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COLONEL
WILLIAM M. PALLOZZI
SUPERINTENDENT

November 6, 2015

Mr. Nathan Siegel
Engage Armament, LLC
701 E. Gude Drive
Suite 101
Rockville MD 20850

Dear Mr. Siegel,

Please see the information submitted below in direct response to your correspondence, dated October 14, 2015, as it relates to clarification of the Public Information Act response, from this office, on September 11, 2015.

Question: (B)

Why was LD-FRS-14-003 posted on July 19, 2015, at 6:55pm and not closer to the date on the document (May 16, 2014)? Was this advisory communicated at any point to any other dealers via email, since it was not published on the website or sent via mass fax/email until July 19, 2015? Finally, is the statement that, "Since 2013, the Maryland State Police Licensing Division has published all Advisories... intended for use by MD firearm dealers on its website," factually correct, since we were contacted regarding, "the Advisory still being in effect," on July 17, 2015 about possible criminal charges for an Advisory we had never seen?

- Because the lower receiver of any of the assault weapons listed in Public Safety Article § 5-101(r)(2) fits the definition of a regulated firearm under Public Safety 5-101(h)-(ii) and (r)(2), it is subject to the Maryland State Police Application and Affidavit to Purchase a Regulated Firearm (MSP77R) process.
- In the previous PIA response on September 11, 2015, Captain Brady's statement that all Advisories were being posted on the website was based on her direction to post the specific Advisory (LD-FRS-14-003).
- After further review, the aforementioned Advisory was not posted. The previous commander's response was provided under the belief that the direction to post was followed.

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- In accordance with MSP providing clarification for requiring a 77R for a regulated firearm, the Department previously posted an Advisory (LD-FRS-13-006). This Advisory explained that when a firearm was being replaced, for example, under warranty, the manufacturer would be required to ship the replacement regulated firearm or replacement receiver to a Maryland Regulated Firearms' Dealer, as a 77R is required. (Document attached)
- During the 2014 MSP Dealer's Seminar, information was provided regarding "Proper completion of a 77R for a Lower Receiver" (Slide 13).
[http://mdsp.maryland.gov/Organization/Licensing%20Division%20Documents/Dealer Presentation CW2.pdf](http://mdsp.maryland.gov/Organization/Licensing%20Division%20Documents/Dealer%20Presentation%20CW2.pdf)
- A review of M.A.F.F.S. entries from January through February 2015, show that Engage Armament was compliant with the ongoing policy. Eight lower receivers were processed with a 77R. Of the eight, Nathaniel Siegel was listed as the salesperson completing six of the transactions. Please remember, the MSP only inquired after receiving a complaint by a customer that Engage Armament sold a lower receiver without the completion of a 77R.

Question: (C)

Are the determinations that MSP has made and listed in the Firearms Search binding, and does MSP consider those determinations to be final?

- The listed firearms' searches are not binding and determinations are not final. MSP is always willing to consider additional information regarding any firearm.

Are the determinations made Administrative Declaratory Rulings? What appeals process within MSP is there for firearms placed on the list as banned?

- No. The determinations are not Declaratory Rulings, and there is no appeals process. The Maryland State Police encourages interested parties to supply additional documentation that will clarify whether a particular regulated firearm is prohibited from sale to the general public.

There are multiple inconsistent applications, improper classifications, and misstatements of law on the Firearms Search page.

- We welcome the submission of information regarding any apparent inconsistencies for review and correction, if needed.

If a firearm is incorrectly listed as “Banned” but it is later listed as “Not Banned” would the sale of a legal firearm be illegal for the simple fact that it is listed as “Banned”?

- No. It is not considered an illegal sale if the firearm is actually not a copy of a “banned” firearm.

The most recent example I can point to is the HK MR-556, which was originally listed as a banned Copy of the Colt AR15, even though it did not have completely interchangeable parts. This decision, after multiple re-submissions by persons outside MSP, was reversed and is now listed as “Not Banned”. Would the sale of an HK MR556 during the time period it was listed as “Banned” on the website violate Maryland Law? In the subsequent disclosures made by MSP, will the following be made available?

- No. The MSP is providing guidance to a consumer, and when new information is brought forward supporting the purchase, changes may be made in the list.

Who is responsible for making determinations as to a firearm’s legality and would MSP accept help in making the determinations?

- The Firearm Review Committee meets on a monthly basis to review the forms submitted for review. The committee is comprised of four troopers from various entities within the Maryland Department of State Police based on their firearm knowledge. The list is updated online after a determination is made to be “Banned” or “Not Banned.” With regard to MSP accepting assistance in making the determinations, the MSP-Licensing Division welcomes outside insight.

How are individual firearms evaluated, including the process for reviewing firearms?

- Firearms are evaluated based on requests that are submitted to the Firearms Review Committee. The evaluations are completed utilizing information provided by the requester, manufacturer and industry-related websites, as well as contacting the manufacturers to compare the firearm submitted to the list of Assault Long Guns and to the definition of a copycat weapon. Committee members provide their review, orally, for discussion and concordance.

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Who determines what submissions are reviewed/responded to (I personally have at least one un-responded to request for one of the litany of firearms improperly listed as banned?

- The supervisor, of the Handgun Permit Unit, currently determines what submissions are reviewed. Please provide me with the unresolved request you have submitted.

Will copies of all information reviewed, including schematics, pictures, and process be made available as part of the MPIA request?

- Yes. You will be provided the spreadsheet, which shows each weapon reviewed and the parameters in which they are reviewed. Reviews are completed utilizing manufacturers and industry-related websites, which include pictures and descriptions of the firearm reviewed. In addition, reviews may include contacting manufacturers for additional information.

I trust the provided information has satisfactorily addressed your additional questions and concerns. You may be assured of my continued cooperation in all matters of mutual concern.

Sincerely,



Captain Adam J. Stachurski
Commander – Licensing Division
Maryland Department of State Police

AJS:cmh

Attachment(s)

cc: Correspondence File