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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES
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15 **FRANKLIN ARMORY, INC. AND**
CALIFORNIA RIFLE & PISTOL
16 **ASSOCIATION, INCORPORATED,**
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18 Plaintiffs,
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20 **CALIFORNIA DEPARTMENT OF**
JUSTICE, XAVIER BECERRA, IN HIS
21 **OFFICIAL CAPACITY AS ATTORNEY**
GENERAL FOR THE STATE OF
22 **CALIFORNIA, AND DOES 1-10,**
23
24 Defendants.

Case No. 20STCP01747

**DECLARATION OF ALLISON
MENDOZA IN SUPPORT OF MOTION
BY DEFENDANTS FOR SUMMARY
JUDGMENT; OR IN THE
ALTERNATIVE, FOR SUMMARY
ADJUDICATION OF ISSUES**

Date: July 10, 2024
Time: 8:30 a.m.
Dept.: 32

Honorable Daniel S. Murphy

RES ID: 554862513719

25 ~~Allison Mendoza, declare:~~

26 1. I am the Director of the Bureau of Firearms (Bureau) in the California Department of
27 Justice's (Department) Division of Law Enforcement (DLE). I have served in this capacity since
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1 March 2023. As the Director of the Bureau, I provide administrative direction, policy guidance,
2 and control of enforcement and regulatory programs and projects. I act as a liaison with the
3 firearms industry and members of law enforcement, and have appeared before California
4 legislative committees concerning bills affecting the Bureau's operations. I have served in the
5 Department since 1994 and the Bureau since 2009.

6 2. Prior to becoming the Director of the Bureau, I served as Assistant Bureau Chief from
7 2015 until March 2023. At some point, the title of this position changed to Assistant Bureau
8 Director. As the Assistant Bureau Chief/Director, I was responsible for managing all activities
9 under the Regulatory Branch, including approximately 30 highly visible and sensitive state-
10 mandated programs, and directing the work of technical, professional, and supervisory staff. I
11 also served as the Department's Federal Bureau of Investigation (FBI) National Instant Criminal
12 Background Check System (NICS) Point of Contact (POC).

13 3. In my role as Assistant Bureau Chief/Director, I had responsibility for management and
14 oversight of the Dealer Record of Sale (DROS) Entry System ("DES"). The DES is a web-based
15 application used by California firearms dealers to submit firearm background checks to the
16 Department to determine if an individual is eligible to purchase, loan, or transfer a handgun, long
17 gun, and ammunition, and subsequently receive background eligibility check determinations.

18 4. The Application Development Bureau (ADB) within the Department's California Justice
19 Information Services Division (CJIS) supports the Department's information technology
20 infrastructure. ADB is responsible for designing, implementing, and maintaining DLE's
21 applications, which includes the DES. In my experience, at any given time, there are numerous
22 pending requests for enhancements to be made to the DES. Such requests can arise from, among
23 other things, new or amended statutes, new or amended regulations, court decisions, and
24 technological advancements, to name a few.

25 ~~5. In my role as Assistant Bureau Chief/Director, I may be involved in the discussions~~
26 relating to DES enhancement requests. Such discussions, and the decision-making process as to
27 whether to move forward with a DES enhancement, are often collaborative and often involve the
28 Bureau, ADB, the Department's attorneys, and occasionally higher levels within the Department,

1 such as DLE, CJIS, and the Directorate Division. These discussions and the decision making
2 process—which can include whether to move forward with the enhancement, the parameters of
3 the enhancement, the timeline for completion and deployment of the enhancement—require the
4 relevant parties within the Department to engage in a balancing of multiple factors and a
5 weighing of competing priorities among multiple information technology projects pending at any
6 given time. These discussions and the decision making process involve weighing enhancements
7 mandated by statutes, regulations, or court orders; allocation of available resources for a
8 particular enhancement (such as the required number of personnel it will take to complete the
9 project); the available budget for such an enhancement; and the time it will take to complete said
10 enhancement. In addition, considerations of public safety are very important. Thus, any
11 proposed DES enhancement must be evaluated in terms of the certainty that it will not
12 compromise the Department’s ability to meet its mandated obligations and its responsibility to
13 ensure public safety.

14 6. The issue regarding the Franklin Armory Title 1 firearm was first brought to my
15 attention in the latter part of 2019. My understanding is that Franklin Armory was asserting that,
16 within the DES “Dealer Long Gun Sale” transaction type, this new Title 1 firearm did not fit any
17 of the three options in the “Gun Type” drop-down menu, which were rifle, rifle/shotgun
18 combination, or shotgun. It is my understanding that the three options in the “Gun Type” drop-
19 down menu in the DES “Dealer Long Gun Sale” transaction type had remained the same since at
20 least 2014, before I became Assistant Bureau Chief in 2015.

21 7. Franklin Armory asserted these three options in the “Gun Type” drop-down menu for
22 the “Dealer Long Gun Sale” transaction type precluded dealers from processing a transfer of the
23 Title I firearm in the DES. It was my understanding that Franklin Armory asserted that the
24 addition of an “other” to the “Gun Type” drop-down menu in the DES “Dealer Long Gun Sale”
25 ~~transaction type was necessary~~

26 8. At some point after the latter part of 2019, the Bureau initiated a review to evaluate the
27 resources required for a potential DES enhancement to add an “other” option in the “Gun Type”
28 drop-down menu in the “Dealer Long Gun Sale” transaction type. This review required the

1 leadership of the Bureau, in collaboration with ADB and the Department's attorneys, to engage in
2 a balancing of multiple factors and a weighing of competing priorities among the multiple
3 proposed DES enhancement requests pending at that time. We also evaluated and weighed the
4 allocation of available resources to such an enhancement, such as the number of personnel
5 required, budgeting of the enhancement, and the time it would take to complete said
6 enhancement. The onset of the COVID-19 pandemic in March 2020 presented additional
7 difficulties in being able to staff such a DES enhancement.

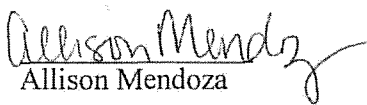
8 9. ADB, within CJIS, undertook a review of what would be required to add the "other"
9 option to the "Gun Type" drop-down menu in the DES "Dealer Long Gun Sale" transaction type.
10 At some point, ADB reported back that it would take many months to implement this
11 enhancement, and would require well over a dozen personnel, many of whom would have to be
12 diverted from other projects. Implementing this DES enhancement would have required changes
13 to many other applications and databases in addition to the DES.

14 10. ADB additionally explored the possibility of doing a DES enhancement that was
15 reduced in scope, temporary, and applicable to only the Title 1 firearm. Under this proposal, a
16 permanent enhancement would be implemented at a later date. ADB estimated such an
17 enhancement would take a few months. ADB also advised that this proposal would present
18 operational difficulties in properly recording the sales and transfers of the Title 1 firearm in the
19 DES until a permanent enhancement was implemented. Such operational difficulties would have
20 raised significant public safety concerns. These factors, including the public safety concerns,
21 were discussed within the Department, which ultimately decided to not immediately proceed with
22 the temporary DES enhancement.

23 11. SB 118 was signed into law by the Governor on August 6, 2020, which rendered the
24 Title 1 firearm a prohibited assault weapon under Penal Code section 30515. The Department
25 ~~thereafter decided after weighing competing priorities among the multiple information~~
26 technology projects pending at that time in the middle of the COVID-19 pandemic, to implement
27 at a later date the DES enhancement that added an "other" option in the "Gun Type" drop-down
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1 menu in the "Dealer Long Gun Sale" transaction type. This enhancement was completed on
2 October 1, 2021.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed on April 25, 2024.

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7 Allison Mendoza
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DECLARATION OF SERVICE BY MESSENGER

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

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; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230.

On April 26, 2024, I caused the attached **DECLARATION OF ALLISON MENDOZA IN SUPPORT OF MOTION BY DEFENDANTS FOR SUMMARY JUDGMENT; OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES** to be personally served by **ACE ATTORNEY SERVICE** by placing a true copy thereof for delivery to the following person(s) at the address(es) as follows:

C.D. Michel
Anna M. Barvir
Jason A. Davis
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
Attorneys for Plaintiffs-Petitioners

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 April 26, 2024, at Los Angeles, California.

Sandra Dominguez
Declarant

/s/ Sandra Dominguez
Signature