

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

-----X

December 8, 2009
Start: 1:15 pm
Recess: 1:49 pm

HELD AT: Council Chambers
City Hall

B E F O R E: LEROY G. COMRIE, JR.
Chairperson

COUNCIL MEMBERS:
Charles Barron
James F. Gennaro
G. Oliver Koppell
Albert Vann

A P P E A R A N C E S (CONTINUED)

John Fienblatt
Criminal Justice Coordinator
New York City

Jonathan Mintz
Commissioner
Department of Consumer Affairs

CHAIRPERSON COMRIE: Good

afternoon. My name is Leroy Comrie. I'm the Chair of the Committee on Consumer Affairs. Today we'll be holding our first hearing on proposed introductory bill 240-A, a local law which would amend the administrative code of the City of New York in relation to the penalties associated with the sale of toy guns.

I'd like to begin by thanking Council Member Al Vann, who introduced this bill and he should be along shortly. There is little debate that the realistic looking toy guns pose a serious threat to the safety and welfare of police officers and New Yorkers as a whole. A person holding a fake gun can cause real harm if an officer believes that his or her life is in danger and discharges his or her firearm in response.

Sadly, violence resulting from toy guns has happened too many times in this city. Just last week, a Bronx teenager was shot in the cheek after he waved a realistic looking fake gun during a confrontation with police. Three months earlier, a Long Island man was shot dead by the police by pointing a fake oozie sub machine gun at

1
2 police who happened to be in the area responding
3 to reports of gun fire. In 2007, a 27 year old
4 carrying a fake AK-47 machine gun set off a gun
5 fight with police in Brooklyn.

6 This has happened too many times
7 over the years. The federal government requires
8 that toy guns have an orange cap to distinguish
9 them from real guns. New York State require that
10 these guns also have a wide orange stripe on both
11 sides of the barrel and come in non-metallic
12 colors. New York City goes a step further than
13 both state and federal requiring that toy guns
14 sold within the five boroughs be painted in bright
15 colors so as to distinguish them from actual
16 firearms.

17 Despite the myriad laws regulating
18 the sale of toy guns, they continue to flourish.
19 From 2002 to 2005 the Department of Consumer
20 Affairs sited over 90 stores for illegally selling
21 realistic looking fake guns, resulting in the
22 removal of over 5,600 toy guns and in fines
23 totaling \$600,000. In 2008, the Department
24 discovered that 11 Party City retail stores had
25 sold more than 800 fake guns in violation of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

law.

In January of this year, the Brooklyn District Attorney's office seized over 2,000 illegal fake guns being housed in an East Williamsburg warehouse. This past summer, State Attorney General Andrew Cuomo sent cease and desist orders to over 500 stores in New York State that were inadequately marked to distinguish them from real fire arms.

Proposed Intro 240-A seeks to increase penalties for those who violate the prohibition on realistic looking toy guns. Current law imposes a \$1,000 fine per violation. This bill would mandate that first time offenders be fined up to \$5,000 per violation with the fine increasing up to \$8,000 for a second offense within two years. In both situations, the sale or distribution of a single gun would count as a single offense.

Those found guilty of violating the law three or more times within three years could find their stores padlocked for up to five consecutive days. This bill is a very common sense solution to a very serious threat to our

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

public safety.

At this point we've been joined by two esteemed members of the Mayor's administration, Mr. John Fienblatt, the Criminal Justice Coordinator and Jonathan Mintz, the Commissioner of the Department of Consumer Affairs. Whoever would like to start, it's up to you gentlemen. Thank you for being here this afternoon.

JOHN FIENBLATT: Thank you very much, Chairman. My name is John Fienblatt and I'm the city's Criminal Justice Coordinator. As you know, I'm joined by Jonathan Mintz the Commissioner of the Department of Consumer Affairs and we thank you for the opportunity to discuss Intro 240-A today.

All of us are proud of the fact that New York continues to be the safest big city in the country. Since 2001, crime in New York City has dropped 35%, murders are down 19%, a historic low and this year we are on the course for the fewest number of homicides I more than a decade. Certainly one of the key factors in the decline of crime has been the Bloomberg

1
2 administration's multi-level strategy to prevent
3 the flow of illegal guns on to our street.

4 That strategy involves tougher
5 enforcement and innovative litigation and the
6 development of new city and state legislation.
7 Let me just give a few examples. The city's
8 recent undercover investigation into illegal gun
9 sales at seven gun shows in the three states
10 across the country found that 74% of sellers at
11 gun shows sold guns illegally to our undercover
12 investigations, providing even further evidence of
13 the desperate need to close the gun show loop hole
14 in this country.

15 In the area of litigation, the city
16 filed suit against 27 gun dealers in five states
17 who were caught on camera making illegal sales.
18 And after settling with the majority of the
19 dealers, researchers have found that the percent
20 of crime guns from those dealers that we settled
21 to has decreased by 75%.

22 On the legislative front, we
23 successfully lobbied Albany to raise the mandatory
24 minimum sentence for carrying a loaded illegal
25 hand gun to three and a half years and finally

1
2 have closed the loop hole that allowed judges to
3 sentence defendants to no jail time at all and
4 it's made a difference. In fact, the likelihood
5 of a sentence for criminal possession of an
6 illegal weapon has now increased by 71%.

7 At the local level, we have worked
8 with the Council to pass the gun offender
9 registration act, a first of its kind law to help
10 police tightly monitor people who have committed
11 gun crimes. This law has already served as a
12 model across the country and has been adopted in
13 Baltimore and in Utica, New York. So far thanks
14 to the efforts of the PD and for this new tool
15 that they have, 98% of gun offenders are in
16 compliance with the law.

17 So we've made a great deal of
18 progress but we are not going to stop. We've
19 heard from law enforcement loud and clear about
20 the dangers posed by toy guns that look real and
21 by real guns that are painted to look like toys.
22 In fact, the ATF has said it's a serious problem.
23 The ATF last year put out a bulletin highlighting
24 the threat to the community.

25 Unfortunately, we don't just have

1
2 to rely on memorandum and bulletins. There are
3 cases where local law enforcement has already come
4 face to face with the consequences. In 2007, as
5 you know, a man used a realistic looking fake
6 pistol to rob eight taxi drivers in Manhattan.
7 And a 27 year old man pointed a fake AK-47 assault
8 rifle at NYPD officers in Brooklyn.

9 In the hands of children, realistic
10 looking toy guns create the risk that police
11 officers will mistake these toys for real guns and
12 that's just what happened in 2006 when police shot
13 and killed a 15 year old middle school student in
14 Florida after he brandished a look alike gun who
15 safety markings had been painted black. In 2007
16 police in Arkansas shot a 12 year old boy with a
17 toy gun designed to look like a Smith and Wesson
18 semi-automatic pistol.

19 And that's why we are so pleased to
20 support Intro 240-A, which increases the penalties
21 for retailers that sell toy guns that look
22 dangerously real. We think it's the right next
23 step, as was the step we took in 2006 with the
24 Council to enact legislation to ban the sale of
25 real guns that are painted to look like toys as

1 well as so-called gun coloration kits.

2
3 Unfortunately despite the law, colored guns still
4 make their way into the city, a point made all too
5 clear last December when police recovered a shot
6 gun in Staten Island during a gun buy back
7 initiative that was painted pink.

8 As the holidays approach, many
9 parents are criss-crossing the city to shop for
10 gifts for their children. Today we are launching
11 an ad campaign to educate the public, especially
12 parents and children, about the dangers of toy
13 guns that look real and real guns that are painted
14 to look like toys. The ad demonstrates just how
15 confusing it can be when toy guns look real and
16 when real guns are painted to look like toys.

17 By way of an example, I'm holding
18 up right now a toy gun that is made to look real.
19 And as you can see in this poster, a red gun is
20 actually the real gun while at first glance you
21 would think just the opposite. Over the next two
22 months the ad will appear on more than 5,400
23 buses, in all 468 subway stations and 2,100 subway
24 cars. We ask the public to help us in our
25 enforcement efforts by contacting 311 to report

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

anyone selling or carrying these types of guns.

Thank you again for the opportunity to talk. And now I would like to turn it over to Commissioner Mintz for specific comments about the importance of this legislation.

JONATHAN MINTZ: Good afternoon, Chairman Comrie and other members of the committee. Hello. I'm Jonathan Mintz, Commissioner of the Department of Consumer Affairs and I also welcome the opportunity to join here today with the Mayor's Criminal Justice Coordinator to add DCA's support for Intro 240-A and to urge the committee to support its passage as well.

As you summarized, Mr. Chairman, Intro 240-A significantly raises the bar against businesses that are selling illegal imitation firearms in three important ways. I have to say at DCA we tell staff that we're going to find them if they call them a toy gun. There's no such thing as a toy in this context.

As you indicated, the bill substantially ramps up the penalties for the first fine from \$1,000 to up to \$5,000 for the first

1
2 offenses. Increases penalties includes now a
3 recidivist penalty structure, allowing for between
4 \$3,000 and \$8,000 per imitation firearm that is
5 offered for sale if it occurs within two years of
6 the first offense. It also sends an incredibly
7 strong message to those that really will not get
8 the message and allows the Department to seal a
9 facility that has been caught selling illegal
10 imitation firearms three times within two years.

11 In addition, this legislation does
12 something that's very helpful from the perspective
13 of a licensing agency, which is its efforts to
14 present business owners with prior fake gun sale
15 violations from evading these new recidivist
16 penalties by selling the business in sweetheart
17 deals that really aren't at arm's length.

18 These proposed penalty enhancements
19 are significant so, too, are the public safety
20 dangers posed by the sale of illegally realistic
21 fake guns to the public and to law enforcement
22 officials alike, as has just been described. DCA
23 shares the Council's sense of urgency on this
24 issue. We have taken strong enforcement measures
25 against sellers of fake guns since 1999 when the

1
2 Council revised the ban on the sale of imitation
3 guns by adding a civil penalty of up to \$1,000 and
4 by designating DCA as the enforcement agency with
5 the specific hearing authority, not the general
6 hearing authority, to adjudicate these violations.

7 DCA has repeatedly sent strong
8 enforcement pulses to city retailers. Our sweeps
9 in the first time, that is through 2005,
10 identified and had removed over 5,600 fake guns
11 and led to our imposing more than 600,000 in
12 penalties against close to 100 stores.

13 For a while the message seemed to
14 clearly be received. From fiscal '05 to today,
15 the number of violations that we needed to issue
16 annually dropped in half. And the number of
17 illegal guns that we found and seized plunged
18 dramatically as well. Fine amounts reflect a
19 similar picture of compliance for some period of
20 time, declining from over \$547,000 in fiscal '05
21 to only about \$185,000 in fiscal '08.

22 But in April of '08 DCA found it
23 needed to send out a second strong pulse and we
24 charged Party City with more than 800 counts of
25 violating the imitation gun law and settled with

1
2 them last October with them agreeing to pay
3 \$500,000 in fines, which is the largest fine
4 settlement in this regard in our 40 year history.
5 We cracked down particularly hard on Party City
6 because of their recidivism. We had caught them
7 in 2003 and they had paid a settlement of
8 \$150,000, which apparently didn't get the message
9 across.

10 The administration agrees with this
11 committee that we can not let up on the strong
12 signals and enforcement efforts aimed at
13 compliance with this critical public safety issue.
14 Imitation firearms that look real are anything but
15 toys, they are anything but party items to be
16 wrapped up and given as gifts to children or
17 adults.

18 We look forward to working with the
19 Council to continue to send that strong and
20 unequivocal message to the city's retailers who
21 must do right by their customers and their
22 communities and keep such dangerous items off
23 their shelves forever. And so we urge the
24 Committee and the Council to act favorably on
25 Intro 240-A and the Criminal Justice Coordinator

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and I are happy to take any questions.

CHAIRPERSON COMRIE: Thank you for your testimony. We've been joined by Council Member Charles Barron and Council Member, and drafter of the bill, Council Member Al Vann. Can we ask Council Member Vann if he has an opening statement? All right, sure. Great.

Question, how often in the last two years have toy guns been involved in street violence, to your knowledge. Do you have any of the general statistics on that?

MR. FIENBLATT: I don't have specific data on it. What we know is that it's certainly considered a serious threat and that's why the ATF has issued warnings, the FBI has issued warnings about it. And we have examples of cases where toy guns made to look real have resulted in tragic circumstances.

CHAIRPERSON COMRIE: Okay. If the state law is at one level and the federal law is at another level and the city law is at a higher level, what is the method for telling the city retailers what their disbanding should be? How are we giving them notification? Because as I'm

1
2 hearing from your testimony, there is recidivism
3 there, probably new retailers that have come in.
4 How does a retailer know what law to obey?

5 MR. MINTZ: Well, I'm glad you
6 asked that question, in several different ways.
7 The good old fashioned business education approach
8 that the Department takes. We developed a flyer
9 that we have distributed to retailers repeatedly
10 over the years that makes clear the laws'
11 requirements. In addition, as you know and you've
12 helped us do this in the past, we do a specific
13 business education day where we put away our
14 violation books and walk around and really try to
15 lower the anxiety level when an inspector walks
16 into a store. And talk to them about what it is
17 they might be offering on their shelves.

18 Another good old fashioned way of
19 getting the message across is by clubbing somebody
20 loudly over the head, as we did with Party City
21 back in October. The issuance of a \$500,000 fine
22 tends to get people's attention and that's an
23 important part of the message as well.

24 In addition, I think that today's
25 hearing and this bill and the ad campaign that the

1
2 Criminal Justice Coordinator had mentioned and we
3 brought an example of it here, will be spread
4 throughout the city. I think that people will get
5 this important message and I hope that those
6 retailers who might not, or who might think that
7 they're making a good calculation and maybe we
8 don't find them, that the public will alert the
9 city by calling 311 and letting us know that a
10 retailer isn't doing right by their community.

11 CHAIRPERSON COMRIE: How far can we
12 go to ban the sale of any gun, including those in
13 compliance with current federal, state and city
14 laws regarding their appearance? I'm just
15 thinking. I'm a retailer. I do know, I got the
16 flyer, I see the federal flyer, the state flyer.
17 Can we ban the sale of any guns that don't meet
18 the city's standard? I'm just trying to get the--

19 MR. FIENBLATT: [interposing]
20 There's no question about it, with the City
21 Council's help we made it illegal to engage in
22 this practice of making real guns look like toys
23 and toy guns look like real. It is an A
24 misdemeanor to do either one in this city,
25 punishable by a year in jail. So in addition to

1
2 their being criminal penalties, there are also now
3 very strong, hopefully will be very strong
4 disincentives in the law for people to sell it.

5 So I think the issue is not can we
6 make it illegal. It is illegal. The question
7 really is, I think, public awareness at this point
8 and continued enforcement.

9 CHAIRPERSON COMRIE: Can we--

10 MR. MINTZ: [interposing] I would
11 also--if I could just add to that?

12 CHAIRPERSON COMRIE: Go ahead.

13 MR. MINTZ: I would also
14 underscore, as you noted in your introductory
15 comments, unlike the state legislation and unlike
16 the federal legislation, the city legislation
17 leaves no room for doubt about the difference
18 between a gun that is an imitation and a gun that
19 is real. The requirement that the entire gun be
20 very brightly colored leaves very little room for
21 confusion on the part of retailers. To the extent
22 that there is ever any confusion, they often in
23 fact come to the Department and they bring their
24 imitation firearms and ask us to be clear about
25 that.

1
2 Some retailers, I'm told, have said
3 that they don't want to go anywhere near this and
4 have voluntarily said this is not the kind of
5 product that we're going to be offering to our
6 customers, which, on a personal level, I applaud.

7 CHAIRPERSON COMRIE: Can we get to
8 the point where we ban the sale of toy guns period
9 or is there--

10 MR. FIENBLATT: [interposing] As I
11 mentioned earlier, I'm told by my general counsel
12 if I ever mention the word pre-emption, I'm in
13 trouble. We may have a preemption concern here
14 and obviously the law department would want to
15 take a look.

16 CHAIRPERSON COMRIE: But both of
17 you, Commissioner Fienblatt, you had eluded to the
18 fact that the ATF is now concerned about the
19 proliferation of fake guns because they look so
20 real. I was wondering maybe we could do a
21 resolution or something to ban the sale of fake
22 guns altogether because of the proliferation of
23 guns that are fake or supposedly fake but, like
24 the one in the picture, is real.

25 There's a real concern about

1
2 whether or not any gun that's being pointed at a
3 police officer would give them cause for concern
4 if there's a proliferation of people that are now
5 coloring guns to confuse people. I'm kind of
6 leaning to a total ban myself, if we could do that
7 or if we could at least start the impetus or start
8 the raising the bar on a national level as we
9 often do. We've been joined by Council Member Jim
10 Gennaro.

11 What prompted them to go into or
12 back into a situation where they had to pay
13 another \$500,000 fine. Don't you think they would
14 have grown up or gotten the message the first
15 \$150,000. Or is it that many sales that they're
16 generating from this stuff?

17 MR. MINTZ: I think that's the
18 question that has us here today, which is what is
19 the proper signal to send to really end the
20 practice of selling those imitation firearms.
21 Apparently \$150,000 just five years earlier didn't
22 stick to their memories or didn't send a strong
23 enough message to their purchasing oversight
24 compliance people.

25 Once we discovered that they had a

1
2 couple on the shelves, we subpoenaed their records
3 and saw that they had another 800 out there that
4 were waiting to be put on the shelves. So clearly
5 that message did not get across and that's why we
6 hammer them home so hard.

7 CHAIRPERSON COMRIE: Just one final
8 question before I turn it over. In other noose
9 and abatement cases in which the premises are
10 sealed, how long does the proceeding typically
11 take to seal a premise or to go through the
12 process to shut a business down?

13 MR. MINTZ: In those cases where a
14 particular penalty rings the bell that would allow
15 for the sealing, in this case, a third violation
16 that was adjudicated within two years. The judge
17 would, in the course of his or her opinion not
18 only call for the fine that was appropriate but
19 would call for the sealing within that opinion.
20 At which point the Department would be empowered
21 to move forward and seal the premises. It's not a
22 separate proceeding. It is part of the proceeding
23 on the triggering penalty.

24 CHAIRPERSON COMRIE: How long does
25 it generally take, three months, two months, 60

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

days, 30 days?

MR. MINTZ: Oh. Generally speaking when we write a violation, in the case of writing a violation from an inspector on the street, generally speaking we give people four to six weeks or so before we schedule the hearing so they can put together whatever defense they might want to put together. I'm proud to say that we are issuing our opinions within 30 days of hearing them. Whether you win or you lose, the justice is speedy.

CHAIRPERSON COMRIE: This is an in-house hearing authority process that you have for this?

MR. MINTZ: Right.

CHAIRPERSON COMRIE: These are the process?

MR. MINTZ: This statute specifically gave us the ability to hear these violations.

CHAIRPERSON COMRIE: Okay, all right. Great. Council Member Vann.

COUNCIL MEMBER VANN: Thank you, Chairman. Actually I was following your line of

1
2 questioning pretty closely. Actually the reason
3 why we are somewhat reduced to sort of piece meal
4 and then follow up approaches is because of the
5 preeminent question. When I first got involved I
6 found out that we could not prohibit the sale so
7 then we had to look for other things that we could
8 do that would be effective to try and save the
9 life and to take all this glory off of guns.

10 So you're right on point, Mr.
11 Chairman, what we have done was while we can't
12 prohibit so what else can we do to try and reduce,
13 curtail the sale of toy guns. This is what we've
14 arrived at. As you indicated early on, originally
15 it was effective and then we find that we had to
16 do more to make it effective. I'm prepared to do
17 whatever we can do with the power we have in the
18 City Council because we know that this saves
19 lives.

20 I had the occasion, I guess it was
21 four or five years ago, when a young man in my
22 community was in fact shot by police because he
23 had a toy gun. Originally, it was unheralded and
24 uncalled for police action but on further
25 investigation we found out that he did have a gun.

1
2 It was a toy gun. Why he was carrying a toy gun,
3 no one knows. At that point in time was when I
4 got involved in this issue and have passed
5 previous legislation and sponsoring this as well.

6 So it's not a panacea, it's not
7 going to solve all of our problems with toy guns.
8 But I think it's another weapon, if you will, in
9 the arsenal that can be used. And it will save a
10 life; it may save the life of a young man, it may
11 save the life of a cop. And it will save a life
12 and it's worthy of the support of the City Council
13 based on that.

14 I think your ad campaign is
15 excellent, to add to that. I think that the
16 consciousness, the awareness is very important,
17 this time of year in particular but any time of
18 year. Because guns have really become very
19 glorified in our community. In the absence of a
20 lot of mediation, sometimes it goes from argument
21 to shooting. So anything we can do to take guns
22 out in any way, I support it because of the
23 violent nature of our society and the impact on my
24 community.

25 Thank you, Mr. Chairman. It's an

1
2 action that is well worth taking. I know our
3 committee will be supportive and I'm sure the
4 Council, when we get to them they'll also be
5 supportive of this very important legislation.

6 CHAIRPERSON COMRIE: I'm very
7 supportive. I'm sure the committee is supportive.
8 Can we mandate that all guns look like the big
9 Nerf guns? Why are they still creating guns that
10 look so similar to real guns? Can we mandate?
11 Can we do that much or is that part of the gray
12 area that we can't move into? Can we mandate all
13 guns look like the big, plastic water gun type of
14 style?

15 MR. MINTZ: I'm looking forward to
16 your Staff's research. I think you've given them
17 something to do tonight.

18 CHAIRPERSON COMRIE: Okay, sounds
19 like something we can do. Council Member Barron
20 has been itching to ask a couple of question.

21 COUNCIL MEMBER BARRON: Thank you
22 very much.

23 CHAIRPERSON COMRIE: We've been
24 joined by Council Member Koppell, I though.

25 COUNCIL MEMBER BARRON: Thank you

1
2 very much. I just want to commend Council Member
3 Al Vann for this legislation. It is a life saving
4 legislation. I firmly believe that on the larger
5 question of violence and guns, it's the demand for
6 it. We can attack it from the supply side but as
7 long as there's demands for some kind of weapon to
8 create some kind of harm, based upon other factors
9 in society, we're going to be at these kinds of
10 legislation. I think it's an economic solution
11 that we have to look into and counseling solutions
12 and employment solutions and economic oppression
13 of inner cities and communities that have high
14 unemployment, have a lack of cultural
15 institutions. Those are the kinds of things that
16 I know Council Member Vann has been supportive of
17 those kinds of things for many, many years.

18 But we are at this level at this
19 time. I do think that this is a life saving piece
20 of legislation because we've had community
21 criminals who would use these kinds of weapons for
22 anti-social things, to say the least. And we've
23 had police officers, we've gotten shot for having
24 brushes, 3 Musketeer bars, combs, wallets, so
25 certainly any form of weapon can put any child or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

any body in danger. This is a life saving kind of bill.

I wanted to ask you does anybody do any research on the amount of money that's made off of these toy guns? It just might be, if I'm making \$2 million off of it, I'll give you \$500,000 very time you catch me. Maybe that's what some of these businesses might be thinking, that the trade works for them.

MR. MINTZ: This legislation, the penalty structure that we talked about, \$1,000 to \$5,000 for the first offense, is per gun, per gun not per incident. So for those stores that have even just a few, we can really send a very strong message and it will add up very quickly.

COUNCIL MEMBER BARRON: Okay, thank you very much, Mr. Chairman. Oh, just a second piece. Any research on how much money this industry is making? Or anybody have any statistics on that?

MR. MINTZ: I don't have that information. I am confident, however, that this penalty structure must out strip, particularly if we're vigilant in continuing to catch it while

1
2 it's out there. This penalty structure must out
3 strip their profit margin but I don't have more
4 information than that.

5 COUNCIL MEMBER BARRON: Okay. Just
6 one final question on Party City, if they had
7 stayed--would you have moved against all their
8 stores or was it just one particular store that
9 you moved against?

10 MR. MINTZ: We found an illegal gun
11 in one of their stores and we used our subpoena
12 power to find out what they had in all 11 of their
13 locations in the city and then upgraded our
14 initial violation to cover every gun that they had
15 in stock.

16 CHAIRPERSON COMRIE: Okay. I want
17 to thank you both for being here today. I don't
18 know if Council Member Vann has any more
19 questions. He had a strong opening statement.
20 I'm not going to take up a lot of your time. I
21 think this is a great bill; it's important that we
22 continue to do everything we can to ensure that we
23 push back the seeming desire to have these illegal
24 guns or manufacture these fake guns. I would hope
25 that we get to the point where we can convince the

1
2 nation that even the manufacturer of any type of
3 gun that looks similar to a real gun should be
4 illegal. In the meantime, we'll do as much as we
5 can at this level and continue to find other
6 creative means to push back.

7 I am concerned about what I did
8 hear Commissioner Fienblatt said, not people
9 painting guns to continue to fool people. It just
10 makes me want to drive to eliminate the
11 manufacturer of similar guns, even if they're
12 fake, altogether. I know that children or
13 whatever is driving people to continue to want to
14 develop a fake gun or to utilize a fake gun, even
15 in a play situation. We need to work on that part
16 of the psyche as well.

17 With that, I want to--I will ask if
18 there's anyone here that would want to testify,
19 just to make sure I do my democratic process. If
20 anyone would like to testify. Council Member
21 Gennaro wants to make a statement.

22 COUNCIL MEMBER GENNARO: Sure.
23 Thank you, Mr. Chairman. I just wanted to thank
24 you for your leadership, for bringing this to a
25 hearing, for putting your name as the sponsor. I

1

2 am happy to be a sponsor of this bill myself. I
3 wish to thank Council Member Vann in a special way
4 for his leadership in drafting this. I'm happy to
5 support it in any way I can. Thank you, Mr.
6 Chairman.

7

CHAIRPERSON COMRIE: Thank you.

8 Anything else you wanted to add? we covered
9 everything? I want to thank you all for being
10 here. I look forward to a quick resolution on
11 this matter and then hopefully we can talk about
12 some of the other pressing needs before the end of
13 the year for the committee. Thank you very much.
14 With that, I'll declare the consumer affairs
15 hearing for today, December 8th, closed. Thank
16 you.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Amber Gibson

Date _____