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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES
12 CENTRAL DISTRICT

13
14 **FRANKLIN ARMORY, INC., ET AL.,**

15 Plaintiffs and Petitioners,

16 v.

17 **CALIFORNIA DEPARTMENT OF**
18 **JUSTICE ET AL.,,**

19 Defendants and
20 Respondents.

Case No. 20STCP01747

**DECLARATION OF CHERYLE
MASSARO-FLOREZ IN SUPPORT OF
MOTION TO DISMISS THE FIRST,
SECOND AND EIGHTH CAUSES OF
ACTION IN THE SECOND AMENDED
COMPLAINT AND PETITION**

Date: January 27, 2022
Time: 9:30 a.m.
Dept: 85
Judge: Hon. James C. Chalfant
Trial Date: Not set
Action Filed: May 27, 2020

1 I, Cheryle Massaro-Florez, do hereby declare as follows:

2 1. I am currently employed by the Department of Justice (DOJ), California
3 Justice Information Services Division, as an Information Technology Supervisor II
4 in the Application Development Bureau – Firearms Software Development Unit. I
5 have been employed by the DOJ since 1999. I make this declaration of my own
6 personal knowledge and will so testify if called.

7 2. In my role as Information Technology Supervisor II, I oversaw a project
8 undertaken by the Firearms Software Development Unit to modify the Dealer
9 Record of Sale Entry System (DES) and various DOJ applications and databases.
10 The scope of the project is described below. The modifications were deployed on
11 October 1, 2021.

12 3. The DES is a public-facing web application which firearms dealers use to
13 transmit information to the DOJ to perform background checks on firearms
14 transactions. The background check is known as the Basic Firearms Eligibility
15 Check. Dealers enter information into the DES through a Dealer Record of Sale or
16 “DROS” form, which asks for information about the prospective purchaser or
17 transferee, the firearm, and the firearms dealer. The information is routed to the
18 DES database, and is then pulled from that database into an internal database
19 system known as the Consolidated Firearms Information System. The Consolidated
20 Firearms Information System coordinates the electronic portion of the Basic
21 Firearms Eligibility Check by sending inquiries to other electronic databases and
22 compiling the responses through the DROS application. The DROS application
23 utilizes a middleware program known as the Consolidated Firearms Interface
24 Gateway.

25 4. Background checks focus not only on the prospective purchaser but also on
26 the firearm. For example, the DROS application queries a DOJ database known as
27 the Automated Firearms System to check if the subject firearm was reported as lost
28 or stolen. As another example, the DROS application queries the Consolidated

1 Firearms Information System database to determine if the applicant is applying to
2 purchase more than one “handgun” or “semiautomatic centerfire rifle” in any 30-
3 day period. As a third example, where the applicant is younger than 21 years old,
4 the DROS application checks to see that the firearms dealer has submitted
5 information supporting an exemption to the age requirement.

6 5. Once the Basic Firearms Eligibility Check is completed, and if the firearm
7 transaction is approved, information is routed from the DES database to several
8 applications and databases maintained by the DOJ that track firearms and firearm
9 transactions, including the Automated Firearms System and the Armed and
10 Prohibited Persons System (APPS). The Automated Firearms System is a
11 repository of firearm information, which can be queried by law enforcement to
12 determine who might own a given firearm or what firearms a given person might
13 have. APPS is a database that cross-references persons with firearms records in the
14 Automated Firearms System , typically a DROS record, with those who have a
15 criminal conviction or other circumstance that prohibit them from possessing
16 firearms.

17 6. The purpose of the project was to include an “other” option in the “gun
18 type” field in the DES. Prior to the project, when a DES user selected “Long Gun
19 Transactions” and selected “No” for “Receiver Only,” then the user had to select
20 one of three options available in the “gun type” field, and those three options were
21 “RIFLE,” “SHOTGUN” and “RIFLE/SHOTGUN COMBINATION.” As a result
22 of the project, when a DES user selects “Long Gun Transactions” and selects “No”
23 for “Receiver Only,” then the user must select one of four options available in the
24 “gun type” field, and those four options are “RIFLE,” “SHOTGUN” and
25 “RIFLE/SHOTGUN COMBINATION” and “OTHER.” This modification was
26 deployed on October 1, 2021.

27 7. As is described above, data flows from the DES database to other databases
28 and applications and is processed by those other applications. As a result, the

1 project involved modifications not only to the coding of the DES itself, but also to
2 the coding of several other applications and databases.

3 8. To add the “other” option in the “gun type” menu in the DES, the DES
4 was enhanced to add the “other” category for four transaction types – sale, buy,
5 consignment and pawn. In addition, coding was needed to instruct the system to
6 trigger the Basic Firearms Eligibility Check process for a DROS of a long gun with
7 the “Gun Type” of “Other.” Coding was also needed to modify the process run in
8 the DES which checks information submitted in the firearm transaction application,
9 such as the length of the firearm, to confirm it is consistent with the category
10 selected for the firearm.

11 9. Because the DES was modified to include an “other” option in the “gun
12 type” menu, the Consolidated Firearms Interface Gateway, the middleware program
13 that is used to import and manage data in the Automated Firearms System, had to
14 be modified to be capable of identifying a firearm as having a gun type of “other,”
15 and it also had to be modified to allow searches for records of firearms with a gun
16 type of “other.”

17 10. The Consolidated Firearms Interface Gateway also runs the process that
18 checks if the firearm which is the subject of a transaction was reported stolen or
19 lost. Because the DES was modified to include an “other” option in the “gun type”
20 menu, this process run by the Consolidated Firearms Interface Gateway needed to
21 be modified to check for firearms with a gun type of “other.”

22 11. The Consolidated Firearms Interface Gateway also runs the process which
23 checks the Consolidated Firearms Information System database to determine if the
24 applicant is applying to purchase more than one “handgun” or “semiautomatic
25 centerfire rifle” in any 30-day period. Because the DES was modified to include an
26 “other” option in the “gun type” menu, this process run by the Consolidated
27 Firearms Interface Gateway required enhancement to account for those cases where
28

1 either the subject of the application at issue or a prior application was a firearm with
2 a “gun type” of “other.

3 12. The Consolidated Firearms Interface Gateway also runs the process which
4 checks the Consolidated Firearms Information System database to determine
5 whether, for an applicant who is younger than 21-years old, the firearms dealer has
6 submitted information supporting an exemption to the age requirement. Because the
7 DES was modified to include an “other” option in the “gun type” menu, this
8 process had to be enhanced to account for the case where the application was for a
9 firearm with a “gun type” of “other.”

10 13. Because the DES was modified to include an “other” option in the “gun
11 type” menu, APPS also required modification to enhance the matching logic which
12 is used to associate and disassociate firearms from individuals to account for those
13 cases where the firearm was identified as having a “gun type” of “other.”

14 14. Because the DES was modified to include an “other” option in the “gun
15 type” menu, which in turn means that firearms could be categorized as “other” in
16 AFS, an electronic form that citizens can use to retrieve firearms which are being
17 held by a law enforcement agency needed to be modified to account for the
18 possibility that the firearm was identified as an “other.” This electronic form is
19 known as the Law Enforcement Gun Release, and can be accessed through a public
20 facing website known as the California Firearms Application Reporting System.

21 15. For every individual who has obtained a firearm based on an application
22 submitted through the DES, there is a “Person Information” record in the
23 Automated Firearms System. This “Person Information” record is created
24 automatically, but an individual can modify some information in their “Person
25 Information” record through the California Firearms Application Reporting System
26 website by submitting an electronic form known as a Person Information Update.
27 The electronic Person Information Update form requires the individual to identify a
28 firearm that is associated with them. Thus, because the DES was modified to

1 include an "other" option in the "gun type" menu, the electronic Person Information
2 Update form required modification in order to accept a firearm categorized as
3 having a "gun type" of "other."

4 16. The California Firearms Application Reporting System website runs a
5 process which checks the Automated Firearms System database to confirm that
6 information associated with a firearm, such as the length of the firearm, is
7 consistent with the category selected for the firearm. Because the DES was
8 modified to include an "other" option in the "gun type" menu, this process had to
9 be enhanced to account for the case where the firearm has a "gun type" of "other."

10 17. The Consolidated Firearms Interface Gateway also runs a process which
11 checks the Automated Firearms System database for firearms that are "assault
12 weapons" under California law based on their characteristics. Because the DES was
13 modified to include an "other" option in the "gun type" menu, this process had to
14 be enhanced to account for the case where the firearm has a "gun type" of "other."

15 I declare, under penalty of perjury, that the foregoing is true and correct, and
16 that this declaration is executed on November 29, 2021, at Sacramento, California.

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18 
19 Cheryle Massaro-Florez

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DECLARATION OF SERVICE BY E-MAIL

Case Name: **Franklin Armory, Inc. v. California Department of Justice**

Case No.: **20STCP01747**

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 November 29, 2021, I served the attached **DECLARATION OF CHERYLE MASSARO-FLOREZ IN SUPPORT OF MOTION TO DISMISS THE FIRST, SECOND AND EIGHTH CAUSES OF ACTION IN THE SECOND AMENDED COMPLAINT AND PETITION** by transmitting a true copy via electronic mail, addressed as follows:

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I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 29, 2021, at Los Angeles, California.

Jasmine Zarate

Declarant

/s/ Jasmine Zarate

Signature