

***The Division has received the following comments via the Firearms Dealer Division Rulemaking email. The Division will respond to certain parties' comments should the Division implement their recommendations into the rule. Some comments submitted were not directed at the proposed rules, but rather to the legislation (HB24-1353). These comments are not able to be considered as the General Assembly passed this bill and it is the duty of the Firearms Dealer Division to implement the new law as written.***

**John Clark**

*National Shooting Sports Foundation*

**RE: ATF Responsible Person Definition**

*Received on January 8, 2025*

In the ATF March 2006 FFL Newsletter it defines a Responsible Person.

#### RESPONSIBLE PERSONS LISTED ON THE FEDERAL FIREARMS LICENSE

- The purpose of this article is to clarify the definition of “responsible person” as recently defined by Congress, and provide examples of who may qualify as a responsible person in a firearms business for the purposes of Federal firearms law.
  - A “responsible person” is defined as an individual who has the power to direct the management and policies of the business entity for which the Federal firearms license is being applied.
  - Neither the Gun Control Act (GCA) nor its implementing regulations define the term “responsible person.” However, historically the term “responsible person” was deemed to have the same definition in the firearms context as Congress has now incorporated into the Safe Explosives Act (SEA): a person who has the power to direct the management and policies of the firearms activity. Now that Congress has specifically defined the term in the explosives context, ATF will interpret the SEA definition to also apply in the firearms context.
- A determination of whether an individual is a responsible person may depend on his or her ownership interest in the business, the management structure of the business, and their ability and authority to direct the management and policies of the firearms business.

#### EXAMPLES

- Some examples of different types of business organizations include sole proprietorships, partnerships, corporations, and associations.
    - The owner of a sole proprietorship would be a responsible person. In a partnership, each partner would be a responsible person.
    - In a corporation or association, only the directors and officers who direct the management and policies of the corporation or association with respect to firearms would be responsible persons.
    - In most firearms businesses, the store manager would be a responsible person.
    - Each business entity may have a different business structure, so determining who is a responsible person must be made by referring back to the statutory definition: the individuals who direct the management and policies of the entity pertaining to firearms. It should be noted that not every individual at the management level is a responsible person for the purposes of Federal firearms laws. For example, a human resources manager who does not otherwise direct management and policies relating to firearms would not be a responsible person.
    - *“Finally, every applicant for a license or permit must designate at least one local responsible person for the business. Applications alleging there is no person in the organization responsible for the firearms business will be returned for additional information. Clearly, one or more individuals must be responsible for keeping track of inventory and records. Without denoting a responsible person on the application, a license will not be issued.”*
-

**Luke Montoya**

*Sportsman's Warehouse*

**RE: Question-Working Group Member**

*Received on January 8, 2025*

I hope this email finds you well. My name is Luke Montoya and I'm a Firearms Dealers Working Group Member representing Sportsman's Warehouse, Inc.

I have a specific question in regard to the certification/license that will be issued to employees/staff of an FFL.

Would an employee be required to obtain more than one (1) license/certification to sell/ handle firearms in the event they needed to help/aide another location?

Example:

Employee "John Smith" is licensed at "location A". John Smith is tasked with assisting "location B" for a few days to help with staffing challenges. Would John Smith need a license for each location or just at the specific FFL location where he is based out of?

The reason I ask this question is because we (Sportsman's Warehouse) operate nine (9) FFLs in the State of Colorado and occasionally when we have staffing challenges at a location, we typically send help from one location to the other.

I hope my question makes sense. If you need further clarification on my question, please do not hesitate to reach out.

RESPONSE FROM DIVISION SENT ON JANUARY 9, 2025

*An employee temporarily transferred to a different location within a corporate structure would not need to apply for an additional FDD Number. If the transfer was permanent, a Report of Changes Form would be required to show the employee's new affiliation with a different business.*

---

**Shawn Olson**

*Skol Adventure*

**RE: New permit requirements**

*Received on January 9, 2025*

It's a shame, I do this for fun and on the side. I don't make enough a year to offset the absolutely redundant license Colorado is now requiring. On top of my FFL license it is too much. I predict for many of us.

Sad day.

---

**Karl Lippard**

*Karl Lippard Designs*

**RE: Surrender**

*Received on January 9, 2025*

While we do not sell firearms in the State and are manufacturers and designer of guns, and have long considered Colorado to be a lawless State. As presented in Federal Court 23-cv-01078-MDB the State has allowed Treason to continue in this state, allowed the blocking of capital investment to produce arms and ammunition to the United States during war, and allowed the citizens of Denver, Colorado to die from contamination such funding was earmarked to mediate, (Exhibit 3) while the State watches it happen...In Exhibit 16 "Damages" it lists the cost

suffered to this State: "**Personal Income Tax loss Colorado 4.4% = \$867,888,560.00**" **Not to mention of course Corporate. This year, slated this month to cost another \$7,920,000.00 in personal income tax. So I think it can be said the damage to Colorado has been done.**

Federal Licensed persons cannot deal with felons. The State permit as stated without imposing any demands or coercion, blackmail, subversion, on an FFL would be fine. But, the State has placed "instructions" as to HOW a FFL is to do business. That is a felony. It would require the ATF to alter Federal Law to the State FEE requirement as presented in this named Federal case. Therefore it is my opinion that no FFL can do business in this State under Permit as a violation of Federal Law. And the State has also passed unconstitutional laws in violation of the 2nd Amendment and others, openly. It suggests that this State no longer complies with the Constitution of the United States knowingly. Further it defies the right of carry, transport, interstate commerce, personal and national defense. That it knowingly conspires with banks and financial institutions to debank FFL's in this State and has failed to respond to reports of it being done. These violations of law has cost the citizens of this State their security and presented financial burden for which it is liable.

A casual observer, if not a founding family of the State of Colorado, would observe a cabal is present. And there is. It is a sad ending for Colorado. For it not only wishes to eliminate the remaining dealers in this State but to disarm it. To harm the citizens of this State leaving it in the hands of the cartels. For the pulse of the State is the Federal Licensed Dealer. He aids law enforcement. Interdicts illegal traffic of arms and disseminates relative communication to its patrons. In other words, FFL's **uphold** Federal and State law. The State does **NOT enforce** State law. Federal Court 23-cv-01078-MDB demonstrates in US vs. John Wilkes Booth, as it pertains to an FFL. A FFL cannot be dictated to, nor interfere with his interpretation of Federal Law that he alone is entrusted with. Karl Lippard et al vs Bowers et al, Gainesville, GA, and US Karl Lippard vs Bowers et al Denver, CO. included in Federal Court 23-cv-01078-MDB, Exhibit 5.

Surrender your Permit? Federal Law will not allow an FFL to have one as written. It is against Federal License Law. "Any person, corporate or individual, **that has any influence on the day to day operation of a FFL** must be fingerprinted, and approved by the ATF, FBI, and local Sheriff." In order for ANY FFL to be subjected to a "Permit" that violates Federal Law, must gain approval from the Attorney General of the United States and the Director of issuance of FFL by the Director of ATF. And I so state that Colorado is in violation of Federal Firearm License law.. If you have such a document I would be pleased to receive it. It is not in the Laws, rules and regulations provided by the ATF.

If you feel I am in error, please submit to the Denver ATF your Permit full requirements and obtain a letterhead copy of approval with your Permit request so FFL's that remain in this State can comply. As for the national security in war and loss of life in Denver, alluded to; I would not mention it. As testified (And in deposition to DOJ) we move all our business out of Colorado, in favor of Texas and Oklahoma. That "I might be a little late reaching back for Denver." Those deaths are on the State of Colorado, the Department of Justice, and this Federal Court; as is it's lost prosperity.

---

**Melissa Flanell**

*Dragonman's*

**RE: Multiple FFL's Suggestion**

*Received on January 9, 2025*

I have three FFL's at our location and I respect that you want each FFL to hold a state permit. However, since we need to register in February and this leaves me little time to consolidate FFL's (we need to transfer all firearms over to another FFL and undergo an ATF audit to close the FFL), I'm asking if there's any way to give an exception or postponement to the FFL I'd like to close. This will keep me from having to apply and pay for three separate permits. I've needed to do this for a while and haven't had time, however, I'm fine doing so but I don't think ATF will make it down in time for the closure before the permit deadline. Please advise on this matter so I can get feedback on how best to proceed.

RESPONSE FROM DIVISION SENT ON JANUARY 27, 2025

Thank you for reaching out with your question. To clarify, under HB24-1353 (the bill creating the state permit requirement), the deadline for current FFL holders to apply for a state permit and continue to operate as a firearms dealer in Colorado is May 2, 2025, not February. In other words, if you apply for a state permit by May 2, 2025, and your application is sufficient to show that you/your business is eligible for a state permit, you will be able to continue dealing in firearms until the Division has acted on your application, thus affording you additional time to consolidate your FFLs. Please let us know if you have any additional questions.

**RE: Follow up to Division's Response**

*Received January 29, 2025*

Thank you for the response. I'll start working on that and to confirm, as long as we have permits for our other licenses we apply for, we can do business under those FFL's?

RESPONSE FROM DIVISION SENT ON JANUARY 29, 2025

That is correct. You must apply for a State Permit for each Type 01 or Type 02 FFL that you hold, regardless of whether they are co-located. If you have a Type 07 or 08 and sell firearms at retail, you must also apply for a State Permit for each FFL type. If the permit applications are received on or before May 2, 2025, you may continue to operate those businesses.

---

**Jim Harris**

*Jim's Hunting Supplies*

**RE: FDD - 2024-2025 Rulemaking Working Group - Proposed Forms UPDATE**

*Received on January 10, 2025*

Wow it looks like the form you fill out for ATF. I call BS

---

**Lincoln Wilson**

*Hale Store*

**RE: FDD - 2024-2025 Rulemaking Working Group - Proposed Forms**

*Received on January 14, 2025*

Attached, please find comments regarding the Proposed Rules of Support Change and Voluntary Surrender. The attachment spills into other discussion areas, bringing them to joint conclusions.

As always, thank you for the opportunity to work with you and discuss operations that allow you to meet the directives of the legislation while maintaining the object of Free Enterprise.

*[The attached documents are at <https://sbg.colorado.gov/2024-firearms-dealer-rules-working-group>. We will update this document when the broken links are corrected.*

*“2025.01.14 From Lincoln Wilson, Hale Store, Surrender and General observations.docx.pdf” and “2025.01.14 Comments regarding Surrender of CO Dealer Permit.docx.pdf”]*

RESPONSE FROM DIVISION SENT ON JANUARY 29, 2025

Thank you for your comments. The Division values all public input and your comments have been included in our rulemaking record for consideration as we move forward with the implementation process. We look forward to continued discussions.

---

**Denise Landin**  
*EZCORP*

**RE: EZPAWN comments to Session #5 Rules and Change Request Form**  
*Received on January 14, 2025*

Attached please find comments on the proposed rules discussed in the Session #5 working group meeting, as well as comments regarding the Change Request Form shared by the Division. Thank you for allowing EZPAWN to continue to participate in this discussion. If you have any questions, please do not hesitate to contact me.

[See attached document "[EZPAWN Comments\\_Letter with Proposed Revisions\\_Session #5\\_1.13.25.pdf](#)"]

RESPONSE FROM DIVISION SENT ON JANUARY 29, 2025

Thank you for your continued engagement on these important issues. We take all public comments very seriously and appreciate your thoughtful input as we continue the implementation process for HB24-1353. Your comments have been included in the rulemaking record for consideration as we continue to work to finalize the regulations. Please let us know if you have any additional comments and look forward to continued discussions at the next Working Group meeting coming up in February.

---

**Quinton C. Green**  
*Walmart*

**RE: Updates regarding Firearms Updated Firearms Regulations**  
*Received January 24, 2025*

Good afternoon. I have a few questions regarding the law going into effect in July 2025.

1. Will there be access to training or the test to verify if our current training satisfies the training requirements? Also, when will the link be available to upload current training approval?
2. I know during the last working group call it was mentioned that applications may be open as soon as February 2025. Was a date set for the retailers to apply for a permit under the new law going into effect? If so, when?
3. Lastly, will you confirm the statewide provider for fingerprinting for the state?

If there is a point of contact I could be pointed to for each question, that would be greatly appreciated. Thank you in advance.

RESPONSE FROM DIVISION SENT ON JANUARY 28, 2025

Thank you for your questions.

1. The minimum required topics for the training program are found in 18-12-406(1)(a)(I thru IX), C.R.S., and on page 10 of HB24-1353. If your internal training program conforms to these criteria, you can submit a copy of your training program and testing materials to the Division for approval.
2. Yes, the date was set in the statute. Retailers who submit a sufficient application on or before May 2, 2025, may continue business operations until the Department has acted on the application. The date when the Division can begin accepting applications is yet to be determined; however, our goal is the first week of February 2025.
3. The Colorado Bureau of Investigation (<https://cbi.colorado.gov/contact-cbi>) is in charge of this part of the statute. Currently, Colorado Fingerprinting (<https://coloradofingerprinting.com/>) and Identogo

(<https://www.identogo.com/locations/colorado>) are approved providers.

The Division is awaiting Federal Bureau of Investigation (FBI) approval to submit fingerprints. We have received CBI approval and anticipate a response from the FBI in the first part of February.

**RE: Follow up to Division's Response**

*Received January 29, 2025*

Thank you for your response. Do you have the direct contact for who will be responsible for approval of training from the Division? Also, is the link available to the state test? If not, when?

RESPONSE FROM DIVISION SENT ON JANUARY 29, 2025

The Division is currently working on the training and testing but it is not finalized yet. We are working diligently to create a training program that complies with statutory requirements and meets the needs of the firearms industry. Once completed and approved, the Division will notify the industry on how to access the training.

---