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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KIM RHODE, et al.,
Plaintiffs,

v.

ROB BONTA, in his official capacity as
Attorney General of the State of
California,

Defendant.

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

DECLARATION OF JACK MULLIN
IN SUPPORT OF PLAINTIFFS

DECLARATION OF JACK MULLIN

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

5 2. I am a resident of California and a citizen of the United States who is not
6 prohibited from owning or possessing firearms or ammunition under state or federal law.
7 I am a member of the California Rifle & Pistol Association, Incorporated, who is a
8 plaintiff in this action.

9 3. I have lawfully purchased firearms in California through a licensed vendor. I
10 had successfully purchased ammunition using the \$1 AFS Check prior to changing
11 residences last year.

12 4. Shortly after changing residences, I attempted to update my CFARS profile
13 with my new address so that I could qualify for the \$1 AFS Check when purchasing
14 ammunition. I received a letter from the California Department of Justice, Bureau of
15 Firearms ("DOJ"), dated November 30, 2022, informing me that my AFS records had not
16 been updated because "identifying personal and/or firearm information provided could
17 not be matched with records within the Department's AFS." (A true and correct copy of
18 that letter is attached hereto as Exhibit 1). The letter explained three possible reasons for
19 the rejection, one of which was that I did not have an AFS record, which I know is not
20 the case. The other two reasons were that my personal information or firearm information
21 entered into AFS was not accurate.

22 5. So shortly after receiving that letter from DOJ, I tried again to update my
23 AFS record through CFARS using a different firearm. DOJ responded with an identical
24 letter to the first, other than the serial number mentioned and it being dated December 1,
25 2022. (A true and correct copy of that letter is attached hereto as Exhibit 2).

26 6. I went to purchase ammunition on August 4, 2023, to see if the issue could
27 be resolved that way. The store clerk refused me the sale and provided me a letter from
28 DOJ, stating that my status was "DENY/REJECT." The letter from DOJ did not provide

1 a reason and the clerk informed me that those details are not provided to him either. Nor
2 did the letter explain what steps I could take to remedy the issue, other than visiting the
3 DOJ website.

4 7. So after being rejected an ammunition purchase, I tried again to update my
5 AFS record through CFARS. DOJ responded with an identical letter to the previous two,
6 other than the serial number mentioned and it being dated August 9, 2023. (A true and
7 correct copy of that letter is attached hereto as Exhibit 3).

8 8. The DOJ form letter directs those who are unsure about their AFS records to
9 fill out and submit to DOJ an "Automated Firearms System Request for Firearm
10 Records" form, so that DOJ could send back all the persons' AFS records, with which
11 one could refer for any discrepancies with their AFS information and update them. The
12 letter does not provide any other options or guidance for someone in my position.

13 9. It was not until I spoke with a lawyer that I learned that I had the options of
14 purchasing a new firearm to potentially fix my records with the Department; obtaining a
15 COE for \$71 (and \$22 every year thereafter) plus a fingerprinting fee; or paying a \$19 fee
16 for a Basic Check every time I purchased ammunition. Neither the vendor nor DOJ's
17 form letters informed me of those options. Had I not spoken with a lawyer, I would not
18 have known of those options and would have believed that I only had the option of
19 waiting however long it takes DOJ to process an Automated Firearms System Request for
20 Firearm Records form to be able to acquire the ammunition I need for hunting or for self-
21 defense.

22 10. In any event, despite having lawfully purchased firearms in California for
23 which AFS records must have been created, I am currently unable to avail myself of the
24 \$1 AFS Check for some unknown reason and apparently will be unable to for the
25 foreseeable future, unless and until I take one of the above-described costly steps to be
26 able to do so; none of which I wish to take.

27 11. Prior to the challenged laws taking effect, I would acquire ammunition from
28 online vendors who shipped directly to my residence. The challenged laws have

1 foreclosed that option, occasionally resulting in me being unable to obtain the
2 ammunition I need. I have noticed ammunition prices at local gun stores increase since
3 the Challenged Laws took effect. But for the Challenged Laws, I would acquire
4 ammunition from online vendors to have shipped directly to my residence.
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6 I declare under penalty of perjury that the foregoing is true and correct. Executed
7 within the United States on August 17, 2023.
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11 Jack Mullin
12 Declarant
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EXHIBIT 1

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF FIREARMS
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Telephone: (916) 210-2300
Fax: (916) 227-3700

November 30, 2022

JACK MULLIN
[REDACTED]

Re: **California Firearms Application Reporting System (CFARS) - Automated Firearms System**
Personal Information Update Rejection Notification For Serial Number < K [REDACTED] >

Dear JACK MULLIN:

The California Department of Justice (the Department) was not able to process your electronic submission of the Automated Firearms System (AFS) Personal Information Update application. The identifying personal and/or firearm information provided could not be matched with records within the Department's AFS. As a result, your personal information has not been updated.

Possible Reasons for Rejection

- You did not provide correct or enough information in the "Personal Information at Time of Purchase" section for the system to locate your record and update your information.
- You do not have a record in the AFS.
- The firearm information you entered does not match your record in the AFS.

If you are unsure of the personal information that is currently on your AFS record, you can request to obtain information on all firearms for which you are listed as the purchaser, transferee, or owner in the Department's records by submitting an Automated Firearms System Request for Firearm Records (BOF 053) application to the Department. The application can be located at <https://oag.ca.gov/firearms/forms>.

Once your application is received, the Department will conduct a diligent search of the AFS and will provide you with the listing of your records via U.S. mail. Once you receive the listing, you can reference the personal and firearm information that was recorded at the time the firearm was purchased or transferred, and use it to fill out the AFS Personal Information Update application.

If you have any questions, please contact the Bureau of Firearms Customer Support Center at (916) 210-2300.

Sincerely,

REPORTING AND QUALITY ASSURANCE
Bureau of Firearms

For **ROB BONTA**
Attorney General

EXHIBIT 2

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF FIREARMS
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Telephone: (916) 210-2300
Fax: (916) 227-3700

December 01, 2022

JACK MULLIN
[REDACTED]

Re: **California Firearms Application Reporting System (CFARS) - Automated Firearms System**
Personal Information Update Rejection Notification For Serial Number < U [REDACTED] >

Dear JACK MULLIN:

The California Department of Justice (the Department) was not able to process your electronic submission of the Automated Firearms System (AFS) Personal Information Update application. The identifying personal and/or firearm information provided could not be matched with records within the Department's AFS. As a result, your personal information has not been updated.

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If you have any questions, please contact the Bureau of Firearms Customer Support Center at (916) 210-2300.

Sincerely,

REPORTING AND QUALITY ASSURANCE
Bureau of Firearms

For **ROB BONTA**
Attorney General

EXHIBIT 3

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF FIREARMS

P.O. BOX 820200

SACRAMENTO, CA 94203-0200

Telephone: (916) 210-2300

Fax: (916) 227-3700

August 09, 2023

JACK MULLIN
[REDACTED]

Re: **California Firearms Application Reporting System (CFARS) - Automated Firearms System**
Personal Information Update Rejection Notification For Serial Number < K [REDACTED] >

Dear JACK MULLIN:

The California Department of Justice (the Department) was not able to process your electronic submission of the Automated Firearms System (AFS) Personal Information Update application. The identifying personal and/or firearm information provided could not be matched with records within the Department's AFS. As a result, your personal information has not been updated.

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If you have any questions, please contact the Bureau of Firearms Customer Support Center at (916) 210-2300.

Sincerely,

REPORTING AND QUALITY ASSURANCE
Bureau of Firearms

For **ROB BONTA**
Attorney General

CERTIFICATE OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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

IT IS HEREBY CERTIFIED THAT:

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

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

DECLARATION OF JACK MULLIN IN SUPPORT OF PLAINTIFFS

on the following parties by electronically filing the foregoing on August 17, 2023, with the Clerk of the District Court using its ECF System, which electronically notifies them.

John D. Echeverria
Deputy Attorney General
john.echeverria@doj.ca.gov

Anthony P. O'Brien
Deputy Attorney General
anthony.obrien@doj.ca.gov

Christina R.B. Lopez
Deputy Attorney General
christina.lopez@doj.ca.gov
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004
Attorneys for Defendant Attorney
General Rob Bonta

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 17, 2023, at Long Beach, CA.


Laura Palmerin