

From: OAL Reference Attorney
Date: Mon, Dec 4, 2017 at 2:37 PM
Subject: RE: Request for public records
To: Brandon Combs, OAL Reference Attorney

Dear Mr. Combs:

This letter is in response to your Public Records Act (PRA) request dated December 1, 2017, which the Office of Administrative Law (OAL) received that same day. We understand your request to be for documents pertaining to "all public records and information [OAL] received from or sent to the Department of Justice during the period of November 1, 2017, through and including December 1, 2017, relating to firearms (including, but not limited to: firearm dealers, assault weapons, devices, accessories, magazines, large-capacity magazines, ammunition, ammunition vendors, licenses, permits, and serial numbers)." If we have misunderstood your request, please contact us to clarify your request.

We are producing all of the non-privileged and non-exempt documents in our possession that are responsive to your request. However, to the extent that your request seeks privileged documents and/or documents that are exempt from production, such documents will not be provided. Documents which are preliminary in nature, attorney work product, attorney-client communications, or not retained in our ordinary course of business are exempt from disclosure. (See e.g., Govt. Code §§ 6254, 6275, 6276.04.)

We are scanning the documents as quickly as we can. I have attached a partial production of documents, and I will follow up with additional documents. We will scan and send the Ammunition Vendor Licensing rulemaking file currently in our office as soon as possible. (OAL Matter No. 2017-1130-04.)

Additionally, please note that our production of documents includes only those documents in our possession. The rulemaking agency, which in this case is the Department of Justice (DOJ), is the custodian of records for the rulemaking file(s) and may have additional documents. Thus you may want to contact DOJ for additional public records not possessed by OAL.

Cordially,

-OAL Reference Attorney

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From: Brandon Combs
Sent: Friday, December 01, 2017 7:31 PM
To: OAL Reference Attorney
Subject: Request for public records

Dear Office of Administrative Law,

We respectfully request a copy of all public records and information you received from or sent to the Department of Justice during the period of November 1, 2017, through and including December 1, 2017, relating to firearms (including, but not limited to: firearm dealers, assault weapons, devices, accessories, magazines, large-capacity magazines, ammunition, ammunition vendors, licenses, permits, and serial numbers).

Because such records concern time-sensitive issues of great public importance, if these records and information are not able to be provided to us electronically before 1 p.m. on Monday, December 4, 2017, we will seek to inspect all responsive records at your office during normal business hours on Monday, December 4, 2017.

Please feel free to reply by email to [@fpchq.org](mailto:fpchq.org) should you have any questions.

Thank you, in advance, for your assistance with this request.

Brandon Combs

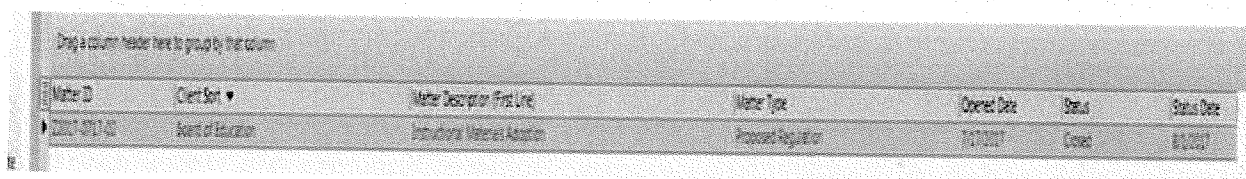
Storm, Mark@OAL

From: Moyer, Rhea@OAL
Sent: Friday, December 01, 2017 2:34 PM
To: 'Melan Noble'
Subject: 2017-1130-04_Form 400 authorization needed (Ammunition Vendor Licensing)

Melan,

Can you please send me authorization to fix the Form 400.

I need to delete this notice file no Z2017-0717-02, see field box titled, "Notice File Number" located on the top, and left column of the form. The file number was not assigned to DOJ, see below.



Matter ID	Client	Matter Description First Line	Matter Type	Created Date	Status	Status Date
Z2017-0717-02	West of Education	Institutional Materials Acquisition	Proposed Registration	7/17/2017	Closed	8/1/2017

I would appreciate your assistance.

Thank you

Rhea Moyer

Legal Analyst

Office of Administrative Law

☎ 916.324.0358

✉ Rhea.Moyer@oal.ca.gov



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Storm, Mark@OAL

From: Melan Noble <Melan.Noble@doj.ca.gov>
Sent: Friday, December 01, 2017 2:57 PM
To: Moyer, Rhea@OAL
Subject: RE: 2017-1130-04_Form 400 authorization needed (Ammunition Vendor Licensing)

Yes, you have authorization. Thank you.

Melan Noble
DOJ Regulations Specialist
Department of Justice
Division of Operations (OPS)
Statewide Operational Services
916-210-7011

From: Moyer, Rhea@OAL [mailto:Rhea.Moyer@oal.ca.gov]
Sent: Friday, December 01, 2017 2:53 PM
To: Melan Noble <Melan.Noble@doj.ca.gov>
Subject: RE: 2017-1130-04_Form 400 authorization needed (Ammunition Vendor Licensing)

Will take care of it. Please send me authorization to add the second notice file number to the Form 400.

Rhea

From: Melan Noble [mailto:Melan.Noble@doj.ca.gov]
Sent: Friday, December 01, 2017 2:52 PM
To: Moyer, Rhea@OAL <Rhea.Moyer@oal.ca.gov>
Subject: RE: 2017-1130-04_Form 400 authorization needed (Ammunition Vendor Licensing)

There were two notice Z numbers assigned to this package.

Z-2017-0718-02 Original Notice
Z-2017-0703-01 Extend the comment period.

Melan Noble
DOJ Regulations Specialist
Department of Justice
Division of Operations (OPS)
Statewide Operational Services
916-210-7011

From: Moyer, Rhea@OAL [mailto:Rhea.Moyer@oal.ca.gov]
Sent: Friday, December 01, 2017 2:34 PM
To: Melan Noble <Melan.Noble@doj.ca.gov>
Subject: 2017-1130-04_Form 400 authorization needed (Ammunition Vendor Licensing)

Melan,

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Drag a column header here to group by the column						
Notice ID	Client Sort	Notice Description First Line	Notice Type	Closed Date	Status	Status Date
Z2017-0717-02	Board of Education	Instructional Materials Adoption	Proposed Regulation	7/17/2017	Closed	8/1/2017

I would appreciate your assistance.

Thank you

Rhea Moyer

Legal Analyst

Office of Administrative Law

916.324.0358

Rhea.Moyer@oal.ca.gov



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Storm, Mark@OAL

From: Moyer, Rhea@OAL
Sent: Tuesday, November 14, 2017 3:28 PM
To: Melan Noble
Subject: Z2017-1114-01 DOJ
Attachments: Sample NOTICE OF PROPOSED ACTION (2016).pdf

Hi Melan,

Based on review, please see below:

- 1) Per notice checklist, if "no" cost impacts are known to the agency the notice should include the following:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. (Gov code section 11346.5(a)(9)).

Click link to view notice checklist, see page 4

<https://www.oal.ca.gov/wp-content/uploads/sites/28/2017/05/Notice-Review-Checklist-8-2015.pdf>

DOJ notice stated the following or see page 3

Cost impacts that a representative person or business would incur in reasonable compliance with the proposed action: None

- 2) The notice should include a brief explanation, if "does not affect" determination is made pursuant to 1CCR 4(b). To view notice checklist, click link above, see page 5.

DOJ notice stated the following or see page 3

Small business determination: The DOJ has determined that the proposed will not affect the creation or elimination of businesses because or explain why?

For additional reference, see attached OAL notice sample.

Cost impact analysis, see page 3. Please note: The analysis applies to cost impact known only.
Small business analysis, see page 5

Please send me the revised notice electronically by COB Thursday or asap.

I would appreciate you're assistance.

Thank you.

Rhea Moyer
Legal Analyst

Office of Administrative Law

916.324.0358

Rhea.Moyer@oal.ca.gov



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TITLE 16. BOARD OF REGISTERED ASTROLOGERS

[Published in the Notice Register and mailed]

NOTICE OF PROPOSED RULEMAKING

The Board of Registered Astrologers ("Board") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on February 20, 2016, at the Auditorium of the Celestial Hall located at 555 Star Gazers Avenue, Celestial, California. The Auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Or, if you do not want to schedule a hearing, replace the paragraph above with the following paragraph:

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (915) 555-5556 or by e-mail to nojones@bora.ca.gov. The written comment period closes at **5:00 p.m. on February 20, 2016**. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Nostradamus Jones, Director
Board of Registered Astrologers
555 Star Gazers Avenue, Suite 555
Celestial, CA 99555

AUTHORITY AND REFERENCE

Business Code section 7002 authorizes the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific section 7006 of the Business Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the continuing education requirements for renewal of an astrologer's registration with the Board.

Business Code Section 7006 requires registered astrologers to obtain three units of continuing education courses per year as a condition for renewal of a registration. Business Code section 7002 authorizes the Board to adopt regulations to establish conditions for the registration of astrologers and to enforce and administer the Astrologers' License Law.

The regulations proposed in this rulemaking action would specify the number of hours of instruction required to obtain a unit of continuing education, would specify subject matter areas that must be covered annually, and would specify the minimum number of units required annually in each of the specified subject matter areas. It would also establish procedures for approval of continuing education courses and a procedure for checking on compliance with the continuing education requirements.

Anticipated Benefits of the Proposed Regulation:

The broad objective of the regulation is to ensure that registered astrologers have an adequate amount and the right kind of continuing education. The specific benefits anticipated from the regulation is increased protection of the public from incompetent preparation and delivery of horoscopes, and from illegal or unethical business practices engaged in by astrologers.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the continuing education of registered astrologers in California.

IF APPLICABLE: When the proposed action differs substantially from an existing comparable federal regulation or statute, briefly describe significant differences between proposed regulation and federal law(s) and include the full citation of the federal regulations or statutes.

IF APPLICABLE: When the regulation incorporates material by reference, the notice must identify incorporated material by the title and revision date or date of publication.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The Board anticipates that the fees for approved classes will be \$10 to \$30 per class hour. Thus the range of direct costs that a representative private person or business will necessarily incur in reasonable compliance with the eighteen hour requirement is between \$180 to \$540 per year.

Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action *will* directly affect businesses statewide, including small businesses, the Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, *will not* be significant.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The Board concludes that it is (1) unlikely that the proposal will eliminate any jobs for astrologers or continuing education providers, (2) likely that the proposal will create an unknown number of jobs for providers of continuing education courses, (3) likely that the proposal will create an unknown number of new businesses providing continuing education for astrologers, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: The proposed regulation will benefit California residents by protecting them from incompetent astrologers and ensuring that astrologers remain current and competent in their field. It is even possible that the proposal will make astrologers registered in California and providers of continuing education courses approved by the State of California more competitive with businesses in other states because of improvements to the image and public perception of California astrologers and the increased public's trust in services from astrologers who remain current in the field through continuing education.

[If your regulation is a "Major Regulation," you must include a summary of Department of Finance's comments of your agency's Standardized Regulatory Impact Analysis, as well as your agency's response, per Gov. Code sec. 11346.3(f).]

IF APPLICABLE: If the regulation requires a "report [which] shall apply to businesses," then the rulemaking record must contain a statement such as the one

which follows. If in the notice, the statement might read as follows:

"Business Reporting Requirement

The Board finds that it is necessary for the health, safety, or welfare of the people of this state that proposed section[s] [regulation section number or numbers], which require[s] a report, apply to businesses."

Small Business Determination : The Board has determined that the proposed regulations affect small business.

IF APPLICABLE: If the agency determines that the proposed regulation does not affect small business, the notice must (1) state that the regulation does not affect small business and (2) briefly explain the reason(s) it does not.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Nostradamus Jones, Director
Board of Registered Astrologers
555 Star Gazers Avenue, Suite 555

Celestial, CA 99555
Telephone: (915) 555-5555; ATSS 999-5555

The backup contact person for these inquiries is:

Crystal Ball, Regulations Coordinator
Board of Registered Astrologers
555 Star Gazers Avenue, Suite 555
Celestial, CA 99555
Telephone: (915) 555-5555; ATSS 999-5555

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Ball at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, the survey of astrologers who have voluntarily taken continuing education courses, and a draft small business impact study. Copies may be obtained by contacting Crystal Ball at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Crystal Ball at the address indicated above. The

Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Ball at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.bora.ca.gov.

* * * * * END * * * * *

Storm, Mark@OAL

From: Moyer, Rhea@OAL
Sent: Wednesday, November 15, 2017 11:12 AM
To: 'Melan Noble'
Subject: Z2017-1114-01 - Alternative Statement _DOJ
Attachments: Sample NOTICE OF PROPOSED ACTION (2016).pdf

Hi Melan,

One last thing the alternative statement is not on point with the APA requirement. I highlighted missing phrase and statement that needs to be added to your Notice, see below (DOJ notice, page 4).

DOJ CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the DOJ must determine that no reasonable alternative was considered, or has been identified and brought to the attention of the DOJ would be more that is more effective in carrying out the purpose of the action proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulation may do so at the scheduled hearing or during the written comment period.

OAL Sample, see below or see attached (page 5)

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS.

Please send me the revised notice electronically.

Thank you.

Rhea Moyer
Legal Analyst
Office of Administrative Law
916.324.0358
✉ Rhea.Moyer@oal.ca.gov



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TITLE 16. BOARD OF REGISTERED ASTROLOGERS

[Published in the Notice Register and mailed]

NOTICE OF PROPOSED RULEMAKING

The Board of Registered Astrologers ("Board") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on February 20, 2016, at the Auditorium of the Celestial Hall located at 555 Star Gazers Avenue, Celestial, California. The Auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Or, if you do not want to schedule a hearing, replace the paragraph above with the following paragraph:

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (915) 555-5556 or by e-mail to nojones@bora.ca.gov. The written comment period closes at **5:00 p.m. on February 20, 2016**. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Nostradamus Jones, Director
Board of Registered Astrologers
555 Star Gazers Avenue, Suite 555
Celestial, CA 99555

AUTHORITY AND REFERENCE

Business Code section 7002 authorizes the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific section 7006 of the Business Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the continuing education requirements for renewal of an astrologer's registration with the Board.

Business Code Section 7006 requires registered astrologers to obtain three units of continuing education courses per year as a condition for renewal of a registration. Business Code section 7002 authorizes the Board to adopt regulations to establish conditions for the registration of astrologers and to enforce and administer the Astrologers' License Law.

The regulations proposed in this rulemaking action would specify the number of hours of instruction required to obtain a unit of continuing education, would specify subject matter areas that must be covered annually, and would specify the minimum number of units required annually in each of the specified subject matter areas. It would also establish procedures for approval of continuing education courses and a procedure for checking on compliance with the continuing education requirements.

Anticipated Benefits of the Proposed Regulation:

The broad objective of the regulation is to ensure that registered astrologers have an adequate amount and the right kind of continuing education. The specific benefits anticipated from the regulation is increased protection of the public from incompetent preparation and delivery of horoscopes, and from illegal or unethical business practices engaged in by astrologers.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the continuing education of registered astrologers in California.

IF APPLICABLE: When the proposed action differs substantially from an existing comparable federal regulation or statute, briefly describe significant differences between proposed regulation and federal law(s) and include the full citation of the federal regulations or statutes.

IF APPLICABLE: When the regulation incorporates material by reference, the notice must identify incorporated material by the title and revision date or date of publication.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The Board anticipates that the fees for approved classes will be \$10 to \$30 per class hour. Thus the range of direct costs that a representative private person or business will necessarily incur in reasonable compliance with the eighteen hour requirement is between \$180 to \$540 per year.

Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action *will* directly affect businesses statewide, including small businesses, the Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, *will not* be significant.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The Board concludes that it is (1) unlikely that the proposal will eliminate any jobs for astrologers or continuing education providers, (2) likely that the proposal will create an unknown number of jobs for providers of continuing education courses, (3) likely that the proposal will create an unknown number of new businesses providing continuing education for astrologers, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

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CONSIDERATION OF ALTERNATIVES

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Nostradamus Jones, Director
Board of Registered Astrologers
555 Star Gazers Avenue, Suite 555

Celestial, CA 99555
Telephone: (915) 555-5555; ATSS 999-5555

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Crystal Ball, Regulations Coordinator
Board of Registered Astrologers
555 Star Gazers Avenue, Suite 555
Celestial, CA 99555
Telephone: (915) 555-5555; ATSS 999-5555

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Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Ball at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.bora.ca.gov.

* * * * * END * * * * *

Storm, Mark@OAL

From: Moyer, Rhea@OAL
Sent: Wednesday, November 15, 2017 2:34 PM
To: 'Melan Noble'
Subject: ISOR - courtesy review_EIA

Hi Melan,

Based on quick review:

The Economic Impact Assessment/Analysis is not on point with the APA requirement. Each element should include an explanation why it reached a conclusion that the proposed regulation will not have any impact in California

DOJ ISOR stated the following or see page 7-8:

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The DOJ determined the proposed regulations will not have a significant adverse economic impact. The DOJ concludes it is unlikely the proposed regulations will affect

- (1) the creation or elimination of jobs within California – why?
- (2) the creation of new businesses or the elimination of existing businesses within California – why?
- (3) the expansion of businesses currently doing business within California – why?

For reference, click APA checklist, see page 10

<https://www.oal.ca.gov/wp-content/uploads/sites/28/2017/05/Regular-Checklist-rev-4-2015.pdf>

Click link, for a sample of the ISOR re EIA, see page 3

<https://www.oal.ca.gov/wp-content/uploads/sites/28/2017/05/Sample-ISOR.pdf>

Please respond to this message asap. This way, I can submit the ISOR to reference attorney for a second round of cursory review.

Thank you.

Rhea Moyer

Legal Analyst

Office of Administrative Law

☎ 916.324.0358

✉ Rhea.Moyer@oal.ca.gov

STATE OF CALIFORNIA



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Storm, Mark@OAL

From: Jacqueline Dosch <Jacqueline.Dosch@doj.ca.gov>
Sent: Thursday, November 16, 2017 9:39 AM
To: Moyer, Rhea@OAL; Melan Noble
Subject: RE: Z2017-1114-01 - revised notice ready?
Attachments: NOPA BBAW Definitions 111617.docx

The revised notice is attached.

I am still working on the ISOR. I am consulting with one of our Deputy Attorney Generals who helped to draft this package. I hope to provide to you ASAP.

Jacquie

Administration and Special Projects Section
916 227-5419

From: Moyer, Rhea@OAL [mailto:Rhea.Moyer@oal.ca.gov]
Sent: Thursday, November 16, 2017 9:37 AM
To: Jacqueline Dosch <Jacqueline.Dosch@doj.ca.gov>; Melan Noble <Melan.Noble@doj.ca.gov>
Subject: Z2017-1114-01 - revised notice ready?

Just to follow up.

Thank you.

Rhea Moyer
Legal Analyst
Office of Administrative Law
916.324.0358
✉ Rhea.Moyer@oal.ca.gov



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From: Moyer, Rhea@OAL
Sent: Wednesday, November 15, 2017 11:12 AM
To: 'Melan Noble' <Melan.Noble@doj.ca.gov>
Subject: Z2017-1114-01 - Alternative Statement _DOJ

Hi Melan,

One last thing the alternative statement is not on point with the APA requirement. I highlighted missing phrase and statement that needs to be added to your Notice, see below (DOJ notice, page 4).

DOJ CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the DOJ must determine that no reasonable alternative was considered, or has been identified and brought to the attention of the DOJ would be more that is more effective in carrying out the purpose of the action proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulation may do so at the scheduled hearing or during the written comment period.

OAL Sample, see below or see attached (page 5)

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS.

Please send me the revised notice electronically.

Thank you.

Rhea Moyer
Legal Analyst
Office of Administrative Law
916.324.0358
✉ Rhea.Moyer@oal.ca.gov

STATE OF CALIFORNIA



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NOTICE OF PROPOSED RULEMAKING

The Department of Justice (DOJ) proposes to adopt section 5460 of title 11, division 5, Chapter 39, of the California Code of Regulations (CCR) concerning definitions of terms related to identify assault weapons as described in Penal Code (PC) section 30515, after considering all public comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The DOJ will hold a public hearing to receive public comments on the proposed regulatory action.

The hearing will be held on January 8, 2018, at 10:00 am, at the following location:

Resources Building Auditorium
1416 9th Street
Sacramento, California 95814

This auditorium is wheelchair accessible. There is no designated parking lot. Parking will need to be found nearby.

At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The DOJ requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on January 8, 2018. Only comments received by the DOJ by that time will be considered. Written comments must be submitted to:

Jacqueline Dosch
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-5419
Email: awdefinitions@doj.ca.gov

AUTHORITY AND REFERENCE

PC section 30520(c) gives the DOJ authority to "adopt those rules and regulations that may be necessary or proper to carry out the purposes and intent of this chapter," which refers to Part 6,

Title 4, Division 10, Chapter 2 of the PC, entitled "Assault Weapons and .50 BMG Rifles" (hereinafter, "assault weapons law"). This chapter contains the statutory provisions restricting the possession, sale, and use of assault weapons, and PC section 30515 falls within Chapter 2.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC section 30515 contains specific characteristic definitions of assault weapons. The proposed regulation provides that the definitions of terms in section 5471 of CCR title 11, division 5, shall apply to the identification of assault weapons pursuant to PC section 30515. Section 5471 was previously promulgated by DOJ in support of the registration of a new class of assault weapons and states that assault weapons that do not have a fixed magazine, as defined in PC section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, as provided in PC section 30900(b)(1). Section 5471 defines forty-four terms used in the identification of assault weapons pursuant to PC section 30515 or otherwise used in the section 5471 definitions themselves. Under the proposed regulation, these definitions would apply to the identification of assault weapons pursuant to PC section 30515, without limitation to context of the new registration process.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

This regulation will provide detailed, concrete information regarding firearms that constitute assault weapons. Because the DOJ has already promulgated one set of definitions for this purpose, the adoption of those preexisting definitions for all purposes under the assault weapons law will ensure that a single set of definitions applies across the entire assault weapons law. The proposed regulation will promote efficiency within the DOJ, as well as provide uniform guidance on characteristics-based assault weapons to the public, the judiciary, district attorney's offices, and law enforcement agencies throughout California. Additionally, by applying the definitions across the entire statute there will be no question that the same definitions are to be used for everything. Furthermore, this regulation will benefit the health and welfare of California residents by providing uniform guidance on assault weapons to the public, the judiciary, district attorney's offices, and law enforcement, thereby supporting the enforcement of California's Assault Weapons Control Act.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the DOJ must evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the DOJ has reviewed existing regulations pertaining to firearms within California Code of Regulations (CCR) title 11, division 5 and determined these proposed regulation is not inconsistent or incompatible. This determination is based on the fact that the proposed regulation adopts definitions that are already in use for the registration of a new class of assault weapons, and that were promulgated pursuant to the Department's statutory authority to adopt regulations implementing the statutory requirement to register those weapons, as set forth in PC section 30900(b).

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed regulations are not mandated by federal law or regulation.

OTHER STATUTORY REQUIREMENTS

The proposed regulations are not required by any other statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The DOJ has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts that a representative person or business would incur in reasonable compliance with the proposed action: None. The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. (Gov code section 11346.5(a)(9)).

Significant effect on housing costs: None.

Small business determination: The DOJ has determined that the proposed regulation will not affect the creation nor elimination of businesses. This determination is based on the fact that the proposed regulation adopts definitions that are already in use for the registration of a new class of assault weapons, and that were promulgated pursuant to the Department's statutory authority to adopt regulations implementing the statutory requirement to register those weapons, as set forth in PC section 30900(b).

Assessment regarding effect on jobs/businesses: Adoption of the proposed regulation will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

This regulation will benefit the health and welfare of California residents by providing uniform guidance on assault weapons to the public, the judiciary, district attorney's offices, and law enforcement, thereby supporting the enforcement of California's Assault Weapons Control Act.

BUSINESS REPORT

In accordance with Government Code sections 11346.5(a)(11) and 11346.3 (d), this proposed regulation does not require a report to be made to businesses or anyone.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the DOJ must determine that no reasonable alternative was considered, or has been identified and brought to the attention of the DOJ that would be more effective in carrying out the purpose of the action proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulation may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Jacqueline Dosch
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-5419
Email: awdefinitions@doj.ca.gov

The back-up contact person for these inquiries is:

Audrey Durfor
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-7615
Email: awdefinitions@doj.ca.gov

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the "express terms"), the initial statement of reasons, and the information upon which the proposed rulemaking is based are

available at the DOJ website at <http://oag.ca.gov/firearms/regs>. Copies may also be obtained by contacting Jacqueline Dosch.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the DOJ may adopt the proposed regulation substantially as described in this notice. If the DOJ makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the DOJ adopts the regulation. Copies of any modified text will be available on the DOJ website at <http://oag.ca.gov/firearms/regs>. A written copy of any modified text may be obtained by contacting Jacqueline Dosch.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available on the DOJ website at <http://oag.ca.gov/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Jacqueline Dosch.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the DOJ website at <http://oag.ca.gov/firearms/regs>.

