.74               | .00                   | 55,473.03          | .00                      | .00         |
| TRAVEL OUT-OF-STATE              | 214.11                 | .00                   | 965.56             | .00                      | .00         |
| TRAINING                         | 390.00                 | .00                   | 2,278.00           | .00                      | .00         |
| FACILITIES OPERATION             | 1,493.58               | .00                   | 57,664.11          | .00                      | .00         |
| CONSULTANT & PROFESSIONAL SVCS-I | 425.00                 | .00                   | 2,584.19           | .00                      | .00         |
| CONSULTANT & PROFESSIONAL SVCS-R | 3,282.90               | .00                   | 36,473.70          | .00                      | .00         |
| DEPARTMENTAL SERVICES            | 79,856.55              | .00                   | 525,707.47         | .00                      | .00         |
| INFORMATION TECHNOLOGY           | 38.01                  | .00                   | 12,769.60          | .00                      | .00         |
| EQUIPMENT                        | 7,707.00               | .00                   | 1,798,818.42       | .00                      | .00         |
| OTHER ITEMS OF EXPENSE           | 18,141.34              | .00                   | 155,720.80         | .00                      | .00         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====       |
| OPERATING EXP & EQUIP            | 106,683.04             | .00                   | 2,718,631.02       | .00                      | .00         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====       |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |             |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====       |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====       |
| GRAND TOTAL                      | 483,265.95             | 6,921,859.00          | 7,330,453.56       | .00                      | 408,594.56- |

AGRFP001279



DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT COMPONENT: DROS \*5100  
ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES   | OUTSTANDING ENCUMBRANCES | BALANCE      |
|----------------------------------|------------------------|-----------------------|----------------------|--------------------------|--------------|
| <b>PERSONAL SERVICES</b>         |                        |                       |                      |                          |              |
| CIVIL SERVICE-PERMANENT          | 419,086.71             | .00                   | 4,738,456.04         | .00                      |              |
| CIVIL SERVICE-TEMP HELP          | 26,089.34              | .00                   | 305,421.34           | .00                      |              |
| OVERTIME                         | 80,049.56              | .00                   | 914,723.09           | .00                      |              |
| STAFF BENEFITS                   | 200,247.97             | .00                   | 2,284,362.05         | .00                      |              |
| =====                            | =====                  | =====                 | =====                | =====                    | =====        |
| <b>PERSONAL SERVICES</b>         | <b>725,473.58</b>      | <b>.00</b>            | <b>8,242,962.52</b>  | <b>.00</b>               |              |
| <b>OPERATING EXP &amp; EQUIP</b> |                        |                       |                      |                          |              |
| GENERAL EXPENSE                  | 3,486.43               | .00                   | 66,586.23            | .00                      |              |
| PRINTING                         | 7,358.00               | .00                   | 27,243.17            | .00                      |              |
| COMMUNICATIONS                   | 9,831.72               | .00                   | 147,035.98           | .00                      |              |
| POSTAGE                          | .00                    | .00                   | 2,496.00             | .00                      |              |
| TRAVEL IN-STATE                  | 6,875.00               | .00                   | 72,557.02            | .00                      |              |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 359.14               | .00                      |              |
| TRAINING                         | .00                    | .00                   | 145.00               | .00                      |              |
| FACILITIES OPERATION             | 612,092.67             | .00                   | 231,150.21           | .00                      |              |
| UTILITIES                        | 2,834.63               | .00                   | 33,220.83            | .00                      |              |
| CONSULTANT & PROFESSIONAL SVCS-I | 188,452.28             | .00                   | 882,890.50           | .00                      |              |
| CONSULTANT & PROFESSIONAL SVCS-E | 61,164.17              | .00                   | 524,919.59           | .00                      |              |
| DEPARTMENTAL SERVICES            | 100,420.46             | .00                   | 661,082.78           | .00                      |              |
| INFORMATION TECHNOLOGY           | 660,808.45             | .00                   | 854,824.05           | .00                      |              |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 1,415,577.00         | .00                      |              |
| EQUIPMENT                        | 43,920.00              | .00                   | 13,066.52            | .00                      |              |
| OTHER ITEMS OF EXPENSE           | 5,329.62               | .00                   | 83,328.12            | .00                      |              |
| =====                            | =====                  | =====                 | =====                | =====                    | =====        |
| <b>OPERATING EXP &amp; EQUIP</b> | <b>390,548.09</b>      | <b>.00</b>            | <b>5,000,349.10</b>  | <b>.00</b>               |              |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                      |                          |              |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                  | .00                      |              |
| =====                            | =====                  | =====                 | =====                | =====                    | =====        |
| <b>SPEC ITEMS OF EXPENSE</b>     | <b>.00</b>             | <b>.00</b>            | <b>.00</b>           | <b>.00</b>               |              |
| =====                            | =====                  | =====                 | =====                | =====                    | =====        |
| <b>GRAND TOTAL</b>               | <b>1,116,021.67</b>    | <b>13,938,458.00</b>  | <b>13,243,311.62</b> | <b>.00</b>               | <b>695,1</b> |

AGRF001280

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: GUN SHOW \*8230

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |
| CIVIL SERVICE-PERMANENT          | 36,588.35              | .00                   | 414,186.31         | .00                      | .00        |
| OVERTIME                         | 18,941.86              | .00                   | 204,081.99         | .00                      | .00        |
| STAFF BENEFITS                   | 16,643.24              | .00                   | 215,218.89         | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| PERSONAL SERVICES                | 72,173.45              | .00                   | 833,487.19         | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |
| GENERAL EXPENSE                  | 240.00                 | .00                   | 712.11             | .00                      | .00        |
| PRINTING                         | 10.00                  | .00                   | 10.00              | .00                      | .00        |
| TRAVEL IN-STATE                  | 1,362.98               | .00                   | 4,222.95           | .00                      | .00        |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 93.55              | .00                      | .00        |
| TRAINING                         | 595.00                 | .00                   | 804.00             | .00                      | .00        |
| FACILITIES OPERATION             | 5,365.36               | .00                   | 5,365.36           | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-I | 122.87                 | .00                   | 132.24             | .00                      | .00        |
| CONSULTANT & PROFESSIONAL SVCS-E | 18.25                  | .00                   | 18.25              | .00                      | .00        |
| DEPARTMENTAL SERVICES            | 9,596.49               | .00                   | 63,175.14          | .00                      | .00        |
| OTHER ITEMS OF EXPENSE           | 466.23                 | .00                   | 23,117.40          | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| OPERATING EXP & EQUIP            | 17,777.18              | .00                   | 99,651.00          | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      |
| GRAND TOTAL                      | 89,950.63              | 785,365.00            | 933,138.19         | .00                      | 147,773.19 |

AGRFP001281

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV

| DESCRIPTION                      | CURRENT<br>PERIOD EXPENSE | WORKING<br>APPROPRIATION | Y-T-D<br>EXPENDITURES | OUTSTANDING<br>ENCUMBRANCES | BALANCE           |
|----------------------------------|---------------------------|--------------------------|-----------------------|-----------------------------|-------------------|
| <b>PERSONAL SERVICES</b>         |                           |                          |                       |                             |                   |
| CIVIL SERVICE-PERMANENT          | 52,973.40                 | .00                      | 669,849.33            | .00                         | .00               |
| CIVIL SERVICE-TEMP HELP          | 1,500.91                  | .00                      | 12,952.52             | .00                         | .00               |
| OVERTIME                         | 715.28                    | .00                      | 3,941.58              | .00                         | .00               |
| STAFF BENEFITS                   | 26,222.62                 | .00                      | 321,294.78            | .00                         | .00               |
| =====                            | 81,412.21                 | .00                      | 1,008,038.21          | .00                         | .00               |
| <b>OPERATING EXP &amp; EQUIP</b> |                           |                          |                       |                             |                   |
| GENERAL EXPENSE                  | 254.54                    | .00                      | 1,747.77              | .00                         | .00               |
| PRINTING                         | 5.52                      | .00                      | 300.36                | .00                         | .00               |
| COMMUNICATIONS                   | 372.02                    | .00                      | 4,373.73              | .00                         | .00               |
| POSTAGE                          | 19.75                     | .00                      | 59.30                 | .00                         | .00               |
| INSURANCE                        | .00                       | .00                      | 81.16                 | .00                         | .00               |
| TRAVEL IN-STATE                  | 1,846.46                  | .00                      | 3,732.10              | .00                         | .00               |
| TRAVEL OUT-OF-STATE              | 6.64                      | .00                      | 6.64                  | .00                         | .00               |
| TRAINING                         | 332.10                    | .00                      | 3,464.27              | .00                         | .00               |
| FACILITIES OPERATION             | 20.09                     | .00                      | 1,847.80              | .00                         | .00               |
| CONSULTANT & PROFESSIONAL SVCS-I | 4,626.10                  | .00                      | 7,543.44              | .00                         | .00               |
| CONSULTANT & PROFESSIONAL SVCS-R | 799.46                    | .00                      | 23,432.83             | .00                         | .00               |
| DEPARTMENTAL SERVICES            | 30,674.78                 | .00                      | 201,936.64            | .00                         | .00               |
| INFORMATION TECHNOLOGY           | 37,198.60                 | .00                      | 371,043.58            | .00                         | .00               |
| OTHER ITEMS OF EXPENSE           | 24.30                     | .00                      | 174.99                | .00                         | .00               |
| =====                            | 76,180.36                 | .00                      | 619,744.61            | .00                         | .00               |
| <b>SPEC ITEMS OF EXPENSE</b>     |                           |                          |                       |                             |                   |
| SPECIAL ITEMS OF EXPENSE         | 11.60                     | .00                      | 11.60                 | .00                         | .00               |
| =====                            | 11.60                     | .00                      | 11.60                 | .00                         | .00               |
| <b>SPEC ITEMS OF EXPENSE</b>     |                           |                          |                       |                             |                   |
| INTERNAL COST RECOVERY           | .00                       | .00                      | .00                   | .00                         | .00               |
| =====                            | .00                       | .00                      | .00                   | .00                         | .00               |
| <b>GRAND TOTAL</b>               | <b>157,604.17</b>         | <b>1,825,544.00</b>      | <b>1,627,794.42</b>   | <b>.00</b>                  | <b>197,749.58</b> |

AGRFPO01282

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DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : CJIS OPERATIONAL SUP PRG

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-------|
| PERSONAL SERVICES                |                        |                       |                    |                          |       |
| STAFF BENEFITS                   | .00                    | .00                   | .17                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| PERSONAL SERVICES                | .00                    | .00                   | .17                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |       |
| GENERAL EXPENSE                  | 2.54                   | .00                   | 13.06              | .00                      |       |
| PRINTING                         | .00                    | .00                   | .19                | .00                      |       |
| COMMUNICATIONS                   | 5.84                   | .00                   | 87.95              | .00                      |       |
| POSTAGE                          | 19.75                  | .00                   | 59.30              | .00                      |       |
| FACILITIES OPERATION             | 20.09                  | .00                   | 1,847.81           | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-I | 56.84                  | .00                   | 22.57              | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-E | .00                    | .00                   | .09                | .00                      |       |
| INFORMATION TECHNOLOGY           | 9.27                   | .00                   | 9.27               | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            | .65                    | .00                   | 2,040.24           | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |       |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| GRAND TOTAL                      | .65                    | 2,000.00              | 2,040.41           | .00                      | 4     |

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REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : CJIS OPERATIONAL SUP PRG

COMPONENT: COSP

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |
| STAFF BENEFITS                   | .00                    | .00                   | .17                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| PERSONAL SERVICES                | .00                    | .00                   | .17                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | 2.54                   | .00                   | 13.06              | .00                      | .00     |
| PRINTING                         | .00                    | .00                   | .19                | .00                      | .00     |
| COMMUNICATIONS                   | 5.84                   | .00                   | 87.95              | .00                      | .00     |
| POSTAGE                          | 19.75                  | .00                   | 59.30              | .00                      | .00     |
| FACILITIES OPERATION             | 20.09                  | .00                   | 1,847.81           | .00                      | .00     |
| CONSULTANT & PROFESSIONAL SVCS-I | 56.84                  | .00                   | 22.57              | .00                      | .00     |
| CONSULTANT & PROFESSIONAL SVCS-E | .00                    | .00                   | .09                | .00                      | .00     |
| INFORMATION TECHNOLOGY           | 9.27                   | .00                   | 9.27               | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            | .65                    | .00                   | 2,040.24           | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| GRAND TOTAL                      | .65                    | 2,000.00              | 2,040.41           | .00                      | 40.41   |

AGRFPO01284

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DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: COSP  
ELEMENT : CJIS OPERATIONAL SUP PRG TASK : CJIS-FAC & COMM \*7000

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-------|
| PERSONAL SERVICES                |                        |                       |                    |                          |       |
| STAFF BENEFITS                   | .00                    | .00                   | .17                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| PERSONAL SERVICES                | .00                    | .00                   | .17                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |       |
| GENERAL EXPENSE                  | 2.54                   | .00                   | 13.06              | .00                      |       |
| PRINTING                         | .00                    | .00                   | .19                | .00                      |       |
| COMMUNICATIONS                   | 5.84                   | .00                   | 87.95              | .00                      |       |
| POSTAGE                          | 19.75                  | .00                   | 59.30              | .00                      |       |
| FACILITIES OPERATION             | 20.09                  | .00                   | 1,847.81           | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-I | 56.84                  | .00                   | 22.57              | .00                      |       |
| CONSULTANT & PROFESSIONAL SVCS-E | .00                    | .00                   | .09                | .00                      |       |
| INFORMATION TECHNOLOGY           | 9.27                   | .00                   | 9.27               | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| OPERATING EXP & EQUIP            | .65                    | .00                   | 2,040.24           | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |       |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |       |
| =====                            |                        |                       |                    |                          |       |
| GRAND TOTAL                      | .65                    | 2,000.00              | 2,040.41           | .00                      | 4     |

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DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM ID & INVEST

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT          | 9,505.00               | .00                   | 112,765.00         | .00                      | .0        |
| STAFF BENEFITS                   | 4,245.86               | .00                   | 39,992.71          | .00                      | .0        |
| =====                            |                        |                       |                    |                          |           |
| PERSONAL SERVICES                | 13,750.86              | .00                   | 152,757.71         | .00                      | .0        |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |
| TRAVEL IN-STATE                  | 1,397.76               | .00                   | 2,190.02           | .00                      | .0        |
| CONSULTANT & PROFESSIONAL SVCS-I | .00                    | .00                   | 2,643.04           | .00                      | .0        |
| DEPARTMENTAL SERVICES            | 8,911.03               | .00                   | 58,662.64          | .00                      | .0        |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            | 10,308.79              | .00                   | 63,495.70          | .00                      | .0        |
| =====                            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .0        |
| =====                            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .0        |
| =====                            |                        |                       |                    |                          |           |
| GRAND TOTAL                      | 24,059.65              | 315,885.00            | 216,253.41         | .00                      | 99,631.51 |

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DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM ID & INVEST

COMPONENT: FIREARMS PGM - DROS\*7320

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT          | 9,505.00               | .00                   | 112,765.00         | .00                      |           |
| STAFF BENEFITS                   | 4,245.86               | .00                   | 39,992.71          | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| PERSONAL SERVICES                | 13,750.86              | .00                   | 152,757.71         | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |
| TRAVEL IN-STATE                  | 1,397.76               | .00                   | 2,190.02           | .00                      |           |
| CONSULTANT & PROFESSIONAL SVCS-I | .00                    | .00                   | 2,643.04           | .00                      |           |
| DEPARTMENTAL SERVICES            | 8,911.03               | .00                   | 58,662.64          | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            | 10,308.79              | .00                   | 63,495.70          | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| GRAND TOTAL                      | 24,059.65              | 315,885.00            | 216,253.41         | .00                      | 99,631.11 |

AGRF001287



DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM INFO & ANALYS

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE  |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|----------|
| PERSONAL SERVICES       |                        |                       |                    |                          |          |
| CIVIL SERVICE-PERMANENT | 7,700.75               | .00                   | 97,398.19          | .00                      | .0       |
| OVERTIME                | .00                    | .00                   | 519.64             | .00                      | .0       |
| STAFF BENEFITS          | 5,026.46               | .00                   | 66,303.38          | .00                      | .0       |
| =====                   |                        |                       |                    |                          |          |
| PERSONAL SERVICES       | 12,727.21              | .00                   | 164,221.21         | .00                      | .0       |
| =====                   |                        |                       |                    |                          |          |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |          |
| DEPARTMENTAL SERVICES   | 3,255.95               | .00                   | 21,434.42          | .00                      | .0       |
| =====                   |                        |                       |                    |                          |          |
| OPERATING EXP & EQUIP   | 3,255.95               | .00                   | 21,434.42          | .00                      | .0       |
| =====                   |                        |                       |                    |                          |          |
| SPEC ITEMS OF EXPENSE   |                        |                       |                    |                          |          |
| INTERNAL COST RECOVERY  | .00                    | .00                   | .00                | .00                      | .0       |
| =====                   |                        |                       |                    |                          |          |
| SPEC ITEMS OF EXPENSE   | .00                    | .00                   | .00                | .00                      | .0       |
| =====                   |                        |                       |                    |                          |          |
| GRAND TOTAL             | 15,983.16              | 199,659.00            | 185,655.63         | .00                      | 14,003.3 |

AGRFP001288

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM INFO & ANLYS

COMPONENT: DROS - LONG GUN    \*7950

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES       |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT | 7,700.75               | .00                   | 97,398.19          | .00                      |         |
| OVERTIME                | .00                    | .00                   | 519.64             | .00                      |         |
| STAFF BENEFITS          | 5,026.46               | .00                   | 66,303.38          | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| PERSONAL SERVICES       | 12,727.21              | .00                   | 164,221.21         | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |         |
| DEPARTMENTAL SERVICES   | 3,255.95               | .00                   | 21,434.42          | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP   | 3,255.95               | .00                   | 21,434.42          | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| SPEC ITEMS OF EXPENSE   |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY  | .00                    | .00                   | .00                | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| SPEC ITEMS OF EXPENSE   | .00                    | .00                   | .00                | .00                      |         |
| =====                   |                        |                       |                    |                          |         |
| GRAND TOTAL             | 15,983.16              | 199,659.00            | 185,655.63         | .00                      | 14,0    |

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DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : HARKINS DATA CENTER

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT          | 35,767.65              | .00                   | 459,686.14         | .00                      |         |
| CIVIL SERVICE-TEMP HELP          | 1,500.91               | .00                   | 12,952.52          | .00                      |         |
| OVERTIME                         | 715.28                 | .00                   | 3,421.94           | .00                      |         |
| STAFF BENEFITS                   | 16,950.30              | .00                   | 214,998.52         | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| PERSONAL SERVICES                | 54,934.14              | .00                   | 691,059.12         | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | 252.00                 | .00                   | 1,734.71           | .00                      |         |
| PRINTING                         | 5.52                   | .00                   | 300.17             | .00                      |         |
| COMMUNICATIONS                   | 366.18                 | .00                   | 4,285.78           | .00                      |         |
| INSURANCE                        | .00                    | .00                   | 81.16              | .00                      |         |
| TRAVEL IN-STATE                  | 448.70                 | .00                   | 1,542.08           | .00                      |         |
| TRAVEL OUT-OF-STATE              | 6.64                   | .00                   | 6.64               | .00                      |         |
| TRAINING                         | 332.10                 | .00                   | 3,464.27           | .00                      |         |
| FACILITIES OPERATION             | .00                    | .00                   | .01                | .00                      |         |
| CONSULTANT & PROFESSIONAL SVCS-I | 4,682.94               | .00                   | 4,877.83           | .00                      |         |
| CONSULTANT & PROFESSIONAL SVCS-E | 799.46                 | .00                   | 23,432.74          | .00                      |         |
| DEPARTMENTAL SERVICES            | 18,507.80              | .00                   | 121,839.58         | .00                      |         |
| INFORMATION TECHNOLOGY           | 37,189.33              | .00                   | 371,034.31         | .00                      |         |
| OTHER ITEMS OF EXPENSE           | 24.30                  | .00                   | 174.99             | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| OPERATING EXP & EQUIP            | 62,614.97              | .00                   | 532,774.25         | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| SPECIAL ITEMS OF EXPENSE         | 11.60                  | .00                   | 11.60              | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | 11.60                  | .00                   | 11.60              | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====   |
| GRAND TOTAL                      | 117,560.71             | 1,308,000.00          | 1,223,844.97       | .00                      | 84,155. |

AGRFP001290

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : HAWKINS DATA CENTER

COMPONENT: CRIM JUS INFO TECH \*8600

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT          | 7,513.05               | .00                   | 115,264.99         | .00                      | .         |
| CIVIL SERVICE-TEMP HELP          | 430.63                 | .00                   | 4,443.99           | .00                      | .         |
| OVERTIME                         | 2.11                   | .00                   | 565.69             | .00                      | .         |
| STAFF BENEFITS                   | 3,563.08               | .00                   | 53,493.25          | .00                      | .         |
| =====                            |                        |                       |                    |                          |           |
| PERSONAL SERVICES                | 11,508.87              | .00                   | 173,767.92         | .00                      | .         |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |
| TRAVEL IN-STATE                  | 8.65                   | .00                   | 8.65               | .00                      | .         |
| CONSULTANT & PROFESSIONAL SVCS-I | 7.94                   | .00                   | 137.97             | .00                      | .         |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            | 16.59                  | .00                   | 146.62             | .00                      | .         |
| =====                            |                        |                       |                    |                          |           |
| GRAND TOTAL                      | 11,525.46              | .00                   | 173,914.54         | .00                      | 173,914.! |

AGRFP001281

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : HAWKINS DATA CENTER

COMPONENT: TECH SUPPORT BUR \*8610

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN         |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------------|
| <b>PERSONAL SERVICES</b>         |                        |                       |                    |                          |               |
| CIVIL SERVICE-PERMANENT          | 14,558.30              | .00                   | 166,671.75         | .00                      |               |
| CIVIL SERVICE-TEMP HELP          | 383.41                 | .00                   | 4,365.71           | .00                      |               |
| OVERTIME                         | 487.10                 | .00                   | 1,864.26           | .00                      |               |
| STAFF BENEFITS                   | 6,954.82               | .00                   | 78,768.51          | .00                      |               |
| =====                            | 22,383.63              | .00                   | 251,670.23         | .00                      |               |
| <b>OPERATING EXP &amp; EQUIP</b> |                        |                       |                    |                          |               |
| GENERAL EXPENSE                  | 250.83                 | .00                   | 1,733.54           | .00                      |               |
| PRINTING                         | 5.27                   | .00                   | 299.92             | .00                      |               |
| COMMUNICATIONS                   | 366.18                 | .00                   | 4,285.78           | .00                      |               |
| INSURANCE                        | .00                    | .00                   | 81.16              | .00                      |               |
| TRAVEL IN-STATE                  | 251.76                 | .00                   | 1,271.25           | .00                      |               |
| TRAVEL OUT-OF-STATE              | 6.64                   | .00                   | 6.64               | .00                      |               |
| TRAINING                         | 332.10                 | .00                   | 3,464.27           | .00                      |               |
| FACILITIES OPERATION             | .00                    | .00                   | .01                | .00                      |               |
| CONSULTANT & PROFESSIONAL SVCS-I | 4,577.47               | .00                   | 4,642.33           | .00                      |               |
| CONSULTANT & PROFESSIONAL SVCS-E | 799.46                 | .00                   | 23,432.74          | .00                      |               |
| DEPARTMENTAL SERVICES            | 18,507.80              | .00                   | 121,839.58         | .00                      |               |
| INFORMATION TECHNOLOGY           | 37,189.33              | .00                   | 371,034.31         | .00                      |               |
| OTHER ITEMS OF EXPENSE           | 24.30                  | .00                   | 174.99             | .00                      |               |
| =====                            | 62,311.14              | .00                   | 532,266.50         | .00                      |               |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                    |                          |               |
| SPECIAL ITEMS OF EXPENSE         | 11.60                  | .00                   | 11.60              | .00                      |               |
| =====                            | 11.60                  | .00                   | 11.60              | .00                      |               |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                    |                          |               |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |               |
| =====                            | .00                    | .00                   | .00                | .00                      |               |
| <b>GRAND TOTAL</b>               | <b>84,706.37</b>       | <b>1,308,000.00</b>   | <b>783,948.33</b>  | <b>.00</b>               | <b>524.05</b> |

AGRFP001292

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BARKINS DATA CENTER

COMPONENT: DEPT TECH SVS BUR #8620

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |
| CIVIL SERVICE-PERMANENT          | 11,840.06              | .00                   | 142,396.44         | .00                      |         |
| CIVIL SERVICE-TEMP HELP          | 638.35                 | .00                   | 3,855.74           | .00                      |         |
| OVERTIME                         | 226.07                 | .00                   | 952.61             | .00                      |         |
| STAFF BENEFITS                   | 5,640.24               | .00                   | 67,452.35          | .00                      |         |
| =====                            |                        |                       |                    |                          |         |
| PERSONAL SERVICES                | 18,344.72              | .00                   | 214,657.14         | .00                      |         |
| =====                            |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |
| GENERAL EXPENSE                  | 1.17                   | .00                   | 1.17               | .00                      |         |
| PRINTING                         | .25                    | .00                   | .25                | .00                      |         |
| TRAVEL IN-STATE                  | 188.29                 | .00                   | 262.18             | .00                      |         |
| CONSULTANT & PROFESSIONAL SVCS-I | 97.53                  | .00                   | 97.53              | .00                      |         |
| =====                            |                        |                       |                    |                          |         |
| OPERATING EXP & EQUIP            | 287.24                 | .00                   | 361.13             | .00                      |         |
| =====                            |                        |                       |                    |                          |         |
| GRAND TOTAL                      | 18,631.96              | .00                   | 215,018.27         | .00                      | 215,018 |

AGRFP001293

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : HAWKINS DATA CENTER

COMPONENT: SINS SUPPORT \*8630

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|-------|
| PERSONAL SERVICES       |                        |                       |                    |                          |       |
| CIVIL SERVICE-PERMANENT | 1,856.24               | .00                   | 35,352.96          | .00                      |       |
| CIVIL SERVICE-TEMP HELP | 48.52                  | .00                   | 287.08             | .00                      |       |
| OVERTIME                | .00                    | .00                   | 39.38              | .00                      |       |
| STAFF BENEFITS          | 792.16                 | .00                   | 15,284.41          | .00                      |       |
| =====                   |                        |                       |                    |                          |       |
| PERSONAL SERVICES       | 2,696.92               | .00                   | 50,963.83          | .00                      |       |
| =====                   |                        |                       |                    |                          |       |
| GRAND TOTAL             | 2,696.92               | .00                   | 50,963.83          | .00                      | 50,96 |

AGRFP001294

**DOJ Programs Funded with Firearms Safety and Enforcement Special Fund**

**FY 2014/15  
BUREAU OF FIREARMS**

| Unit Code                         | Program Title                | Appropriation       | Actual Year-End Expenditures | FSE Funding % |
|-----------------------------------|------------------------------|---------------------|------------------------------|---------------|
| 507                               | Handgun Safety Certification | \$ 3,491,109        | \$ 3,112,816                 | 1/ 100%       |
| 509                               | Firearms Safety Account      | \$ 52,000           | \$ 33,552                    | 13%           |
| <b>FIREARMS TOTAL FSE FUNDING</b> |                              | <b>\$ 3,543,109</b> | <b>\$ 3,146,369</b>          |               |

1/ Actual year-end expenditures include \$165,793 in statewide ProRata charges.



DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| <b>PERSONAL SERVICES</b>         |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT          | 87,693.04              | .00                   | 836,384.74         | .00                      | .         |
| OVERTIME                         | 2,736.83               | .00                   | 5,418.22           | .00                      | .         |
| STAFF BENEFITS                   | 54,643.04              | .00                   | 484,989.15         | .00                      | .         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====     |
| PERSONAL SERVICES                | 145,072.91             | .00                   | 1,326,792.11       | .00                      | .         |
| <b>OPERATING EXP &amp; EQUIP</b> |                        |                       |                    |                          |           |
| GENERAL EXPENSE                  | 5,118.65               | .00                   | 40,068.67          | .00                      | .         |
| PRINTING                         | 725.00                 | .00                   | 22,943.20          | .00                      | .         |
| POSTAGE                          | 81.78                  | .00                   | 1,519.81           | .00                      | .         |
| TRAVEL IN-STATE                  | 1,061.74               | .00                   | 29,113.65          | .00                      | .         |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 341.73             | .00                      | .         |
| TRAINING                         | .00                    | .00                   | 1,673.00           | .00                      | .         |
| FACILITIES OPERATION             | 671,756.52             | .00                   | 674,121.52         | .00                      | .         |
| CONSULTANT & PROFESSIONAL SVCS-I | 20,036.16              | .00                   | 58,847.55          | .00                      | .         |
| CONSULTANT & PROFESSIONAL SVCS-E | 43,858.56              | .00                   | 582,536.85         | .00                      | .         |
| DEPARTMENTAL SERVICES            | 15,019.29              | .00                   | 98,874.18          | .00                      | .         |
| INFORMATION TECHNOLOGY           | 36,379.00              | .00                   | 52,529.93          | .00                      | .         |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 165,793.00         | .00                      | .         |
| EQUIPMENT                        | 3,953.50               | .00                   | 3,953.50           | .00                      | .         |
| OTHER ITEMS OF EXPENSE           | 9,722.27               | .00                   | 95,166.92          | .00                      | .         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====     |
| OPERATING EXP & EQUIP            | 799,805.47             | .00                   | 1,819,576.51       | .00                      | .         |
| <b>SPEC ITEMS OF EXPENSE</b>     |                        |                       |                    |                          |           |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====     |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .         |
| =====                            | =====                  | =====                 | =====              | =====                    | =====     |
| GRAND TOTAL                      | 944,878.38             | 3,543,109.00          | 3,146,368.62       | .00                      | 396,740.1 |

AGRFPO01296

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE  |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |          |
| CIVIL SERVICE-PERMANENT          | 87,693.04              | .00                   | 836,384.74         | .00                      |          |
| OVERTIME                         | 2,736.83               | .00                   | 5,418.22           | .00                      |          |
| STAFF BENEFITS                   | 54,643.04              | .00                   | 484,989.15         | .00                      |          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====    |
| PERSONAL SERVICES                | 145,072.91             | .00                   | 1,326,792.11       | .00                      |          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====    |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |          |
| GENERAL EXPENSE                  | 5,118.65               | .00                   | 40,068.67          | .00                      |          |
| PRINTING                         | 725.00                 | .00                   | 22,943.20          | .00                      |          |
| POSTAGE                          | 81.78                  | .00                   | 1,519.81           | .00                      |          |
| TRAVEL IN-STATE                  | 1,061.74               | .00                   | 29,113.65          | .00                      |          |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 341.73             | .00                      |          |
| TRAINING                         | .00                    | .00                   | 1,673.00           | .00                      |          |
| FACILITIES OPERATION             | 671,756.52             | .00                   | 674,121.52         | .00                      |          |
| CONSULTANT & PROFESSIONAL SVCS-I | 20,036.16              | .00                   | 58,847.55          | .00                      |          |
| CONSULTANT & PROFESSIONAL SVCS-E | 43,858.56              | .00                   | 582,536.85         | .00                      |          |
| DEPARTMENTAL SERVICES            | 15,019.29              | .00                   | 98,874.18          | .00                      |          |
| INFORMATION TECHNOLOGY           | 36,379.00              | .00                   | 52,529.93          | .00                      |          |
| GENERAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 165,793.00         | .00                      |          |
| EQUIPMENT                        | 3,953.50               | .00                   | 3,953.50           | .00                      |          |
| OTHER ITEMS OF EXPENSE           | 9,722.27               | .00                   | 95,166.92          | .00                      |          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====    |
| OPERATING EXP & EQUIP            | 799,805.47             | .00                   | 1,819,576.51       | .00                      |          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====    |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====    |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |          |
| =====                            | =====                  | =====                 | =====              | =====                    | =====    |
| GRAND TOTAL                      | 944,878.38             | 3,543,109.00          | 3,146,368.62       | .00                      | 396,740. |

AGRFP001297

DATE 7/20/2015

TIME 16:05:42

DEPARTMENT OF JUSTICE

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: BASIC FIREARMS SEFY\*5070

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALAN  |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|--------|
| PERSONAL SERVICES                |                        |                       |                    |                          |        |
| CIVIL SERVICE-PERMANENT          | 86,945.89              | .00                   | 825,020.74         | .00                      |        |
| OVERTIME                         | 2,736.83               | .00                   | 5,409.12           | .00                      |        |
| STAFF BENEFITS                   | 54,212.08              | .00                   | 479,122.68         | .00                      |        |
| =====                            |                        |                       |                    |                          |        |
| PERSONAL SERVICES                | 143,894.80             | .00                   | 1,309,552.54       | .00                      |        |
| =====                            |                        |                       |                    |                          |        |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |        |
| GENERAL EXPENSE                  | 5,061.32               | .00                   | 39,834.55          | .00                      |        |
| PRINTING                         | 725.00                 | .00                   | 22,943.20          | .00                      |        |
| POSTAGE                          | 26.73                  | .00                   | 1,432.00           | .00                      |        |
| TRAVEL IN-STATE                  | 1,061.74               | .00                   | 29,113.65          | .00                      |        |
| TRAINING                         | .00                    | .00                   | 1,673.00           | .00                      |        |
| FACILITIES OPERATION             | 671,756.52             | .00                   | 674,121.52         | .00                      |        |
| CONSULTANT & PROFESSIONAL SVCS-I | 18,655.50              | .00                   | 53,365.90          | .00                      |        |
| CONSULTANT & PROFESSIONAL SVCS-E | 43,858.56              | .00                   | 582,536.85         | .00                      |        |
| DEPARTMENTAL SERVICES            | 13,537.92              | .00                   | 89,122.08          | .00                      |        |
| INFORMATION TECHNOLOGY           | 36,379.00              | .00                   | 52,529.93          | .00                      |        |
| GENERAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 165,793.00         | .00                      |        |
| EQUIPMENT                        | 3,953.50               | .00                   | 3,953.50           | .00                      |        |
| OTHER ITEMS OF EXPENSE           | 9,722.27               | .00                   | 94,751.77          | .00                      |        |
| =====                            |                        |                       |                    |                          |        |
| OPERATING EXP & EQUIP            | 796,831.06             | .00                   | 1,803,263.95       | .00                      |        |
| =====                            |                        |                       |                    |                          |        |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |        |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |        |
| =====                            |                        |                       |                    |                          |        |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |        |
| =====                            |                        |                       |                    |                          |        |
| GRAND TOTAL                      | 940,725.86             | 3,491,109.00          | 3,112,816.49       | .00                      | 378.29 |

AGRF001298

DATE 7/20/2015

DEPARTMENT OF JUSTICE

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
FOR  
FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: FIREARMS SFTY ACCT #5090

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |
| CIVIL SERVICE-PERMANENT          | 747.15                 | .00                   | 11,364.00          | .00                      |           |
| OVERTIME                         | .00                    | .00                   | 9.10               | .00                      |           |
| STAFF BENEFITS                   | 430.96                 | .00                   | 5,866.47           | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| PERSONAL SERVICES                | 1,178.11               | .00                   | 17,239.57          | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |
| GENERAL EXPENSE                  | 57.33                  | .00                   | 234.12             | .00                      |           |
| POSTAGE                          | 55.05                  | .00                   | 87.81              | .00                      |           |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 341.73             | .00                      |           |
| CONSULTANT & PROFESSIONAL SVCS-I | 1,380.66               | .00                   | 5,481.65           | .00                      |           |
| DEPARTMENTAL SERVICES            | 1,481.37               | .00                   | 9,752.10           | .00                      |           |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 415.15             | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| OPERATING EXP & EQUIP            | 2,974.41               | .00                   | 16,312.56          | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |           |
| =====                            |                        |                       |                    |                          |           |
| GRAND TOTAL                      | 4,152.52               | 52,000.00             | 33,552.13          | .00                      | 18,447.87 |

# DOJ Programs Funded with Firearms Safety Account Special Fund

## FY 2014/15 BUREAU OF FIREARMS

| Unit Code                         | Program Title           | Appropriation     | Actual<br>Year-End<br>Expenditures | FSA<br>Funding % |
|-----------------------------------|-------------------------|-------------------|------------------------------------|------------------|
| 509                               | Firearms Safety Account | \$ 339,000        | \$ 234,059                         | 1/ 87%           |
| <b>FIREARMS TOTAL FSA FUNDING</b> |                         | <b>\$ 339,000</b> | <b>\$ 234,059</b>                  |                  |

1/ Actual year-end expenditures include \$15,316 in statewide ProRata charges.

DATE 7/20/2015

TIME 16:05:42

DEPARTMENT OF JUSTICE  
 REPORT OF EXPENDITURES AS OF JUN 30, 2015  
 FOR  
 FIREARM SAFETY ACCOUNT

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : BUREAU OF FIREARMS

COMPONENT: FIREARMS SFTY ACCT \*5090

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |
| CIVIL SERVICE-PERMANENT          | 4,870.85               | .00                   | 74,084.58          | .00                      |            |
| OVERTIME                         | .00                    | .00                   | 59.36              | .00                      |            |
| STAFF BENEFITS                   | 2,809.57               | .00                   | 38,245.14          | .00                      |            |
| =====                            |                        |                       |                    |                          |            |
| PERSONAL SERVICES                | 7,680.42               | .00                   | 112,389.08         | .00                      |            |
| =====                            |                        |                       |                    |                          |            |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |
| GENERAL EXPENSE                  | 373.75                 | .00                   | 1,526.21           | .00                      |            |
| POSTAGE                          | 358.87                 | .00                   | 572.39             | .00                      |            |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 2,227.87           | .00                      |            |
| CONSULTANT & PROFESSIONAL SVCS-I | 9,000.87               | .00                   | 35,736.15          | .00                      |            |
| DEPARTMENTAL SERVICES            | 9,657.41               | .00                   | 63,576.19          | .00                      |            |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 15,316.00          | .00                      |            |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 2,706.50           | .00                      |            |
| =====                            |                        |                       |                    |                          |            |
| OPERATING EXP & EQUIP            | 19,390.90              | .00                   | 121,661.31         | .00                      |            |
| =====                            |                        |                       |                    |                          |            |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      |            |
| =====                            |                        |                       |                    |                          |            |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      |            |
| =====                            |                        |                       |                    |                          |            |
| GRAND TOTAL                      | 27,071.32              | 339,000.00            | 234,050.39         | .00                      | 104,949.61 |

AGRFPP001301

VERIFICATION

I, Stephen Lindley, declare:

I am the Director of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL XAVIER BECERRA AND BUREAU OF FIREARMS DIRECTOR STEPHEN LINDLEY'S RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS (SET FOUR). I know their contents and the same are true to my knowledge, information, and belief.

I declare under penalty of perjury under the laws of under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on October 10 2017, at Riverside, California.



STEPHEN LINDLEY

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**VERIFICATION**

I, Stephen Lindley, declare:

I am the Director of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL XAVIER BECERRA AND BUREAU OF FIREARMS DIRECTOR STEPHEN LINDLEY'S RESPONSES TO SPECIAL INTERROGATORIES (SET FOUR). I know their contents and the same are true to my knowledge, information, and belief.

I declare under penalty of perjury under the laws of under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on October 12 2017, at Riverside, California.

  
**STEPHEN LINDLEY**

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VERIFICATION

I, Stephen Lindley, declare:

I am the Director of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANT'S ATTORNEY GENERAL XAVIER BECERRA AND BUREAU OF FIREARMS DIRECTOR STEPHEN LINDLEY'S RESPONSES TO FORM INTERROGATORIES (SET FOUR). I know their contents and the same are true to my knowledge, information, and belief.

I declare under penalty of perjury under the laws of under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on October 6, 2017, at RIVERSIDE, California.



STEPHEN LINDLEY

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**VERIFICATION**

I, Stephen Lindley, declare:

I am the Director of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL XAVIER BECERRA AND BUREAU OF FIREARMS DIRECTOR STEPHEN LINDLEY'S RESPONSES TO REQUESTS FOR ADMISSIONS (SET THREE). I know their contents and the same are true to my knowledge, information, and belief.

I declare under penalty of perjury under the laws of under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on October 6 2017, at RUNGAS, California.

  
STEPHEN LINDLEY

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# **EXHIBIT P**

| <b>2012</b>         |                          |                        |                        |                     |
|---------------------|--------------------------|------------------------|------------------------|---------------------|
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Billable (\$15)</u> | <u>Revenue</u>      |
| <b>YEARLY TOTAL</b> | <b>817,738</b>           | <b>735,964</b>         | <b>81,774</b>          | <b>\$15,209,927</b> |
| <b>2013</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Billable (\$15)</u> |                     |
| <b>YEARLY TOTAL</b> | <b>960,179</b>           | <b>864,161</b>         | <b>96,018</b>          | <b>\$17,859,329</b> |
| <b>2014</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Difference</u>      |                     |
| <b>YEARLY TOTAL</b> | <b>931,037</b>           | <b>844,128</b>         | <b>86,909</b>          | <b>\$16,038,432</b> |
| <b>2015</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Difference</u>      |                     |
| <b>YEARLY TOTAL</b> | <b>880,603</b>           | <b>775,587</b>         | <b>105,016</b>         | <b>\$14,736,153</b> |
| <b>2016</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Difference</u>      |                     |
| <b>YEARLY TOTAL</b> | <b>1,331,322</b>         | <b>1,129,959</b>       | <b>201,363</b>         | <b>\$21,469,221</b> |
| <b>2017</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Difference</u>      |                     |
| <b>YEARLY TOTAL</b> | <b>882,585</b>           | <b>781,889</b>         | <b>100,696</b>         | <b>\$14,855,891</b> |

Billable DROS: Estimated at 90% of Actual Transactions

**DECLARATION OF SERVICE BY E-MAIL and U.S. Mail**

Case Name: **Gentry, David, et al. v. Kamala Harris, et al.**  
No.: **34-2013-80001667**

I declare:


I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On December 24, 2018, I served the attached **DECLARATION OF ANTHONY R. HAKL IN SUPPORT OF DEFENDANTS' OPPOSITION BRIEF** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Scott Franklin  
Michel & Associates, P.C.  
180 E. Ocean Boulevard, Suite 200  
Long Beach, CA 90802  
**E-mail Address:**  
SFranklin@michellawyers.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 24, 2018, at Sacramento, California.

Tracie L. Campbell  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature

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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO

DAVID GENTRY, JAMES PARKER,  
MARK MIDLAM, JAMES BASS, and  
CALGUNS SHOOTING SPORTS  
ASSOCIATION,

Plaintiffs and Petitioners,

v.

XAVIER BECERRA, in His Official  
Capacity as Attorney General for the State  
of California; STEPHEN LINDLEY, in  
His Official Capacity as Acting Chief for  
the California Department of Justice,  
BETTY T. YEE, in Her Official Capacity  
as State Controller, and DOES 1 - 10,

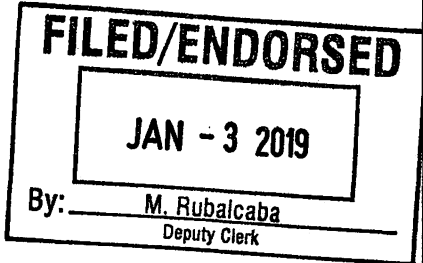
Defendants and Respondents.

Case No. 34-2013-80001667

**REPLY IN SUPPORT OF PLAINTIFFS'  
OPENING TRIAL BRIEF**

Hearing Date: January 18, 2019  
Hearing Time: 11:00 a.m.  
Judge: Honorable Richard K. Sueyoshi  
Dept.: 28

Action Filed: October 16, 2013



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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 Defendants’<sup>1</sup> Opposition consists primarily of two meritless arguments that fill the space  
4 left bare as a result of Defendants’ refusal to address the clear evidence of unauthorized  
5 governmental spending presented by Plaintiffs in this case. Accordingly, the Court should grant  
6 the relief Plaintiffs seek for the reasons stated in their Opening Brief and this Reply.

7 **II. ARGUMENT**

8 **A. Defendants Cannot Meet Two of the Three Elements of Claim Preclusion**

9 **1. The Primary Right Theory Only Potentially Creates a Res Judicata Bar as to**  
10 **Claims Arising from “a Particular Injury[.]” Not, as Defendants Argue, a**  
11 **Particular Type of Injury**

12 Defendants correctly state the claim preclusion standard (Opp’n at 19:2-9),<sup>2</sup> but they  
13 cannot meet their burden as to two of its three elements.<sup>3</sup> Regarding the first element—that there  
14 is a second suit involving “the same cause of action” as was brought in a prior action (*DKN*  
15 *Holdings*, 61 Cal. 4th at 824)—“California law approaches the issue by focusing on the ‘primary  
16 right’ at stake.” (Opp’n at 19:2-9 (citing *Cal Sierra Dev., Inc. v. George Reed, Inc.*, 14 Cal. App.  
17 5th 663, 675 (2017)). “If two actions involve the *same injury to the plaintiff* and the same wrong  
18 by the defendant then the same primary right is at stake[.]” (*Id.* (italics added).) So when a  
19 primary right raised in an action litigated to final judgment is raised in another action, the  
20 application of the doctrine of res judicata results in the later-raised “cause [being] merged into the  
21 judgment and . . . serves as a bar to further litigation of the same cause of action.” (Opp’n at  
22 18:13-17, citing *Mycogen Corp. v. Monsanto Co.*, 28 Cal. 4th 888, 896-97 (2002).)

23 <sup>1</sup> Plaintiffs are in accord with Defendants’ request that this Court substitute Director Horan as  
24 a defendant herein, replacing his predecessor, Stephen P. Lindley. (Opp’n, 8:25-26, n.1).

25 <sup>2</sup> “Claim preclusion arises if a second suit involves: (1) the same cause of action (2) between  
26 the same parties (3) after a final judgment on the merits in the first suit.” *DKN Holdings LLC v.*  
27 *Faerber*, 61 Cal. 4th 813, 824 (2015).

28 <sup>3</sup> “The burden of proving that the requirements for application of res judicata have been met is  
upon the party seeking to assert it as a bar or estoppel.” *Vella v. Hudgins*, 20 Cal. 3d 251, 257  
(1977). Relatedly, Plaintiffs do not dispute that, as to the third claim preclusion element, the  
judgment in *Bauer* was a final judgment on the merits (Opp’n at 24:5-20, citing *Bauer v. Becerra*,  
858 F.3d 1216, 1226 (9th Cir. 2017), cert. denied, (U.S. Feb. 20, 2018)). Nonetheless, Plaintiffs  
do not concede Defendants’ characterization of the substance of that judgment is accurate. (*Id.*).

1           Though Defendants repeatedly raise variations of the claim *Bauer* and this action  
2 “concern the same legal wrong and injury” (Opp’n at 20:22-21:1, see also 21:7-8, 8:10-13),  
3 Defendants never actually identify and compare the injuries at issue in *Bauer* and this action.  
4 Doing so would have shown that *Bauer* and this case do not concern “the same . . . injury” at  
5 all—they instead only concern the same *type* of injury, which is not enough to meet the first claim  
6 preclusion element. *Planning & Conservation League v. Castaic Lake Water Agency*, 180 Cal.  
7 App. 4th 210, 227–28 (2009), *as modified on denial of reh’g* (Jan. 14, 2010); *Frommhagen v. Bd.*  
8 *of Supervisors*, 197 Cal. App. 3d 1292, 1299–300 (1987); *Roam v. Koop*, 41 Cal. App. 3d 1035,  
9 1041, (1974); *Yates v. Kuhl*, 130 Cal.App.2d 536, 540 (1955).

10           “The scope of the primary right . . . depends on how the injury is defined. A cause of  
11 action comprises the plaintiff’s primary right, the defendant’s corresponding primary duty, and  
12 the defendant’s wrongful act in breach of that duty.” *Fed’n of Hillside & Canyon Ass’ns v. City of*  
13 *Los Angeles*, 126 Cal. App. 4th 1180, 1203 (2004). “An injury is defined in part by reference to  
14 the set of facts, or transaction, from which the injury arose.” *Id.* The “set of facts, or transaction,  
15 from which the injury [in *Bauer*] arose” is completely separate from the “set of facts, or  
16 transaction, from which the injury [in this case] arose[.]” *Id.* As stated in the relevant complaints,  
17 the individual Plaintiffs in *Bauer* and in this action alleged injury occurring when they *each*  
18 purchased a firearm and were forced to pay the challenged levy. (Decl. of Anthony Hakl in Supp.  
19 of Defs.’ Opp’n Brief [“Hakl Decl.”] at Ex. A, ¶¶ 14, 17, 19, 20; Am. Compl., ¶¶ 21-24.) The fact  
20 that *each* plaintiff has a unique injury in and of itself proves there was not a single invasion of a  
21 primary right upon which the “same action” requirement could be met.

22           Further, the timing of the injuries pleaded in this action is dispositive as to the whether  
23 this case concerns the same invasion of a primary right that was addressed in *Bauer*. That is, each  
24 individual Plaintiff herein alleged that, between October 31, 2012, and October 31, 2013, they  
25 had purchased a firearm, and in the course thereof were injured because they had to pay the  
26 inflated Dealers Record of Sale (“DROS”) fee (“DROS Fee”). (Am. Compl., ¶¶ 21-24, 111.).  
27 *Bauer* was filed on August 25, 2011 (Hakl Decl. at Ex. A), well before any of the occurrence of  
28 any of the injuries at issue herein. (Am. Compl., ¶¶ 21-24.) Because “a cause of action is framed

1 by the facts in existence when the underlying complaint is filed, res judicata ‘is not a bar to claims  
2 that arise after the initial complaint is filed.’” *Planning & Conservation League*, 180 Cal. App.  
3 4th at 227. Indeed, where post-filing injuries violate a plaintiff’s rights, “[t]hese rights may be  
4 asserted in a supplemental pleading, but if such a pleading is not filed a plaintiff is not foreclosed  
5 from asserting the rights in a subsequent action.” *Id.* at 228. There is simply no merger where “the  
6 second action is on a different cause of action, where there are successive breaches of an  
7 obligation, or . . . new rights accrued since the rendition of the former judgment.” 7 Witkin, Cal.  
8 Proc. 5th Judgm. § 404 (2017) (identifying more than a dozen relevant cases).

9 *Frommhagen* is particularly instructive. There, the plaintiff brought and litigated a lawsuit  
10 regarding a “county service area charge” (the “Charge”) levied on him for fiscal year 1984-1985  
11 that was dismissed by the trial court, a decision upheld on appeal. *Frommhagen*, 197 Cal. App. 3d  
12 1292, 1297-98. Soon after his first case was over, Frommhagen filed a new action regarding the  
13 assessment of the Charge for fiscal year 1985-1986, and the defendant county raised a res judicata  
14 argument based on the first action. *Id.* at 1298-99.

15 The *Frommhagen* court had little trouble in finding that the “suit attacking the 1985–1986  
16 charges is not based on the same cause of action as the suit attacking the 1984–1985 charges.” *Id.*  
17 at 1300. It held that “each year is the origin of a new charge fixing procedure, new charge  
18 liability, and, we believe, a new cause of action. In the parlance of the ‘primary right theory,’  
19 those paying charges have a primary right to have the charges properly calculated and imposed  
20 each year.” *Id.* The rejected res judicata allegations in *Frommhagen* and those made in this action  
21 are patently parallel. Just like each yearly levy of the Charge created a new cause of action (*id.*),<sup>4</sup>  
22 each firearm purchase burdened with the payment of the illegally inflated DROS Fee created a  
23 new cause of action. Accordingly, because none of the Plaintiffs herein base their claims on the

24 <sup>4</sup> See also *Yates*, 130 Cal.App.2d at 540 (noting that “it is . . . well established that the  
25 doctrine [of res judicata] is limited by the rule that it does not apply to new rights” and holding  
26 the doctrine was inapplicable in a case concerning “successive causes of action arising out of the  
27 same general subject matter”); *Roam*, 41 Cal. App. 3d at 1041 (holding that, pursuant to “ten  
28 separate contracts entered into over a period of approximately two years . . . each may be viewed  
as involving a separate primary right and thus giving rise to a separate and independent cause of  
action [even “though they all concerned the same general subject matter”]; *Citizens for Open  
Access to Sand & Tide, Inc. v. Seadrift Ass’n*, 60 Cal. App. 4th 1053, 1069 (1998) (“the  
application of the doctrine of res judicata ‘depends on whether the issue in both actions is the  
same, not whether the issue arises in the same context.’”).

1 fee payments at issue in *Bauer*, Defendants cannot meet the first element and their res judicata  
2 claim fails for that reason alone.

3 **2. Defendants Cannot Show the Required Privity.**

4 Defendants claim that Plaintiffs have a sufficient relationship with the *Bauer* plaintiffs to  
5 meet the res judicata privity requirement. (Opp’n at 22:6-24:4.) This assertion is based on three  
6 factual allegations: (1) the same law firm (and to some extent, the same specific lawyers) that  
7 represents Plaintiffs also represented the plaintiffs in *Bauer*; (2) Plaintiffs “worked in cooperation  
8 with the plaintiffs in *Bauer*[:]” and (3) that the entity plaintiffs in this case and *Bauer* “maintain a  
9 relationship of privity as a practical matter[.]”(*Id.*). Even if all of those factual assertions are true,  
10 Defendants have nonetheless failed to show the existence of privity upon which a claim  
11 preclusion bar could be applied to Plaintiffs.

12 Defendants’ own case law dooms their attempt to show privity. In the res judicata context,  
13 “[a] privy is one who, after rendition of the judgment, has acquired an interest in the subject  
14 matter affected by the judgment through or under one of the parties, as by inheritance, succession,  
15 or purchase.” (Opp’n at 21:11-20.; citing *Cal Sierra*, 14 Cal. App. 5th at 672.) Under this  
16 definition, Plaintiffs are only privies of the *Bauer* plaintiffs if Plaintiffs “acquired an interest in  
17 the subject matter affected by the judgment through or under one of the [*Bauer* plaintiffs] as by  
18 inheritance, succession, or purchase.” (*Id.*) Defendants, however, fail to allege (1) an interest in  
19 the “subject matter” obtained by a Plaintiff from a *Bauer* Plaintiff, let alone one that was obtained  
20 (2) “as by inheritance, succession, or purchase.” (*Id.*).

21 “A party is adequately represented for purposes of the privity rule ‘if his or her interests  
22 are so similar to a party’s interest that the latter was the former’s virtual representative in the  
23 earlier action.’” *Citizens for Open Access*, 60 Cal. App. 4th at 1070. “This requires more than a  
24 showing of parallel interests—it is not enough that the non-party may be interested in the same  
25 questions or proving the same facts.” *In re Yellow Cab Co.*, 212 B.R. 154, 158 (Bankr. S.D. Cal.  
26 1997). “The cases uniformly state that, in addition to an identity or community of interest  
27 between the party to be estopped and the losing party in the first action, and adequate  
28 representation by the latter, ‘the circumstances must have been such that the party to be estopped

1 should reasonably have expected to be bound by the prior adjudication.” *Rodgers v. Sargent*  
2 *Controls & Aerospace*, 136 Cal. App. 4th 82, 93 (2006), as modified (Feb. 7, 2006). As the  
3 *Rodgers* court noted, in *Vega v. Jones, Day, Reavis & Pogue*, 121 Cal. App. 4th 282, 298–299  
4 (2004), the court there “discern[ed] no basis for concluding Vega ‘should reasonably have  
5 expected to be bound by’ the adjudication of lawsuits *in which he did not participate in any way,*  
6 *in which he had no proprietary or financial interest, and over which he had no control of any*  
7 *sort.*” *Id.* (italics added).

8 ““This requirement of identity of parties or privity is a requirement of due process of law.’  
9 [Citation.] ‘Due process requires that the nonparty have had an identity or community of interest  
10 with, and adequate representation by, the losing party in the first action.’ *Cal Sierra*, 14 Cal. App.  
11 5th at 673. *Richards v. Jefferson County, Ala.* 517 U.S. 793, 801-02 (1996), decisively directs that  
12 Defendants have not made a sufficient privity showing. In that ruling, the Supreme Court held  
13 that the final ruling in a prior taxpayer lawsuit brought by three taxpayers, who acted for their  
14 own benefit and not for a class or the public at large, was not res judicata as to a later,  
15 substantially similar lawsuit brought by different parties. *Id.* at 798, 801-02. As the Supreme  
16 Court stated, “to contend that the plaintiffs in [the first action] somehow represented [plaintiffs in  
17 the second action], let alone represented them in a constitutionally adequate manner, would be ‘to  
18 attribute to them a power that it cannot be said that they had assumed to exercise.’” *Id.* at 1768.  
19 “Accordingly, [*Richards* holds that] due process prevents the [plaintiffs in the second action]  
20 from being bound by the [plaintiffs in the first actions’] judgment” (*id.*), just as this Court should.

21 **i. Use of the Same Attorney Is Not Per Se Relevant as to Privity**

22 Defendants claim that “the same counsel’s representation of different plaintiffs in  
23 successive actions is a factor this Court should consider in determining privity[.]” citing *Alvarez*  
24 *v. May Dept. Stores Co.*, 143 Cal. App. 4th 1223, 1238 (2008). (Opp’n at 21:16-19.) Defendants  
25 do not, however explain why this “factor” weighs in favor of a privity finding in *this* action. As  
26 Defendants admit: “[w]hether someone is in privity with the actual parties requires a close  
27 examination of the circumstances of each case.” (Opp’n at 21:1-5, citing *Citizens for Open*  
28 *Access*, 60 Cal. App. 4th at 1070.) And yet, Defendants provide no argument supporting their



1 position. Indeed, the idea that an attorney’s representation of two similarly situated clients in two  
2 similar cases should be the basis for penalizing the second such client is contrary to public policy.

3 That appellant is represented by the same counsel as were the plaintiffs in the prior  
4 actions does not, we conclude, suffice to extend the doctrine of privity to his case. .  
5 . . [T]he representation of different plaintiffs in different cases by the same  
6 attorneys is not a factor that justifies imposition of collateral estoppel to preclude  
7 litigation of an issue by appellant as a non-party to the prior actions, *at least*  
8 *without evidence that through his attorney he participated in or controlled the*  
*adjudication of the issue sought to be relitigated.* [citation] To find that an identity  
of attorneys presenting the same issue on behalf of different parties results in issue  
preclusion would promote attorney shopping, and tend to prevent parties from  
obtaining representation by chosen counsel familiar with an issue or matter in  
litigation.

9 *Rodgers*, 136 Cal. App. 4th at 93–94 (discussing privity vis-à-vis issue preclusion) (italics added).

10 Thus, if this “factor” is relevant at all, it is only relevant to the extent that one of the  
11 Plaintiffs used their counsel to “participate[] in or control[] the adjudication” in *Bauer. Id.*  
12 Defendants have not produced even a scintilla of argument of that having occurred. That  
13 Plaintiffs chose a law firm with firearms law experience to bring a case concerning firearms  
14 law—just as the *Bauer* plaintiffs did—is of no import to the privity analysis. Indeed, to hold  
15 otherwise would cut against the well-established “interest of clients in having the attorney of  
16 [their] choice[.]” *Howard v. Babcock*, 6 Cal. 4th 409, 425 (1993).

## 17 **ii. Cooperation Does Not Evince Privity**

18 Defendants’ attempt to show privity based on the supposition that Plaintiffs “worked in  
19 cooperation with the plaintiffs in *Bauer*” also fails for the same reason. (Opp’n at 22:20-21.) That  
20 is, two sets of plaintiffs “working in cooperation” is not a salient consideration vis-à-vis proving  
21 privity *unless* it shows a plaintiff in one lawsuit participated in, had a proprietary interest in, or  
22 had control over another lawsuit. *Rodgers*, 136 Cal. App. 4th at 93. Defendants claim that  
23 Plaintiffs “had access to all of the discovery [responses] in the possession of the *Bauer*  
24 plaintiffs[,]” but such access would not further the assertion of privity—obtaining “presumptively  
25 public”<sup>5</sup> discovery responses from *Bauer* does nothing to show a Plaintiff “had a right to make a  
26 defense [in], control . . . , [or] appeal” that case. (Opp’n at 21:13-20), citing *Cal Sierra*, 14 Cal.

27 \_\_\_\_\_  
28 <sup>5</sup> “It is well-established that . . . the fruits of pretrial discovery are, in the absence of a court  
order to the contrary, presumptively public.” *San Jose Mercury News, Inc. v. United States Dist.*  
*Court-N. Dist.*, 187 F.3d 1096, 1103 (9th Cir.1999).

1 App. 5th at 672.)

2 **iii. Defendants Show No Privity between the Entity Plaintiffs**

3 Defendants claim their privity assertion is assisted because the “lead organizational  
4 plaintiff in *Bauer*” and the “lead organizational plaintiff in” this case “maintain a relationship of  
5 privity as a practical matter, when it comes to lobbying, litigating, and generally advocating to  
6 promote firearm rights.” (Opp’n at 23:10-24:4). First, the claim about “a relationship of privity . .  
7 . when it comes to . . . litigating” is speculation: Defendants do not identify a single evidentiary  
8 basis for this contention. Second, even assuming Defendants’ citation to internet sources did  
9 suggest these two entities had a relationship that generally included some aspect concerning  
10 litigation, that fact would do nothing to show the Plaintiffs had “adequate representation” of their  
11 interests in a particular prior lawsuit, i.e., *Bauer. Consumer Advocacy Grp., Inc. v. ExxonMobil*  
12 *Corp.*, 168 Cal. App. 4th 675, 690 (2008) (citing *Richards*, 517 U.S. 793, *passim*).

13 In sum, Defendants offer three arguments to support a finding of privity and each fails.  
14 Accordingly, Defendants have not met their burden to show privity, in addition to having failed to  
15 show that this action and *Bauer* concern the same primary right. Therefore, there are two  
16 independent, elemental reasons why claim preclusion is inapplicable here.

17 **3. The Public Policy/Injustice Exception**

18 When the *Bauer* court determined that the Armed Prohibited Person System (“APPS”)  
19 “can fairly be considered an ‘expense[ ] of policing the activities in question,’” relying upon  
20 certain First Amendment fee jurisprudence (*Bauer*, 858 F.3d at 1225), it was ruling on a question  
21 of law. *Bd. of Educ. v. Jack M.*, 19 Cal. 3d 691, 698 (1977) (“a determination is one of law if it  
22 can be reached only by the application of legal principles”). If the Court finds a prima facie issue  
23 preclusion claim exists, “public policy considerations . . . warrant an exception to the claim  
24 preclusion aspect of res judicata.” *People v. Barragan*, 32 Cal. 4th 236, 256, 83 P.3d 480, 495  
25 (2004); *see also Kopp v. Fair Pol. Practices Com.*, 11 Cal. 4th 607, 622 (1995) (“when the issue  
26 is a question of law . . . , the prior determination is not conclusive either if injustice would result  
27 or if the public interest requires that relitigation not be foreclosed.”) The conclusion reached in  
28 *Bauer* is completely at odds with the import of *Sinclair Paint Co. v. State Bd. of Equalization* 15

1 Cal. 4th 866, 874 (1997) (see *infra* Section II.B.1.), and it would be unjust to allow a legal  
2 determination in a federal action, concerning a claim brought under the United States  
3 Constitution, to run roughshod over the clear instruction of the California Supreme Court. Thus,  
4 the public policy/injustice exception should prevent claim preclusion based on *Bauer*.

5 **B. The DROS Fee Operates as an Unconstitutional Tax**

6 Before dismantling Defendants’ arguments attempting to characterize the DROS Fee as a  
7 regulatory fee, it is worth noting that Defendants make no real argument that if the DROS Fee is  
8 held to be a tax, it would necessarily be an unconstitutional tax. Defendants’ only comment on  
9 this point is an unsupported claim, raised in a footnote, that “even if article XIII were somehow  
10 implicated, plaintiffs have not cited a single case holding that section 1 (b), 2, or 3(m) applies to  
11 firearms.” (Opp’n at 28:27-28, n.22). The non-existence of such a case is patently irrelevant. Just  
12 because a court has not had the opportunity to apply the relevant law to a certain factual scenario  
13 imparts no indication as to applicability of such law to that scenario. Factual distinctions, e.g.,  
14 whether a case concerns firearms or some other form of property, mean nothing unless the  
15 distinction is legally relevant. *See People v. Johnson*, 6 Cal. 4th 1, 40-41 (1993); *People v.*  
16 *Byoune*, 65 Cal. 2d 345, 348 (1966). Because Defendants fail to identify a legally relevant  
17 distinction between the facts here and the facts in the case law cited by Plaintiffs (Open. Br. at  
18 24:8-9, 25:8-13.) the sole disputed issue is whether the DROS Fee is a completely valid  
19 regulatory fee—which is Defendants’ position (Opp’n at 26:19-31:13)—or if it is operating, at  
20 least in part, as an unconstitutional tax. The Opposition fails to overcome the reality that the  
21 Department is using the DROS Fee to collect an unconstitutional tax.

22 **1. Defendants Avoid Admitting that the DROS Fee Is a Tax by Wrongly**  
23 **Claiming the *Sinclair Paint* Standard Does Not Apply**

24 Even though the proper framework for “distinguishing taxes from regulatory fees” is of  
25 central importance in this case, Defendants use a footnote to argue that the two-prong approach  
26 identified by Plaintiffs “misses the mark.” (Opp’n at 26:24-28, n. 20.) Defendants claim that: *San*  
27 *Diego Gas & Electric Co. v. San Diego County Air Pollution Control Dist.* 203 Cal. App. 3d  
28 1132, 1146 (1988) is “the case outlining that approach that plaintiffs urge this court to follow[,]”

1 that *San Diego Gas* “expressly indicates that it [the two-prong analysis] applies to determining  
2 whether a fee is a ‘special tax under Proposition 13 (i.e., article XIII A [of the California  
3 Constitution]), and that “the issue in this case is not whether the DROS Fee is a special tax under  
4 Proposition 13.”<sup>6</sup> (Opp’n at 26:24-28, n. 20.) What Defendants cobble together here is a textbook  
5 strawman argument.

6 *San Diego Gas* is not “the,” i.e., the *only*, case identified by Plaintiffs that outlines the  
7 approach that plaintiffs urge this Court to follow.” (*Id.*; see Open. Br. at § IV.A (discussing a  
8 series of cases going back to 1906, including the pre-Proposition 13 case *Un. Busi. Com. v. City*  
9 *of San Diego*, 91 Cal. App. 3d 156 (1979) and the seminal case *Sinclair Paint*). In contrast, the  
10 Opposition repeatedly cites a single case (*Cal. Farm Bureau Federation v. State Water Resources*  
11 *Control Bd.*, 51 Cal. 4th 421 (2011), *as modified* (Apr. 20, 2011), and never identifies an  
12 analytical framework in *Cal. Farm* that could be utilized in this case. (Opp’n at 25:8-26:18.)

13 The reason for this omission is clear: *Cal. Farm* adopts the standard Defendants now urge  
14 this Court not to follow, hereinafter referred to as the *Sinclair Paint* standard. *Cal. Farm*, 51 Cal.  
15 4th at 441 (noting that, “in *Sinclair Paint*, to determine the tax or fee issue, we directed courts to  
16 examine [(1)] the costs of the regulatory activity and [(2)] determine if there was a reasonable  
17 relationship between the fees assessed and the costs of the regulatory activity”), 436-37. The *Cal.*  
18 *Farm* court expressly recognized the two-prong *Sinclair Paint* standard was valid, concluding that  
19 “the question [at issue in *Cal. Farm*] revolve[d] around [(1)] the scope and the cost of the  
20 Division's regulatory activity and [(2)] the relationship between those costs and the fees  
21 imposed.” *Id.* Accordingly, *Cal. Farm*, just like *Sinclair Paint*, is a Proposition 13 case that  
22 nonetheless relies on a “tax v. fee” analytical framework predating Proposition 13 (i.e., the  
23 *Sinclair Paint* Standard)—meaning that framework is necessarily not limited to Proposition 13

24 \_\_\_\_\_  
25 <sup>6</sup> As enacted, Proposition 13 created two new constitutional provisions that are worth  
26 identifying to understand why Defendants’ argument on this point does not hold water. Those two  
27 provisions can be summarized as follows: (1) “any changes in State taxes enacted for the purpose  
28 of increasing revenues collected pursuant thereto . . . must be imposed by an Act passed by not  
less than two-thirds of all members elected to each of the two houses of the Legislature” and (2)  
“Cities, Counties and special districts, by a two-thirds vote of the qualified electors of such  
district, may impose special taxes on such district[.]” Ballot Pamp., Prim. Elec., text of Prop. 13,  
p. 57 (June 6, 1978), [https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1849&context=ca\\_ballot\\_props](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1849&context=ca_ballot_props)).

1 cases.<sup>7</sup> For example, in *Northwest Energetic*, which does not concern Proposition 13, the court  
2 stated that “the distinction between a tax and a fee has been well-discussed in Proposition 13  
3 cases” and then went on to cite and rely on, e.g., *Sinclair Paint. Nw. Energetic Servs., LLC v.*  
4 *California Franchise Tax Bd.*, 159 Cal. App. 4th 841, 857 (2008), *as modified on denial of reh’g*  
5 (Mar. 3, 2008). Therefore, Defendants are wrong as a matter of law in trying to distinguish the  
6 *San Diego Gas/Sinclair Paint* line of cases and the analytical framework it provides.

7         Considering the foregoing, Defendants’ well-camouflaged strawman comes into view.  
8 Defendants set up this distraction by erroneously implying that *Plaintiffs* contend “the DROS Fee  
9 is a special tax under Proposition 13.” (Opp’n at 26:27-28, n.20.) Because the relevant aspect of  
10 Proposition 13 (article XIII A, section 4) only applies to “Cities, Counties and special districts”  
11 (*id.*), and the California Department of Justice (“Department”) is clearly none of those, Plaintiffs  
12 are obviously not making such a claim. What Plaintiffs do assert is that, under generally  
13 applicable law, the DROS Fee is a tax. That such generally applicable law has been relied upon in  
14 Proposition 13 cases in no way operates to limit the use of such law in non-proposition 13 cases.  
15 Because the *Sinclair Paint* standard is applicable here, Defendants’ claim that the DROS Fee is a  
16 reasonable regulatory fee must be analyzed under that standard. As shown below, that analysis  
17 clearly identifies the DROS Fee as a tax.

18                   **2.         *Cal. Farm* Is Distinguishable, and Even Assuming It Is Not, It Would**  
19                   **Support Plaintiffs’ Position, Not Defendants’**

20         Defendants’ attempt to compare this action to *Cal. Farm* is confounding. First, they assert  
21 that in *Cal. Farm* “the California Supreme Court upheld the state’s water right statutes . . .  
22 imposing annual fees on those who hold permits and licenses to appropriate water.” (Opp’n at  
23 26:20-23; citing *Cal. Farm*, 51 Cal. 4th at 446.) That is not an accurate representation of the *Cal.*  
24 *Farm* holding. The *Cal. Farm* court did “affirm the Court of Appeal’s judgment holding that the  
25 fee statutes at issue [we]re facially constitutional.” *Cal. Farm*, 51 Cal. 4th at 446. But *literally* the

26                   <sup>7</sup>*Cal. Farm*, 51 Cal. 4th at 436-37 (citing *Sinclair Paint*, 15 Cal. 4th at 874, 876, 878);  
27 *Sinclair Paint*, 15 Cal. 4th at 878 (citing *United Business*, 91 Cal. App. 3d at 165, 166-68 );  
28 *United Business*, 91 Cal. App. 3d at 165 (noting a municipality could impose a regulatory fee  
under the police power if “the fee constitutes [(1)] an amount necessary to ‘legitimately assist in  
regulation and [(2)]. . . not exceed the necessary or probable expense of issuing the license and of  
inspecting and regulating the . . . subject that it covers.’”)

1 next sentence of that opinion—unmentioned by Defendants—states: “the Court of Appeal’s  
2 judgment is reversed as to its determination that the statutes and their implementing regulations  
3 are unconstitutional as applied.” (*Id.* at 446-47.) That omission is strange; the Opposition later  
4 quotes the *Cal. Farm* court’s explanation of why it reversed and remanded. (Opp’n at 28:12-17).

5 Second, and stranger still, is that Defendants approvingly quote the portion of *Cal. Farm*  
6 that reiterates the *Sinclair Paint* standard applies in cases like *Cal. Farm*: “the [tax or fee]  
7 question revolves around [(1)] the scope and the cost of the Division’s regulatory activity and  
8 [(2)] the relationship between those costs and the fees imposed.” (Opp’n at 27:12-17, citing *Cal.*  
9 *Farm*, 51 Cal. 4th at 441.)<sup>8</sup>

10 Third, *Cal. Farm* shines little light on this case because there “the record before [the Court  
11 wa]s insufficient to resolve the ‘tax or fee’ question.” *Cal. Farm*, 51 Cal. 4th at 441. Without an  
12 application of law to facts, *Cal. Farm* is little more than a recapitulation of the judicial landscape  
13 vis-à-vis the ‘tax or fee’ question, a landscape that *Cal. Farm* recognized was (and still is)  
14 dominated by *Sinclair Paint*. *Cal. Farm*, 51 Cal. 4th at 441. Because *Cal. Farm* does not include  
15 a determination based on a factual analysis intended to resolve the ‘tax or fee’ question, it has no  
16 materiality to this case, and the Court should ignore Defendants’ conclusions based on *Cal. Farm*.

### 17 3. Section 28225 and the Statute at Issue in *Cal. Farm* Are Not Analogous

18 For reasons not totally clear, Defendants cite *Cal. Farm*’s statement that the statute at  
19 issue there “‘revealed a specific intention to’ impose a regulatory fee[,]’ [and that] Penal Code  
20 section 28225 (“Section 28225”), also reveals a specific legislative intention to impose a  
21 regulatory fee.” (Opp’n at 26:21-27:4). If Defendants are attempting to claim the legislature can  
22 make a tax into a regulatory fee by naming it as such, that assertion is plainly wrong. “Whatever  
23 it is and by whatever name it may be called, the character of the tax ‘must be ascertained by its  
24 incidents and from the natural and legal effect of the language employed in the (legislative  
25 enactment).’” *Ainsworth v. Bryant*, 34 Cal. 2d 465, 473 (1949). Further, Senate Bill 819 (Leno,

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26  
27 <sup>8</sup> The material quoted by Defendants is directly preceded in the *Cal. Farm* opinion by this  
28 sentence: “Thus, in *Sinclair Paint*, to determine the tax or fee issue, we directed courts to examine  
the costs of the regulatory activity and determine if there was a reasonable relationship between  
the fees assessed and the costs of the regulatory activity.” *Cal. Farm*, 51 Cal. 4th 441 (citation  
and footnote omitted).

1 2011) (“SB 819”) plainly shows an intent to create a (special) tax. It states that: “[r]ather than  
2 placing an additional burden on the taxpayers of California to fund enhanced enforcement of  
3 [APPS], it is the intent of the Legislature in enacting this measure to allow the [Department] to  
4 utilize the [DROS] Account for the additional, limited purpose of funding enforcement of  
5 [APPS].” *Compare* 2011 Cal. Stat., ch. 743 § 1(g); *with Nw. Energetic*, 159 Cal. App. 4th at 857  
6 (2008), (“the Legislature’s plain intent to impose the Levy in order to make up for lost income tax  
7 revenues . . . indicat[e]s that the Levy constitutes a tax rather than a fee.”)<sup>9</sup>

8 More likely, Defendants’ strategy is to gloss over critical distinctions between Section  
9 28225 and Water Code 1525 (the primary statute at issue in *Cal. Farm*) so they can (wrongly)  
10 conclude that Section 28225 is a facially valid fee like Water Code section 1525 was determined  
11 to be. *Cal. Farm*, 51 Cal. 4th at 438-39.

12 Defendants claim “Section 28225 ‘carefully sets out that the fee[] imposed shall relate to  
13 costs linked to’ the eleven categories set forth in subdivision (b )(1) through (11), and it ‘lists the  
14 recoverable costs in some detail[,]’” relying on *Cal. Farm*’s discussion of Water Code section  
15 1525. (Opp’n at 27:8-10.) That claim may be correct as to *some* of the categories stated in section  
16 28225(b) (which are minimally relevant here),<sup>10</sup> but *not* as to the subsection at the heart of this  
17 case, Section 28225(b)(11). Subsection (b)(11) refers to “costs associated with funding  
18 Department of Justice firearms-related regulatory and enforcement activities related to the sale,  
19 purchase, possession, loan, or transfer of firearms pursuant to any provision listed in Section  
20 16580.” Defendants admit they view this provision as being broadly applicable to firearm-related  
21 activities. (Opp’n Pls.’ Mot Adj. re: 5th & 9th Causes of Action, 9:9-12, 10:2-7; *accord* Memo  
22 Supp. Defs.’ Mot. Summ. Adj. at 21:26-22:15 (“section 28225 . . . broadly speaks in terms of  
23 ‘costs associated with . . . the sale, purchase, possession, loan, or transfer of firearms.’”.)

24 Water Code section 1525 provides a helpful contrast, as it, unlike Section 28225(b)(11), is  
25 actually drafted “in some detail[.]” (Opp’n at 27:8-10.)

26 \_\_\_\_\_  
27 <sup>9</sup> Like the levy at issue in *Nw. Energetic*, SB 819 was intended to make up for a reduction in  
available general fund money. (Open. Br., § II.C.)

28 <sup>10</sup> E.g, Section 28225(b)(8) is a category described “in some detail[:.]” “actual costs associated  
with the electronic or telephonic transfer of information pursuant to Section 28215.”

1 The board shall set the fee schedule authorized by this section so that the total  
2 amount of fees collected pursuant to this section equals that amount necessary to  
3 recover costs incurred in connection with the issuance, administration, review,  
4 monitoring, and enforcement of permits, licenses, certificates, and registrations to  
appropriate water, water leases, statements of water diversion and use for cannabis  
cultivation, and orders approving changes in point of discharge, place of use, or  
purpose of use of treated wastewater. . . .

5 Water Code § 1525(c). Thus, Water Code section 1525 is limited to recovery of a narrowly  
6 defined class of costs related to processing and enforcing documentary proof of rights related to  
7 water (e.g., permits, wastewater-related orders). *Id.* Further, Water Code section 1525 has a  
8 provision—with no analog in Section 28225—requiring “that [the state water board] ‘set the  
9 amount of total revenue collected each year through the fees authorized by this section at an  
10 amount equal to the revenue levels set forth in the annual Budget Act *for this activity.*” *Cal.*  
11 *Farm*, 51 Cal. 4th at 439-40. Also, “There is a safeguard in subdivision (d)(3) authorizing the  
12 [state water board] to “further adjust the annual fees” if it “determines that the revenue collected  
13 during the preceding year was greater than, or less than, the revenue levels set forth in the annual  
14 Budget Act...” *Id.* at 440. Section 28225 does not include these kinds of limitations.

15 Defendants assert that, [l]ike the situation in” *Cal. Farm*, the “language [in Section 28225]  
16 also allows the [Department] to adjust the amount of the DROS fee as needed.” (Opp’n at 28:1-  
17 2.) This is a false comparison, as Section 28225 does not have the type of “safeguard” language  
18 found in Water Code section 1525 that *requires* a yearly review. If it did, the Department might  
19 not have failed to review the amount being charged for the DROS Fee for more than thirteen  
20 years. (Ruling of Aug. 9, 2017, at 11:2-5.) And in any event, Defendants do not explain how a  
21 regulatory agency’s statutory ability to adjust a levy “reveals a specific legislative intention to  
22 impose a regulatory fee[.]” (Opp’n at 26:22-27:4.) That ability could just as easily support  
23 Plaintiffs’ observation that Section 28225 violates the Separation of Powers doctrine specifically  
24 because the Department can adjust the DROS Fee, which is a tax. (Open. Br. § IV.D.1.).

25 To conclude Defendants’ *Cal. Farm*-centric analysis in Section II.A. of their Opposition,  
26 they claim the DROS Fee “is hardly a tax” because “like the fees upheld in *California Farm*  
27 *Bureau*, the DROS Fee authorized by section 28225 is “linked to the activities that [the  
28 Department] and other specified agencies perform.” (Opp’n at 28:4-6; citing *Cal. Farm*, 51 Cal.



1 4th at 440.) But Defendants’ claim fails to recognize the context in which the quoted material  
2 arose. That is, the final paragraph in *Cal. Farm*’s facial challenge analysis concludes that: “the  
3 fees charged under section 1525 are linked to the activities the [state water board] performs.” *Cal.*  
4 *Farm*, 51 Cal. 4th at 440. Defendants use this summary statement to argue that, under *Cal. Farm*,  
5 a challenge to a purported tax can be defeated upon nothing more than a showing that the charge  
6 “is linked to” activities performed by the relevant agency. (Opp’n at 28:4-6; citing *Cal. Farm*, 51  
7 Cal. 4th at 440.) But as the paragraph at issue makes clear, *Cal. Farm* specifically rejected the  
8 idea that “the ‘activity’ subject to fees under [water code section 1525] could represent all of the  
9 [state water board]’s activities[.]” *Cal. Farm*, 51 Cal. 4th at 439-440. Rather, *Cal. Farm*’s  
10 reference to “the activities the [state water board] performs” was limited to the plainly regulatory  
11 activities actually identified in Water Code section 1525(a)-(c). *Id.* Thus, even if *Cal. Farm*’s  
12 facial challenge analysis is relevant, Defendants cannot cherry-pick it and ignore the critically  
13 important limitation identified above. A fair reading of *Cal. Farm* shows that it does not support  
14 Defendants’ interest in using DROS Fee money for activities not listed in Section 28225.<sup>11</sup>

15 Because of the material distinctions—ignored by Defendants—that negate Defendants’  
16 attempt to construct an argument based on Water Code section 1525, the Court should ignore it.

17 **4. Defendants’ Confused “Reasonable Relationship” Argument Fails; the**  
18 **Framework that Must Be Applied is the *Sinclair Paint* Standard,**  
**Under Which the DROS Fee Is a Tax**

19 Section II.B. of the Opposition is the core of Defendants’ argument on the “tax or fee”  
20 issue. But that section is muddled as to what analytical framework is being applied—assuming  
21 one is. The section does quote the *Cal. Farm* court’s restatement of the *Sinclair Paint* standard  
22 (Opp’n at 28:12-14), but the remainder of the section does not refer to the *Sinclair Paint* standard.  
23 The latter is consistent with footnote 20 of the Opposition, which (incorrectly) argues the *Sinclair*  
24 *Paint* standard is inapplicable because it is a Proposition 13 case. (Opp’n. at 26:23-28, n.20.)

25 Rather, it seems Defendants have manufactured a standard that is based on their faulty  
26 “linked to” argument described in the prior subsection. Though Defendants do not cite any

27 <sup>11</sup> Defendants still seem to advocate for a broad interpretation of Section 28225(b)(11), but  
28 Plaintiffs contend that issue was largely, if not completely, resolved when Judge Kenney ordered  
that the reference to “possession”-related enforcement activities in Section 28225 were limited to  
“APPS-Based Law Enforcement Activities.” (Ruling of Aug. 9, 2017, at 11:2-5.)

1 authority, they are apparently arguing that the Court should utilize the following standard: a levy  
2 [e.g., “the \$19 DROS fee”] is not a tax if it “is reasonably related to all of the costs related to the  
3 regulation of the fee payors.” (Opp’n at 31:12-13; accord Opp’n at 28:7-8 & 28:22-23 (italics  
4 added.) That “standard” is much broader than the *Sinclair Paint* standard in at least two ways.  
5 First, it changes the scope of costs under consideration from “the reasonable cost of providing  
6 services necessary to the activity for which the fee is charged (*Sinclair Paint*, 15 Cal. 4th at 876  
7 (italics added)) “to all of the costs related to the regulation of the fee payors” (Opp’n at 31:12-13  
8 (italics added)), i.e., costs beyond those for a specific program. Second, the phrase “fee payors”  
9 (*id.*) includes all fee payers, even those that get no benefit from, nor create a burden on, a relevant  
10 program. On the other hand, the phrase “fee payor’s” (*Sinclair Paint*, 15 Cal. 4th at 876) is much  
11 narrower and looks at what costs are actually attributable to a particular person.

12 Presumably, Defendants ask the Court to adopt a “novel” standard because they recognize  
13 the DROS Fee is a tax under *Sinclair Paint*. Indeed, it is noteworthy that Defendants never even  
14 attempt to mount a defense of the DROS Fee in the context of the *Sinclair Paint* standard.  
15 Nonetheless, Plaintiffs now explain why Defendants’ factual and legal assertions cannot prevent  
16 the DROS Fee from being recognized as a tax.

17 **i. Irrelevant Data Cannot Trump Relevant, Undisputed Data**

18 Defendants claim financial data going back five years shows that “all of the costs  
19 associated with funding the relevant firearms-related regulatory and enforcement activities  
20 actually exceeded the amount of DROS fee revenue[; t]his demonstrates that the \$19.00 DROS  
21 fee is proportional to the costs of the regulated activities.” (Opp’n at 28:18-29:9.) That assertion is  
22 pure obfuscation: Defendants provide an answer to a question that no one has asked.

23 The expenditure data Defendants cite (*Id.* at 28:25-29:17) is not limited to only  
24 expenditures authorized by section 28225, but includes other expenses that, as Plaintiff have  
25 already explained (Open. Br. § IV.D.2.; see also Mot. Adj. Pls.’ 5th & 9th Causes of Action, §  
26 II.F.), are not authorized to be funded via the DROS Fee. (*Id.*) So when Defendants claim “that  
27 the \$19.00 DROS fee is proportional[, ]” the costs of the *regulated activities*[, ]” Defendants are  
28 obfuscating a key issue: both prongs of the *Sinclair Paint* standard only consider the costs of the

1 regulatory program giving rise to the relevant levy, not some undefined list of regulatory  
2 activities performed by the levy-imposing agency. *See Sinclair Paint*, 15 Cal. 4th at 8767; *see*  
3 *also Cal. Bldg. Indus. Ass’n v. San Joaquin Valley Air Pollution Control Dist.*, 178 Cal. App. 4th  
4 120, 131, (2009) (“a regulatory fee is charged to cover the reasonable cost of *a service or*  
5 *program* connected to a particular activity.”) In contrast to Defendants’ disinformation, Plaintiffs  
6 provided the Court undisputed evidence that the Department is spending numerous millions of  
7 dollars on activities that are not “regulatory activities” identified in Section 28225. (Open. Br. §  
8 IV.D.2.; *see also* Mot. Adj. Pls.’ 5th & 9th Causes of Action § II.F.)

9 ii. **The Compulsory Versus Voluntary Dichotomy**

10 To further the claim that the DROS Fee is nothing but a legitimate regulatory fee,  
11 Defendants state that “[t]he DROS fee is not compulsory, whereas, one of the hallmarks of a tax  
12 is that it is compulsory.” (Opp’n at 30:12-21.) Plaintiffs do no dispute that “one of the hallmarks  
13 of a tax is that it is compulsory,” but that is not an absolute requirement. (*See* Opp’n at 25:8-17,  
14 quoting *Sinclair Paint*, 15 Cal. App. At 874 (“[T]he word ‘tax’ has no fixed meaning . . . . *Most*  
15 *taxes are compulsory . . . .*”) (italics added).) More to the point, the issue of “compulsory”  
16 payment needs to be understood in context. It is used in contrast to a situation where a levy is  
17 charged “in response to a voluntary decision to develop or to seek other government benefits or  
18 privileges” and paid “in return for a specific benefit conferred or privilege granted.” (*Id.* at 25:12-  
19 14, citing language originally found in *Sinclair Paint*.)

20 Firearm ownership is an individual right, not a “government benefit or privilege[.]”  
21 *District of Columbia v. Heller*, 554 U.S. 570, 595 (2008). Thus, *if* there is a “government  
22 privilege” here, it is only the “privilege” of having the Department conduct a background check.  
23 Accordingly, if the costs to be considered in setting a regulatory fee are the costs of performing  
24 background checks, Plaintiffs have produced undisputed evidence that a \$19.00 DROS Fee is so  
25 grossly disproportionate to the relevant costs<sup>12</sup> and that it therefore violates the first prong of the  
26 *Sinclair Paint* standard. *Sinclair Paint*, 15 Cal. 4th at 878.

27 \_\_\_\_\_  
28 <sup>12</sup> (Decl. Scott Franklin Supp. Open. Br. [“Franklin Decl”], Exs. 11 & 12; Open. Br., 10:11-  
28.)

1 If the Court recognizes that there is no “government benefit or privilege” at issue here—a  
2 point Defendants implicitly concede<sup>13</sup>—and identifies the levy at issue is burden-based like in  
3 *Sinclair Paint (id.)*, only two options will remain as to the compulsory versus voluntary  
4 dichotomy issue. The Court could disregard the dichotomy as irrelevant to determining if a  
5 *burden-based* levy is a tax. Or, the Court could recognize that the dichotomy presents two  
6 mutually exclusive scenarios—which would necessarily lead to the conclusion the non-existence  
7 of a voluntarily obtained “benefit or privilege” determines the fee is compulsory, and thus a tax.  
8 Either way, the compulsory versus voluntary dichotomy, like all of Defendants’ arguments, fail to  
9 meet Defendants’ “Reasonable Relationship” “standard,” let alone the *Sinclair Paint* standard. In  
10 light thereof, the Court should find the DROS Fee is a tax, and that it is unconstitutional.

11 **5. Bauer Cannot Be Used to Avoid the Requirements of *Sinclair Paint***

12 Once again, context matters. The Court should not be persuaded to disregard California  
13 law due to a passage in *Bauer* that was intended to address a Second Amendment claim,  
14 inasmuch as this case presents no substantive analog to that claim. Defendants ask the Court to  
15 deny Plaintiffs’ claims based on *Bauer*’s conclusion that “[t]he APPS program is, in essence, a  
16 temporal extension of the background check program.” (Opp’n at 31:71-11.) But the *Bauer* court  
17 was not making a broad pronouncement that, for all purposes, there is a relevant connection  
18 between the background check process (wherein the DROS Fee is charged) and APPS. Rather, it  
19 made a judgment only that “the enforcement activities carried out through the APPS program are  
20 sufficiently related to the DROS fee *under this line of jurisprudence*, [i.e.] First Amendment fee  
21 jurisprudence[.]” *Bauer v. Becerra*, 858 F.3d at 1226.<sup>14</sup> Whether “targeting illegal possession  
22 under APPS is closely related to the DROS fee” under First Amendment fee jurisprudence (*id.* at  
23 1225) does not illuminate the issue here—i.e., whether Defendants can prove the DROS Fee is a  
24 regulatory fee under *Sinclair Paint*. Because this Court is not bound to accept the Ninth Circuit’s  
25 analysis or conclusions (*Governor Gray Davis Com. v. Am. Taxpayers All.*, 102 Cal. App. 4th  
26

27 <sup>13</sup> “[D]efendants submit . . . evidence that the fee imposed on firearms purchasers bears a  
reasonable relationship to the burdens of firearms regulation.” (Opp’n at 30:26-28, n 24.)

28 <sup>14</sup> Plaintiffs contend *Bauer* was wrongly decided, but unless this Court determines it is  
relevant to analyze the propriety of that ruling, Plaintiffs will not delve into that issue any further.

1 449, 468 (2002)) and there is no persuasive reason to do so, *Bauer* should be disregarded. *See*  
2 *Busch v. CitiMortgage, Inc.*, No. 11-CV-03192-EJD, 2011 WL 3627042, at \*2 (N.D. Cal. Aug.  
3 17, 2011) (“every case arises on different facts; the persuasive value of precedent exists when the  
4 legal principles that apply to the facts of one case can be analogized to the facts of another”).

5 A comparison of the legal standards at issue here and *Bauer* illuminates Plaintiffs’ point.  
6 In *Bauer*, the court’s salient inquiry, under intermediate scrutiny, was whether there was a  
7 “‘reasonable fit’ between the government’s stated objective and its means of achieving that goal[;  
8 this standard] does not require the least restrictive means of furthering a given end.” *Id.* at 1223.  
9 *Bauer*’s “reasonable fit” analysis is expressly based on evaluating DROS Fee payers’ “burdens”  
10 as a whole. *Id.* at 1224 (“the unlawful firearm possession targeted by APPS is the direct result of  
11 *certain* individuals’ prior acquisition of a firearm through a DROS-governed transaction”) (italics  
12 added). Conversely, in this case, the relevant analysis is much more prescribed than it is under the  
13 intermediate scrutiny standard. *Sinclair Paint* requires the reviewing court must look at an  
14 *individual* fee payer’s burden vis-à-vis “the activity for which the fee is charged” (*Sinclair Paint*,  
15 15 Cal. 4th at 876, 881)—here, participation in the background check process. Because the  
16 conclusion stated in *Bauer* is based on a materially distinguishable analysis, this Court should not  
17 give any weight to the Ninth Circuit’s conclusion, as doing so would run afoul of binding  
18 California Supreme Court precedent.

19 Coincidentally, the reason the Court should not follow *Bauer* is disclosed in Defendants’  
20 attempt to support the supposed relevance of *Bauer* with a citation to *Sinclair Paint*. Defendants  
21 quote *Sinclair Paint*’s statement that: “case law ‘clearly indicates that the police power is broad  
22 enough to include mandatory remedial measures to mitigate the past, present, or future adverse  
23 impact of the fee payer’s operations[.]’” (Opp’n at 31:8-11, citing *Sinclair Paint*, 15 Cal. 4th at  
24 877-878 [emphasis added].) As discussed above, the second prong of the analysis must be  
25 performed based on the specific “payor’s” conduct, *not* the conduct of all fee payors. (*Id.*); *see*  
26 *Sinclair Paint*, 15 Cal. 4th at 881 (“Sinclair will have the opportunity to try to show [at trial] that  
27 no clear nexus exists between *its* products and childhood lead poisoning, or that the amount of the  
28

1 fees bore no reasonable relationship to the social or economic “burdens” *its* operations  
2 generated.”) (emphasis added).

3 Defendants’ claim that “[t]his Court should reject [Plaintiffs’] argument just like the Ninth  
4 Circuit did” in *Bauer v. Beccera*, 858 F.3d 1216 (Opp’n at 30:1-11) is basically an issue  
5 preclusion argument that—if it had been fully briefed—would have shown an elementary deficit.  
6 “[The] issue preclusion . . . bar is asserted against a party who had a full and fair opportunity to  
7 litigate the issue in the first case but lost.” *DKN Holdings*, 61 Cal. 4th at 826. “[I]ssue preclusion  
8 applies: (1) after final adjudication (2) of an identical issue (3) actually litigated and necessarily  
9 decided in the first suit and (4) asserted against one who was a party in the first suit or one in  
10 privity with that party.” *Id.* at 825. Elements 1, 2, and 4 are also found in the claim preclusion  
11 standard. *Zevnik v. Super. Ct.*, 159 Cal. App. 4th 76, 82–83 (2008). As shown above in Section  
12 II.A., Defendants cannot meet two of the “common elements” shared by claim and issue  
13 preclusion: (1) that both actions concerned “identical” claims, and (2) that “the party against  
14 whom the doctrine is being asserted was a party or in privity with a party to the prior proceeding.”  
15 *Zevnik*, 159 Cal. App. 4th at 82–83.

16 Defendants’ *Bauer* and *Cal. Farm*-based arguments work only as distractions, pulling  
17 attention away from all the evidence cited and arguments raised in the Opening Brief. Because  
18 *Sinclair Paint* is controlling and the DROS Fee is an unconstitutional tax thrice over, the Court  
19 should grant Plaintiffs’ Sixth, Seventh, and Eighth Causes of Action.

### 20 **III. CONCLUSION**

21 Plaintiffs should be granted relief for the reasons stated herein and in the Opening Brief.

22 Dated: January 3, 2019

**MICHEL & ASSOCIATES, P.C.**

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25 \_\_\_\_\_  
26 Scott M. Franklin  
27 Attorney for Plaintiffs and Petitioners  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I am over the age of eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200, Long Beach, CA 90802.

On January 3, 2019, the foregoing document described as

**REPLY IN SUPPORT OF PLAINTIFFS' OPENING TRIAL BRIEF**

on the interested parties in this action by placing

- the original  
 a true and correct copy

thereof enclosed in sealed envelope(s) addressed as follows:

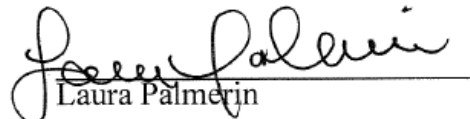
Anthony R. Hakl  
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Deputy Attorney General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550

*Attorney for Defendants*

(**BY ELECTRONIC MAIL**) As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error. Executed on January 3, 2019, at Long Beach, California.

(**BY MAIL**) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit. Executed on January 3, 2019, at Long Beach, California.

(**STATE**) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Laura Palmerin

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                 |                                                                                                                                                         |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>DATE/TIME</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>MARCH 4, 2019</b>            | <b>DEPT. NO</b>                                                                                                                                         | <b>28</b>          |
| <b>JUDGE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>HON. RICHARD K. SUEYOSHI</b> | <b>CLERK</b>                                                                                                                                            | <b>E. GONZALEZ</b> |
| <b>DAVID GENTRY, JAMES PARKER, MARK MIDLAM, JAMES BASS, and CALGUNS SHOOTING SPORTS ASSOCIATION,</b><br><br><b>Plaintiffs and Petitioners,</b><br><br><b>v.</b><br><br><b>XAVIER BECERRA, in His Official Capacity as Attorney General for the State of California; MARTIN HORAN, in His Official Capacity as Chief for the California Department of Justice, BETTY T. YEE, in her official capacity as State Controller, and DOES 1-10,</b><br><br><b>Defendants and Respondents.</b> |                                 | <b>Case No.: 34-2013-80001667</b>                                                                                                                       |                    |
| <b>Nature of Proceedings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                 | <b>RULING ON SUBMITTED MATTER RE:<br/>PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF – REMAINING CAUSES OF ACTION</b> |                    |

The remaining causes of action in the petition for writ of mandate and complaint for injunctive and declaratory relief came before the Court for oral argument on January 18, 2019. Prior to the hearing, the Court issued an order to appear, with questions it directed the parties to discuss as part of their oral presentations. Upon hearing oral argument, the Court took the matter under submission. Having considered the briefs and arguments pertaining to each motion, the Court now rules as set forth herein.

**I. Introduction**

In this matter, Plaintiffs contend Defendants have been improperly imposing a fee, the Dealer’s Record of Sale transaction fee (hereinafter the “DROS Fee”) on firearm purchasers without calculating the proper fee amount, and then have been using the funds collected outside of their statutorily authorized purposes. Plaintiffs also contend the DROS Fee is in fact a tax, and as such violates several subdivisions of the California constitution.

Via stipulation filed November 4, 2016, the parties agreed to bifurcate this matter, with motions for summary adjudication concerning Plaintiffs’ fifth and ninth causes of action to



proceed first. Both Plaintiffs and Defendants timely filed such motions, along with separate statements of undisputed material facts, and oppositions to the others' motion.

The fifth cause of action alleges Defendants have a ministerial duty under Penal Code section 28225, subdivisions (a) and (b) to determine the "amount necessary to fund" the activities enumerated in subdivisions (b)(1) through (11) and to only charge the DROS Fee at that amount. Plaintiffs contend Defendants have not performed this duty.

The ninth cause of action alleges Defendants have been using the DROS Fee funds for activities outside of those statutorily allowed. Plaintiffs seek a declaration that Defendants are not authorized to use DROS Special Account Funds for "some use other than APPS-based law enforcement activities."

After a hearing on these causes of action, the Court ruled in favor of Plaintiffs on both causes of action. With regard to the fifth cause of action, the Court found, "the phrase 'no more than necessary' as used in section 28225 imposes a ministerial duty to perform a reassessment of the DROS Fee more frequently than every thirteen years. Defendants have failed to perform this duty." With regard to the ninth cause of action, the Court found, "the plain language of subdivision (b)(11) does not specify to what 'possession' activities it refers. However, SB 819, section 1, subdivision (g) makes clear that "possession" is limited to APPS-based enforcement."

Plaintiffs now seek a writ of mandate and/or declaratory relief and/or injunctive relief as to the remaining causes of action, as well as the causes of action previously adjudicated.<sup>1</sup>

## **II. Factual and Procedural Background**

In 1982, the Legislature first authorized the Department of Justice (hereinafter, the "Department") to collect a DROS Fee, to cover the cost of performing background checks on firearms purchasers. The initial DROS Fee was \$2.25. Over the years, the amount of the DROS Fee increased, as did the list of activities it funded. In 1995, the Legislature amended the statute to cap the DROS Fee at \$14 (the amount it had been since 1991), subject to increases accounting for inflation. In 2004, the Department adopted regulations adjusting the fee to \$19. The DROS Fee remains at \$19 today, as reflected in Title 11, California Code of Regulations, section 4001.

California Penal Code<sup>2</sup> section 28225 currently authorizes the Department to require a firearm dealer to charge a purchaser a fee no more than necessary to fund,

"(b)(1) The department for the cost of furnishing this information.

(2) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of Section 8100 of the Welfare and Institutions Code.

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<sup>1</sup> As the Court only ruled on two of the causes of action, it has not yet issued a writ, an order, or a judgment in this matter.

<sup>2</sup> All subsequent statutory references are to the Penal Code, unless otherwise indicated.

(3) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by Section 8103 of the Welfare and Institutions Code.

(4) The State Department of State Hospitals for the costs resulting from the requirements imposed by Section 8104 of the Welfare and Institutions Code.

(5) Local mental hospitals, sanitariums, and institutions for state-mandated local costs resulting from the reporting requirements imposed by Section 8105 of the Welfare and Institutions Code.

(6) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code.

(7) Local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code.

(8) For the actual costs associated with the electronic or telephonic transfer of information pursuant to Section 28215.

(9) The Department of Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code.

(10) The department for the costs associated with subdivisions (d) and (e) of Section 27560.

(11) The department for the costs associated with funding Department of Justice firearms-related regulatory and enforcement activities related to the sale, purchase, possession, loan, or transfer of firearms pursuant to any provision listed in Section 16580.”

In 2001, The Legislature established the Armed Prohibited Persons System (hereinafter, “APPS”). Via APPS, the Department maintains a database of persons prohibited from possessing firearms, and uses the database to investigate, disarm, apprehend, and prosecute those prohibited persons.

Prior to 2011, subdivision (b)(11) did not include the word “possession.” In 2011, the Legislature passed Senate Bill 819, adding “possession” to the pre-existing list allowing the DROS Fee calculation to include the cost of the Department’s “firearms-related regulatory and enforcement activities related to the sale, purchase, *possession*, loan, or transfer of firearms pursuant to any provision listed in Section 16580.” (emphasis added.)

On May 1, 2013, the Legislature enacted SB 140, creating Penal Code section 30015, “Reducing backlog in Armed Prohibited Persons System and addressing illegal possession of firearms; Appropriation; Report.” Pursuant to section 30015, the Department appropriated \$24,000,000 from the DROS account to “address the backlog” in APPS, and “the illegal possession of firearms by those prohibited persons.”

As already summarized above, via Ruling on Submitted Matter issued August 9, 2017, the Court granted Plaintiffs’ motion for adjudication of their fifth and ninth causes of action. With regard to the fifth cause of action, alleging Defendants failed to comply with their ministerial duty to determine the amount necessary to fund section 28225 activities, the Court held, “the phrase ‘no more than necessary’ as used in section 28225 imposes a ministerial duty to perform a reassessment of the DROS Fee more frequently than every thirteen years. Defendants have failed to perform this duty.” With regard to the ninth cause of action, alleging Defendants have been using DROS Fee funds for activities beyond their statutory authority, the Court found, “the plain language of subdivision (b)(11) does not specify to what ‘possession’ activities it refers. However, SB 819, section 1, subdivision (g) makes clear that “possession” is limited to APPS-based enforcement.”

The Court now issues its ruling on the remaining causes of action.<sup>3</sup>

### III. Standard of Review

With regard to the determination of whether a statute imposes a tax or fee, the issue is a question of law. (*Sinclair Paint Co. v. State Board of Equalization* (1997) 15 Cal.4th 866, 874.) The plaintiff challenging a fee bears the burden of proof to establish a prima facie case showing that the fee is invalid. (*California Farm Bureau Federation v. State Water Resources Control Board* (2011) 51 Cal.4th 421.) The plaintiff “must present evidence sufficient to establish in the mind of the trier of fact or the court a requisite degree of belief (commonly by a preponderance of the evidence. The burden of proof *does not shift* ... it remains with the party who originally bears it.” (*Id.*) (citations omitted.) If Plaintiffs make their prima facie case, the state bears the burden of evidence production. (*Id.* at 436-37.)

The interpretation of statutes is an issue of law on which the court exercises its independent judgment. (See, *Sacks v. City of Oakland* (2010) 190 Cal.App.4th 1070, 1082.) In exercising its independent judgment, the Court is guided by certain established principles of statutory construction, which may be summarized as follows. The primary task of the court in interpreting a statute is to ascertain and effectuate the intent of the Legislature. (See, *Hsu v. Abbara* (1995) 9 Cal.4th 863, 871.) This extends to a challenge that a regulation exceeds the agency’s authority, although the Court gives great weight to the agency’s interpretation. (*Nick v. City of Lake Forest* (2014) 232 Cal.App.4th 871.)

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<sup>3</sup> The Court will only address in this ruling, arguments presented by the parties in their briefs and at oral argument. To the extent a party may have raised an argument at some point in a separate motion during the pendency of this litigation (if any such arguments were raised and are not also argued in the briefs or during oral argument on January 18, 2019) such arguments are not properly before the Court for ruling on the merits.

The starting point for the task of interpretation is the words of the statute itself, because they generally provide the most reliable indicator of legislative intent. (See, *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th 1094, 1103.) The language used in a statute is to be interpreted in accordance with its usual, ordinary meaning, and if there is no ambiguity in the statute, the plain meaning prevails. (See, *People v. Snook* (1997) 16 Cal.4th 1210, 1215.) The court should give meaning to every word of a statute if possible, avoiding constructions that render any words surplus or a nullity. (See, *Reno v. Baird* (1998) 18 Cal.4th 640, 658.) Statutes should be interpreted so as to give each word some operative effect. (See, *Imperial Merchant Services, Inc. v. Hunt* (2009) 47 Cal.4th 381, 390.)

Beyond that, the Court must consider particular statutory language in the context of the entire statutory scheme in which it appears, construing words in context, keeping in mind the nature and obvious purpose of the statute where the language appears, and harmonizing the various parts of the statutory enactment by considering particular clauses or sections in the context of the whole. (See, *People v. Whaley* (2008) 160 Cal.App.4th 779, 793.)

#### IV. Discussion

Plaintiffs' briefing focuses almost entirely on the argument that the DROS fee is an illegal tax. However, before addressing the merits of Plaintiffs' arguments, the Court will address Defendants' argument that "Plaintiffs' claim that the DROS fee is an unlawful tax is barred by the doctrine of res judicata."

##### A. Bauer v. Becerra's impact on the current litigation

Defendants assert that the Court need not address Plaintiffs' argument that the DROS fee is an unlawful tax because *res judicata* via claim preclusion applies in light of the Ninth Circuit's published decision, *Bauer v. Becerra* (9th Cir. 2017) 858 F.3d 1216.

The plaintiffs in *Bauer* were three individuals (Barry Bauer, Nicole Ferry, and Jeffrey Hacker), the National Rifle Association of America, Inc., the California Rifle and Pistol Association Foundation, and Her Bauer Sporting Goods, Inc. The law firm representing Plaintiffs in the current matter was also involved in representing the *Bauer* plaintiffs.

In *Bauer* the court considered "whether California's allocation of \$5" of the DROS fee "to fund enforcement efforts against illegal firearm purchasers violates the Second Amendment." (*Id.* at 1218.) The Ninth Circuit concluded that even if the collection and use of the fee fell within the scope of the Second Amendment, the provision survived intermediate scrutiny and was constitutional. (*Id.*)

In making its ruling, the court considered the plaintiffs' argument that the fee in fact imposed a general revenue tax, instead of being "designed to meet the expense incident to the administration of the act and to the maintenance of public order in the matter licensed." (*Id.* at 1225)(discussing *Cox v. New Hampshire* (1941) 312 U.S. 569, and *Murdock v. Pennsylvania* (1943) 319 U.S. 105.) The court noted that pursuant to federal jurisprudence, "a state may...impose a permit fee that is reasonably related to legitimate content-neutral considerations,

such as the cost of administering the ordinance in question, as long as the ordinance or other underlying law is itself constitutional.” (*Id.*)(citations omitted.)

With regard to the DROS fee, the court held “DROS-regulated firearm transactions are in fact a close proxy for subsequent firearm possession, and targeting illegal possession under APPS is closely related to the DROS fee.” Further, the court found that “essentially everyone targeted by the APPS program was a DROS fee payer at the time her or she acquired a firearm...the APPS program therefore, can fairly be considered an expense of policing the activities in question...” (*Id.*)(citations omitted.) The court also considered and rejected the plaintiffs’ argument that the fee could not exceed the actual costs of processing a license or similar direct administrative costs. The court held “enforcement costs are properly considered part of the expense of policing the activities in question permitted under *Murdock* and *Cox*. Accordingly, the enforcement activities carried out through the APPS program are sufficiently related to the DROS fee under this line of jurisprudence, and the second prong of the intermediate scrutiny test is therefore satisfied...” (*Id.* at 1226.)

The court summarized, “the use of the DROS fee to fund APPS survives intermediate scrutiny because the government has demonstrated an important public safety interest in this statutory scheme, and there is a reasonable fit between the government’s interest and the means it has chosen to achieve those ends.” (*Id.*)

Defendants argue claim preclusion applies to prevent the Court from considering Plaintiffs’ unlawful tax arguments. Claim preclusion acts to “bar claims that were, or should have been, advanced in a previous suit involving the same parties.” (*DKN Holdings LLC v. Faerber* (2015) 61 Cal.4th 813, 824.) “Claim preclusion arises if a second suit involves (1) the same cause of action (2) between the same parties (3) after a final judgment on the merits in the first suit.”<sup>4</sup> (*Id.*)

#### *Same cause of action*

Pursuant to California law, the Court must determine if the same “primary right” is involved in both matters. That is, “if two actions involve the same injury to the plaintiff and the same wrong by the defendant then the same primary right is at stake even if in the second suit the plaintiff pleads different theories of recovery, seeks different forms of relief and/or adds new facts supporting recovery.” (*Cal. Sierra Dev., Inc. v. George Reed, Inc.* (2017) 14 Cal.App.5th 663, 675)(citations omitted.)

Defendants contend *Bauer* involved the same cause of action as in *Gentry*, because the Ninth Circuit considered whether California’s allocation of a portion of the DROS fee on the APPS program violated the Second Amendment. Defendants cite to the Ninth Circuit’s consideration of *Cox* and *Murdock*, and cite to Plaintiffs’ arguments that the current amount of the DROS Fee unlawfully exceeded the actual costs for administering the DROS program.

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<sup>4</sup> The parties do not dispute that a final judgment was reached in *Bauer*, accordingly the Court will not discuss this prong.

Plaintiffs contend the two cases do not involve the same injury, merely the same *type* of injury, which is insufficient to satisfy the first prong of a claim preclusion analysis. Plaintiffs maintain the plaintiffs in *Bauer* and in this action allege the injury occurred when they *each* purchased a firearm and were forced to pay the challenged levy. Accordingly, Plaintiffs contend each plaintiff has a unique injury, preventing the court from finding there was a single invasion of a primary right upon which the “same action” requirement was met.

In *Frommhagen v. Board of Supervisors* (1987) 197 Cal.App.3d 1292, the court determined whether the “primary rights” theory barred suits brought to attack taxes or charges levied in different years. (*Id.* at 1300.) The Sixth District Court of Appeal determined a suit attacking charges from one year was not based on the same cause of action as a suit attacking charges from the previous year. (*Id.*) “Each year is the origin of a new liability and of a separate cause of action. Thus if a claim of liability or non-liability relating to a particular tax year is litigated, a judgment on the merits is *res judicata* as to any subsequent proceeding involving the same claim and the same tax year. But if the later proceeding is concerned with a similar or unlike claim relating to a different tax year, the prior judgment acts as collateral estoppel only as to those matters in the second proceeding which were actually presented and determined in the first suit.” (*Id.*)(citations omitted.)

The court concluded, “those paying charges have a primary right to have the charges properly calculated and imposed *each year*.” (*Id.*) Similarly, here, it seems each DROS fee payer has a right to have the fee properly calculated and imposed each time the fee is paid. If nothing else, each different plaintiff suffers their own injury that does not involve the same “primary right” necessary to satisfy the first prong of the test for claim preclusion.

Further, even if the claim in *Bauer* involved the same cause of action, the Court finds *Bauer* and the current matter are not between the same parties, as detailed below.<sup>5</sup>

#### *Between the same parties*

Defendants admit that Plaintiffs here are not the same plaintiffs involved in *Bauer*. However, Defendants contend claim preclusion still applies because the parties are in privity with each other. “Under the requirement of privity, only parties to the former judgment or their privies may take advantage of or be bound by it. A party in this connection is one who is directly interested in the subject matter, and had a right to make defense, or to control the proceeding, and to appeal from the judgment. A privy is one who, after rendition of the judgment, has acquired an interest in the subject matter affected by the judgment through or under one of the parties, as by inheritance, succession, or purchase.” (*Cal. Sierra Dev.*, 14 Cal.App.5th at 672)(citations omitted.) Privity requires “the sharing of an identity or community of interest, with adequate representation of that interest in the first suit, and circumstances such that the nonparty should reasonably have expected to be bound by the first suit...A nonparty should reasonably have expected to be bound if he had in reality contested the prior action even if he did not make a formal appearance, for example by controlling it.” (*Id.* at 672-73)(citations omitted.)

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<sup>5</sup> As the test is a three-part test, the failure to satisfy even one part of the test bars application of claim preclusion.

Defendants assert that the plaintiffs in *Bauer* were represented by the same law firm, Michel & Associates, P.C., who represented Plaintiffs in this action. Defendants argue this “is a factor this Court should consider in determining privity” along with Defendants’ assertion that Plaintiffs in this matter “worked in cooperation with the plaintiffs in *Bauer*” because they indicated that they did not need documents produced as part of discovery if those documents had already been produced to the *Bauer* plaintiffs.

In support of their argument that the Court should consider Plaintiffs’ counsel’s identity in determining privity, Defendants cite to *Alvarez v. May Dept. Stores Co.* (2006) 143 Cal.App.4th 1223. In *Alvarez*, class certification had been denied in a previous action in which the “interested parties, their claims, and their counsel was the same.” (*Id.* at 1238.) The court noted that the only apparent difference between the *Alvarez* plaintiffs and those in the prior litigation was the name of the representative plaintiff. The court went on to find,

The *Duran* plaintiffs had a strong motive to assert the same interest as appellants, as each group’s goal was identical- each wanted its class certified. As noted, the *Duran* plaintiffs had a full opportunity to present their case. The circumstances are such that appellants should reasonably have expected to be bound by the *Duran* decision. As appellants would have enjoyed the fruits of a favorable outcome, fairness dictates that they should be bound by the effect of the decision against them. Ultimately, applying the doctrine of collateral estoppel does not lead to an unfair result, as appellants remain free to litigate the merits of their personal claims. (*Id.*)

The facts of *Alvarez* are distinct from the comparison Defendants are attempting to make between *Bauer* and Plaintiffs, and consequently, the Court finds *Alvarez*’s finding that having identical counsel was a factor in determining collateral estoppel, does not support a finding that Plaintiffs are in privity with the *Bauer* plaintiffs. *Bauer* did not involve a purported class action or attempt to certify a class for purposes of a class action, as was the case in *Alvarez*. As Defendants acknowledge, the plaintiffs in *Bauer* are not the same Plaintiffs currently before this Court. Further, as the First District Court of Appeal held in *Rodgers v. Sargent Controls & Aerospace*, “[t]hat appellant is represented by the same counsel as were the plaintiffs in [a] prior action[] does not, we conclude, suffice to extend the doctrine of privity...” ((2006) 136 Cal.App.4th 82, 93.) The court went on to say that identity of the handling attorney is only relevant if there is evidence that, “through his attorney [the nonparty] participated in or controlled the adjudication of the issue sought to be relitigated.”<sup>6</sup> (*Id.*)

The interest Defendants identify as common between the parties is that the lead organizational plaintiff in *Bauer*, the National Rifle Association, and the lead organizational plaintiff here, Calguns Shooting Sports Association, “maintain a relationship of privity as a practical matter, especially when it comes to lobbying, litigating, and generally advocating to promote firearms rights.” (Oppo. p. 23.) Defendants do not identify any evidence that Calguns Shooting Sports Association was involved in any way with *Bauer*, or that the *Bauer* plaintiffs shared the same interest with the present Plaintiffs such that Plaintiffs “should reasonably have

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<sup>6</sup> While the Court recognizes that the *Rodgers* court was discussing the application collateral estoppel, it finds the analysis to be relevant to the current matter.

expected to be bound by the first suit.” The Court finds this is especially true given the fact that the claims here differ significantly from the claims decided in *Bauer*. The analysis of the *Bauer* court is limited to a discussion of whether the DROS fee violates the Second Amendment of the United States Constitution. None of the claims before the Court in the current matter require the Court to engage in analysis concerning the Second Amendment, or any other provision of the United States Constitution.

The Court finds that Defendants have failed to demonstrate sufficiently that Plaintiffs had “the sharing of an identity or community of interest, with adequate representation of that interest in the first suit, and circumstances such that the nonparty should reasonably have expected to be bound by the first suit.” Accordingly, the Court finds this matter is not barred by claim preclusion as a result of the decision in *Bauer v. Becerra*.

B. *Sinclair Paint v. State Board of Equalization*

Plaintiffs argue that the DROS fee operates as an unconstitutional tax instead of a proper regulatory fee. In support of this assertion, Plaintiffs rely heavily upon *Sinclair Paint Co. v. State Board of Equalization* (1997) 15 Cal.4th 866. In *Sinclair Paint*, the state imposed a fee on the petitioner pursuant to the Childhood Lead Poisoning Prevention Act of 1991 which allowed for fees to be assessed on “manufacturers or other persons contributing to environmental lead contamination.” (*Id.* at 870.) Specifically, the subject section imposed,

fees on manufacturers and other persons formerly and/or presently engaged in the stream of commerce of lead or products containing lead, or who are otherwise responsible for identifiable sources of lead, which have significantly contributed and/or currently contribute to environmental lead contamination. The Department must determine fees based on the manufacturer’s or other person’s past and present responsibility for environmental lead contamination, or its ‘market share’ responsibility for this contamination. (*Id.* at 872.)

The California Supreme Court discussed the differences between a tax and a fee, for purposes of analyzing whether a violation of article XIII A, section 3 had occurred.

We first consider certain general guidelines used in determining whether “taxes” are involved in particular situations. The cases agree that whether impositions are “taxes” or “fees” is a question of law for the appellate courts to decide on independent review of the facts.

The cases recognize that “tax” has no fixed meaning, and that the distinction between taxes and fees is frequently “blurred,” taking on different meanings in different contexts. In general, taxes are imposed for revenue purposes, rather than in return for a specific benefit conferred or privilege granted. Most taxes are compulsory rather than imposed in response to a voluntary decision to develop or to seek other government benefits or privileges. But compulsory fees may be deemed legitimate fees rather than taxes.



(*Id.* at 873-74.)

The court concluded, “the Act imposed bona fide regulatory fees, not taxes, because the Legislature imposed the fees to mitigate the actual or anticipated adverse effects of the fee payers’ operations, and under the Act the amount of the fees must bear a reasonable relationship to those adverse effects.” (*Id.* at 870.)

Plaintiffs argue *Sinclair Paint* enumerated a standard previously identified in tax versus fee precedent, that “to show a fee is a regulatory fee and not a special tax<sup>7</sup>, the government should prove (1) the estimated costs of the service or regulatory activity, and (2) the basis for determining the manner in which the costs are apportioned, so that charges allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on or benefits from the regulatory activity.” (*Id.* at 878.)

C. *California Farm Bureau Federation v. State Water Resources Control Board*

In their opposition brief, Defendants rely repeatedly on *California Farm Bureau Federation v. State Water Resources Control Board* (2011) 51 Cal.4th 421. In *California Farm Bureau*, the California Supreme Court determined whether Water Code section 1525, enacted by a majority of the Legislature, not the two-thirds that would be required by a tax increase, was a valid regulatory fee or an improper tax. (*Id.* at 428.) Section 1525 directed the Water Resources Control Board to establish the schedule for a one-time application fee for permits to appropriate water, approval of leases, and for petitions relating to those applications. (*Id.* at 431-32.) The total budgeted costs of the Division’s operations were to be recovered from these fees. (*Id.* at 432.)

Once plaintiffs established their prima facie case, the test, as defined by the Court was whether the Board could demonstrate “(1) the estimated costs of the service or regulatory activity, and (2) the basis for determining the manner in which the costs are apportioned, so that charges allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on or benefits from the regulatory activity.” (*Id.* at 436-37)(citing *Sinclair Paint*, *supra* 15 Cal.4th at 878.) In discussing the payor’s burdens, the court noted,

[s]imply because a fee exceeds the reasonable cost of providing the service or regulatory activity for which it is charged does not transform it into a tax. A regulatory fee does not become a tax simply because the fee may be disproportionate to the service rendered to individual payors. The question of proportionality is not measured on an individual basis. Rather, it is measured collectively, considering all rate payors.

Thus, permissible fees must be related to the overall cost of the governmental regulation. They need not be finely calibrated to the precise benefit each individual fee payor might derive. What a fee cannot do is exceed the reasonable cost of regulation with the generated surplus used for general

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<sup>7</sup> The parties argue whether this analysis is limited to a determination concerning a *special* tax versus other categories of taxation. The Court declines to address this argument.

revenue collection. An excessive fee that is used to generate general revenue becomes a tax.

(*Id.* at 438)(citations omitted.)

In applying this test, the court noted that the statutory language at issue “reveal[ed] a specific intention to avoid imposition of a tax.” Section 1525 permitted the imposition of fees solely to fund those activities described therein, and not for general revenue purposes. (*Id.*) The fees were also to be deposited in a fund related to the regulated activity, not the General Fund. (*Id.*) The fee schedule was directed to “equal[] that amount necessary to recover costs incurred” in connection with administration of the permit functions. (*Id.* at 439-40.) Accordingly, on its face, the Court determined the statute imposed a regulation, not a tax.

The plaintiffs also alleged the fee operated as an unconstitutional tax because it imposed fees that were “disproportionate to the benefit derived by the fee payors or the burden they place on the regulatory system.” (*Id.* at 440.) The Court noted that the applicable test, as identified in *Sinclair Paint* was to “examine the costs of the regulatory activity and determine if there was a reasonable relationship between the fees assessed and the costs of the regulatory activity.” (*Id.* at 441.) The court determined the record was insufficient to resolve this issue as it lacked factual findings to determine whether the fees were reasonably proportional to the costs of the regulatory program. (*Id.*)

D. *City of San Buenaventura v. United Water Conservation Dist.*

Lastly, the parties refer to *City of San Buenaventura v. United Water Conservation District* (2017) 3 Cal.5th 1191, in setting forth the prongs the Court must consider to determine whether a “fee” is indeed a fee or whether it is, in practice, a tax. In *City of San Buenaventura*, the City claimed the groundwater pumping charges it paid to the local water conservation district were disproportionate to the benefits it received from the water district’s activities. (*Id.* at 1197.) Accordingly, the City argued the charges were in fact an unlawful tax.

In performing its analysis, the California Supreme Court discussed its decisions in *Sinclair Paint* and *California Farm Bureau*. The Court noted that the City did not challenge the Court of Appeal’s reliance on *Farm Bureau* in conducting the “reasonable cost” inquiry, but that there remained a separate question whether the allocation of those costs bears a “reasonable relationship to the payor’s burdens on, or benefits received from, the governmental activity.” (*Id.* at 1212)(citing Cal. Const., art. XIII C § 1, subd. (e).) The Supreme Court agreed. (*Id.*)

The Court noted that pursuant to *Sinclair Paint*, the “aggregate cost inquiry and the allocation inquiry are two separate steps in the analysis.” (*Id.*) The Court went on further to note,

To qualify as a nontax “fee” under article XIII C, as amended, a charge must satisfy *both* the requirement that it be fixed in an amount that is “no more than necessary to cover the reasonable costs of the governmental activity,” *and* the requirement that “the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on or benefits received

from, the governmental activity.” We must presume the Legislature intended each requirement to have independent effect.

As noted, the Court of Appeal did mention the reasonable-relationship requirement, if only to observe that the District's volume-based charges mean that the District “largely does charge individual pumpers in proportion to the benefit they receive from the District's conservation activities.” But this observation misses the entire basis of the City's argument: namely, that the City does not receive the same benefit from the District's conservation activities as other pumpers, and that it is required to bear a disproportionate share of the fiscal burden by virtue of Water Code section 75594's three-to-one ratio. We thus remand the case to the Court of Appeal with instructions to consider whether the record sufficiently establishes that the District's rates for the 2011–2012 and the 2012–2013 water years bore a reasonable relationship to the burdens on or the benefits of its conservation activities, as article XIII C requires. In making this determination, the Court of Appeal may consider whether the parties should be afforded the opportunity to supplement the administrative record with evidence bearing on this question.

#### E. The DROS Fee

With the framework identified in *Sinclair Paint, California Farm Bureau Federation*, and *City of San Buenaventura*, the Court now turns to application of the fee versus tax test with regard to the DROS Fee. The Court finds it must engage in a two part analysis: (1) What are the estimated costs of the service or regulatory activity and does the amount being charged approximate this estimated cost; and (2) Does the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on or benefits received from, the governmental activity?

##### i. *Estimated costs of the service or regulatory activity compared to the funds generated by the DROS Fee.*

Plaintiffs argue Defendants cannot meet the “reasonable cost prong” of the analysis. Plaintiffs assert Defendant must provide evidence “as to the estimated cost of any service or regulatory activity attributable to [Plaintiffs].” (Op. Br., p. 17)(citing *Northwest Energetic Services, LLC v. Cal. Franchise Ta Bd.* (2008) 159 Cal.App.4th 841, 858.) Plaintiffs cite to the Court's August 9, 2017 ruling in this matter, wherein it found the Department has not determined whether the DROS Fee is “not more than necessary” as required by section 28225 for over thirteen years. Plaintiffs contend this establishes that the Department cannot establish that specific costs justify the \$19 DROS Fee. Plaintiffs argue that in addition to the analysis being too old to be relevant, it was also performed prior to SB 819, and APPS-related costs were not considered when the DROS Fee was last changed. Accordingly, Defendants are unable to demonstrate that the DROS Fee is an approximation of the reasonable cost of providing the enumerated services.

In their opposition brief, Defendants provide data as to the “approximate annual revenue generated from the DROS fee, calculated by multiplying the total number of DROS transactions processed by DOJ annually by \$19.00.” (Oppo., p. 29.) The calculations are:

2012: \$15,537,022  
2013: \$18,243,401  
2014: \$17,689,703  
2015: \$16,731,457  
2016: \$25,295,118

Defendants then state “DOJ’s expenditure of DROS Special Account funds on authorized firearms-related programs from the fiscal years covering the same period was as follows:

FY 2012/2013: \$22,741,838  
FY 2013/2014: \$29,144,382  
FY 2014/2015: \$28,616,077  
FY 2015/2016: \$28,394,683<sup>8</sup>

“In other words, during the approximately five years following the passage of SB 819, all of the costs associated with funding the relevant firearms-related regulatory and enforcement activities actually exceeded the amount of DROS fee revenue. This demonstrates that the \$19.00 DROS fee is proportional to the costs of the regulated activities.” (Oppo., p. 29.)

In reply, Plaintiffs argue that this data includes expenditures that “Plaintiffs have already explained are not authorized to be funded via the DROS Fee.”

The Court has reviewed the arguments made by both parties, as well as the cited evidence. The Court finds Defendants have adequately demonstrated that the funds generated by the DROS Fee are a reasonable approximation of the costs of the government-provided regulatory service/activity. With regard to the relationship of this finding to the prior ruling entered by Judge Kenny on August 9, 2017, the Court finds the current ruling does not contradict or otherwise conflict with the prior findings. That is, the Court finds that as of August 9, 2017, Defendants had failed to demonstrate that the amount collected for funding section 28225 activities was “no more than necessary.” The Court also finds that as of the date of this ruling, almost one and a half years later, Defendants have sufficiently established that the funds generated by the DROS Fee are a reasonable approximation of the section 28225 costs.

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<sup>8</sup> While Plaintiffs argued this data is incorrect in that it contains costs that are in excess of the section 28225 activities (an argument the Court has considered and rejected) Plaintiffs did not object to the presentation of this data as being new evidence that is being improperly placed before this Court. Accordingly, the Court does not question or discuss whether this data was before the Court for purposes of the August 9, 2017 ruling.

- ii. *Does the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on or benefits received from, the governmental activity?*

Plaintiffs argue the percentage of DROS Fee payors that end up on the APPS list is small, with most fee payors never becoming legally prohibited from possessing firearms. Defendants do not dispute this characterization of the data. Plaintiffs argue therefore that most DROS Fee payors are never a burden with regard to the APPS process. Defendants argue that it is immaterial what percentage of DROS Fee payors end up on the APPS list, as DROS Fee payors create a burden even if they never become legally prohibited from possessing a firearm. Defendants argue the APPS program is just an extension of the DROS Fee background check program.

The Court finds DROS Fee payors create a unique burden by way of their firearm ownership. The need for APPS only arises by way of the existence of lawful firearm purchasers and owners. This burden is reinforced by the fact that "only those who have completed the DROS Process can end up on the APPS List." (Pet. Br., p. 20.) The purchase of a firearm necessitates a background check (which is funded by part of the DROS Fee) and the APPS program constitutes a continuation of this background check. Essentially, APPS provides a tool for Defendants to continue to determine whether firearm purchasers are lawfully entitled to possess the firearms they have purchased. The burden that these firearm purchasers impose on the government is clearly not a burden that is created by society as a whole, but instead is a burden unique to those engaging in the firearm purchase activity. Accordingly, the Court finds the allocation of the costs associated with APPS to *all* DROS Fee payors as opposed to only those eventually determined to no longer be lawfully entitled to firearm ownership, bears a reasonable relationship to the burden firearms purchasers place on the government.

#### F. Retroactive Conversion of Monies Collected

Plaintiffs next argue SB 819 did not allow for retroactive conversion of money collected to be used to fund post-SB 819 activities. Specifically, Plaintiffs argue that statutes do not operate retrospectively unless the Legislature plainly intended them to do so, and "neither SB 819 nor SB 140 uses clear language to show that the Legislature intended to retroactively reclassify previously collected DROS Fee money for those new laws' purposes... Yet the Department has undeniably used such funds to do so." (Pet. Br., p. 26.) Petitioner then cites generally to Exhibit 10 attached to the Franklin Declaration filed in support of the Opening Brief. Exhibit 10 is a letter from then-Attorney General Kamal Harris to the Legislature dated January 21, 2016.

This general citation fails to demonstrate sufficiently that SB 140 operated to appropriate funds illegally that had been collected for a pre-SB 819 purpose and use them for SB-819 activities. As it is Plaintiffs' burden to so demonstrate, the Court will not search the evidence in an attempt to prove Plaintiffs' arguments for them. The Court finds Petitioners have failed to demonstrate sufficiently that the Department used funds pursuant to SB 140 that were collected prior to SB 819 and that the use of such funds (if any) was improper.

## V. Conclusion

The petition for writ of mandate and complaint for declaratory and injunctive relief is **GRANTED** in part and **DENIED** in part. In accordance with Judge Kenny's ruling dated August 9, 2017, the petition and complaint is **GRANTED** as to the fifth cause of action and the ninth cause of action. The petition and complaint is **DENIED** as to the remaining causes of action.

The fifth cause of action requests a writ of mandate. In light of the Court's ruling above regarding the application of this ruling to Judge Kenny's prior ruling on the fifth cause of action, the Court finds there is no longer a necessity for a writ to issue as to the fifth cause of action. The ninth cause of action is for declaratory and injunctive relief. The Court **GRANTS** the request for declaratory relief based upon Judge Kenny's prior finding that Possession as used in Penal Code section 28225, subdivision (b)(11) is limited to APPS-based enforcement.

Counsel for Plaintiffs is directed to prepare an order incorporating this ruling as an exhibit to the order, and a judgment; submit them to counsel for Defendants for approval as to form in accordance with Rule of Court 3.1312(a); and thereafter submit them to the Court for signature and entry in accordance with Rule of Court 3.1312(b).

Certificate of Service by Mail attached.

**CERTIFICATE OF SERVICE BY MAILING**  
**(C.C.P. Sec. 1013a(4))**

I, the Clerk of the Superior Court of California, County of Sacramento, certify that I am not a party to this cause, and on the date shown below I served the foregoing **RULING ON SUBMITTED MATTER RE: PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF – REMAINING CAUSES OF ACTION** by depositing true copies thereof, enclosed in separate, sealed envelopes with the postage fully prepaid, in the United States Mail at 720 9<sup>th</sup> Street, Sacramento, California, 95814 each of which envelopes was addressed respectively to the persons and addresses shown below:

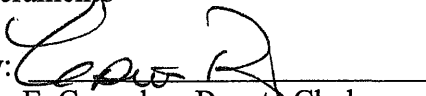
SCOTT M. FRANKLIN  
MICHEL & ASSOCIATES, P.C.  
180 EAST OCEAN BLVD., SUITE 200  
LONG BEACH, CA 90802

ANTHONY R. HAKL  
SUPERVISING DEPUTY ATTORNEY GENERAL  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

I, the undersigned deputy clerk, declare under penalty of perjury that the foregoing is true and correct.

Dated: March 4, 2019

Superior Court of California, County of  
Sacramento

By:   
E. Gonzalez, Deputy Clerk

## PROOF OF ELECTRONIC SERVICE

Case Name: *Gentry, et al. v. Becerra, et al.*  
Court of Appeal Case No.: C089655  
Superior Court Case No.: 34-2013-80001667

I, Sean A. Brady, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

On February 7, 2020, I served a copy of the foregoing document(s) described as: **APPELLANTS' APPENDIX, VOLUME XV OF XVI, (Pages 3702 to 3997 of 4059)**, by electronic transmission as follows:

Robert E. Asperger  
[bob.asperger@doj.ca.gov](mailto:bob.asperger@doj.ca.gov)  
1300 I Street  
Sacramento, CA 95814  
Attorneys for Defendants and Respondents Xavier Becerra, et al.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 7, 2020, at Long Beach, California.

*s/ Sean A. Brady* \_\_\_\_\_  
Sean A. Brady  
Declarant