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**Secession #3 Colorado Firearms Dealer Division Response
submission**

Response to Section 2: State Permit Application & State Permit Requirements item – Application and Renewal Process and requirements:

A. Basis and Purpose

This Rule 2-100 section should be *simplified* to the Single requirement of item (1) **MUST HOLD A VALID FEDERAL FIREARMS LICENSE.**

The rationale is simple: An FFL CANNOT be issued if FEDERAL STANDARDS does not qualify you. Restating STATE guidelines is not necessary.

What are the requirements for holding an FFL?

To obtain a Federal Firearms License (FFL), you need to meet several requirements:#2

1. **Age:** You must be at least 21 years old.
2. **Citizenship:** You must be a U.S. citizen or a legal permanent resident.
3. **Legal Eligibility:** You must be legally allowed to possess firearms and ammunition. This means you should not have any felony convictions or other disqualifying factors.
4. **Business Premises:** You must have a location for conducting FFL activities. This can be a home-based business, but it must meet local zoning requirements.
5. **Compliance with Laws:** Your business must comply with all federal, state, and local laws. This includes having secure gun storage or safety devices available for customers.

6. **Background Check:** You and any persons responsible for your business must pass a background check conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
7. **Application:** You need to complete and submit ATF Form 7, along with the required licensing fee.
8. **Interview:** An Industry Operations Investigator (IOI) from the ATF will conduct an in-person interview with you to ensure compliance with all regulations.

Once you meet these requirements and your application is approved, you will be issued an FFL. The entire process typically takes about 60 days.

If you have any specific questions or need more details, feel free to ask!

B. Application Process

1. An applicant for a state permit must submit a completed application on forms provided by the Division. The application must include:

The following items highlighted in RED are not necessary to hold an FFL and are restrictive and discriminatory.

- a. The name of the applicant;
- b.** The gender of the applicant;
- c.** The race of the applicant;
- d. The address where the applicant will conduct business;
- e. The mailing address for the applicant;
- f. The email address for the applicant;

The following items are listed on the FFL itself:

g. Identification of all responsible persons of the applicant;

h. The type(s) of federal firearms license held by the applicant;

i. The federal firearms license number(s)

j. The federal firearms license issue date(s);

i. If the federal firearms license is pending, the applicant must notify the Division when the federal firearms license issues.

k. The federal firearms license expiration date(s);

This is ADDRESSED as the opening statement in Rule 2-100

l. A copy of the federal firearms license(s);

##m. An affirmation that each Responsible Person meets the requirements of paragraphs (A)(2) and (3) of this rule; Redundant information that serves no purpose.

n. Each Responsible Person shall be fingerprinted by an approved state vendor for purposes of a fingerprint-based criminal history record check, with the results to be provided to the Division.

THIS RULE serves no purpose except to enhance the reduction of individual privacy and enhance the database of information on responsible citizens.

i. The Division shall post on its website the approved state vendors for fingerprinting on its website.

Q. Hours of business operation, or whether business is operable by appointment only;

i. If business is available for firearms sales by appointment only, contact information for making an appointment.

TWO Items of issue here:

(A) This provides valuable information to criminals

(B) Who operates my business -Me or Big Brother?

p. Any additional information required on the form; and

q. Payment of the fee set forth in Rule 2-200.

C: Renewals:

C-2. Renewal application not accepted after the expiration of the State permit –

This means the business is permanently “OUT OF BUSINESS.” Rationale: **There is no provision for (a) reinstatement and (b) delay in the FFL renewal process.**

Solution: (#.) A 30-day grace period should be allowed – or

(##) Automatically renewed upon receipt of the Current FFL.

C-3.

(#1) The same questions and objections are presented in B – The Application Process.

(#2) Items **C3 “1 thru 5”** Are simply a repeat of the previous section covered in **B-The APPLICATION PROCESS.**

D. Division time to Act:

The Division has state-of-the-art equipment. 14 days is sufficient to act on a complete document that is verifiable within minutes. The Foundation of the validity of the Dealer's application is solely based on the current FFL. It can be verified in minutes online.

SECTION 3: ENFORCEMENT

Rule 3-300. Penalties.

A. Item (2) This can be abused. (i) By Appointment; (ii) Limited to an annual or once every license period. (iii) By Appointment.

Item (3) Demonstrate a Search Warrant or other affidavit outlining specifics of the nature of the inspection, including verification of a complaint.

Item (4) Based upon the final outcome of the Appeals processes.

B. Penalties if a Dealer Knowingly ... etc.

***** This section is reasonable and supported by the Supreme Court.*****

C. The single penalty described in B above is sufficient. The goal is to eliminate repeat offenders. Utilizing the

availability of C-2 a. (i) is a reasonable option designed to address specific or general rule violation(s).

******DISCLAIMER **** I have not reviewed paragraphs listed in C -3 “Factors to be considered in determining – Second Offenses” items (a) Mitigating Factors; or (b) Aggravating Factors; (i thru x).**

Section 3 Enforcement continues:

Item D.

Due Process is the Rule. “Summary judgment” is arbitrary.

¹Factual finding of the reversal of Summary judgment based upon Supreme Court ruling:

Item E. Responsibility for Acts of Others.

As businesses and business owners, we are held responsible for ALL actions taken by employees and our business operations. Actions or activities taken by other business operators/operations/employees of other independent operations have been proven not to be the responsibility of the business operation to which this section seeks to apply.

The purpose of “Business insurance and General Liability insurance” is to protect YOUR operations, not to insure someone else’s conduct of business.

I do not expect our Working Group attorneys to be insuring or subjecting their law license to conduct or the work product

¹ **“Supreme Court:** The U.S. Supreme Court has a relatively high reversal rate for lower court decisions. For example, during the 2020 term, the Supreme Court reversed 55 out of 69 lower court decisions, a reversal rate of approximately 79.7%. This includes summary judgments as well as other types of decisions.” Source Abovethelaw.com / news.ballotpedia.org

results of an accounting firm for faulty services rendered by incompetent workers.