

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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.

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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

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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

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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

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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 \_\_\_\_\_