

June 8, 2009

Gregory W. Sullivan, Inspector General
Office of the Inspector General
John W. McCormack State Office Building
One Ashburton Place, Room 1311
Boston, MA 02108

Dear Sir,

I am in receipt of your letter dated June 5, 2009. It is with great disappointment that your office has chosen to join the long list of state agencies that have chosen not to provide the lawful gun owners of the Commonwealth any protection under the law. On behalf of our members I would urge your office to review again the materials that Gun Owners' Action League has provided you for I feel there has been some miscommunication.

In your June 5, 2009 letter you stated that GOAL had sent three letters, "*...that allege eight jurisdiction's unreasonable requirements for obtaining of firearms licenses.*" You further state, "*...the issues you [GOAL] raise are beyond the jurisdiction of this office [IG] and may well require judicial interpretation.*"

I would refer you to GOAL's March 19, 2009 letter where GOAL, "*...seeks your assistance regarding unlawful practices by local firearm licensing officials.*" Nowhere in the four letters sent to your office did we refer to "unreasonable requirements". What we reported to your office were clear violations of state law regarding public records and standard applications.

In review, Chapter 66, Section 10 of the Massachusetts General Laws states very clearly that "*...any licensing authority, as defined by chapter one hundred and forty shall not disclose any records divulging or tending to divulge the names and addresses of persons who own or possess firearms, rifles, shotguns, machine guns and ammunition therefor, as defined in said chapter one hundred and forty and names and addresses of persons licensed to carry and/or possess the same to any person, firm, corporation, entity or agency except criminal justice agencies as defined in chapter six and except to the extent such information relates solely to the person making the request and is necessary to the official interests of the entity making the request.*" The mandate from any local licensing authority to produce letters of reference, doctor's letters, etc. is a clear violation of this section and is punishable, "*...by a fine of not less than ten nor more than five hundred dollars, or by imprisonment for not more than one year*", or both under Section 15 of Chapter 66. This particular issue is not a matter of "discretion" by local licensing

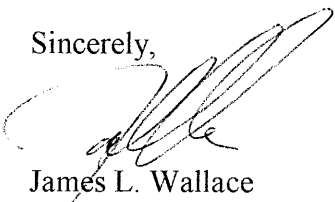
authorities, but rather violations of public record laws, violations of which should fall well within the purview of your office.

Further violations we reported to your office included licensing officials mandating that citizens belong to private organizations (shooting facilities or fish and game clubs) in order to obtain their firearm license. I am not aware of any authority that allows government officials to require membership to private entities in order to obtain a firearm license. Clearly, such a matter falls within your jurisdiction. Again, these violations have nothing to do with “discretionary” licensing, but rather a clear violation of the authority.

Other violations reported to your office included non standard applications and processes protected under Chapter 140, Section 131(g): “...*The application for such license shall be made in a standard form provided by the executive director of the criminal history systems board...*” Violations of which are punishable by Chapter 140, Section 131(k), “*Whoever knowingly issues a license in violation of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or by both such fine and imprisonment.*”

Once again I would ask that your office review the materials that GOAL has provided to your office. The reported acts are not “unreasonable requirements”. They are instead clear violations of the law that should not need any “judicial interpretation” since under the law the only means to conduct such review would be to file criminal charges against licensing authorities. It would be a poor reflection of our state government if that is the only means to rectify these licensing practices. It is our hope that after further review by your office a kinder means of resolving these issues can be accomplished.

Sincerely,



James L. Wallace
Executive Director

Cc: Senator James Timilty, Senate Chair of the Joint Committee on Public Safety and Homeland Security
Representative Michael Costello, House Chair of the Joint Committee on Public Safety and Homeland Security
Representative George Peterson
Senator Richard Moore
Senator Stephen Brewer
Representative Anne Gobi, Vice Chair of the Joint Committee on State Administration and Regulatory Oversight