



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

FOR IMMEDIATE RELEASE

September 22, 2006

No. 336

www.nyc.gov

**MAYOR BLOOMBERG ANNOUNCES GROUNDBREAKING SETTLEMENTS WITH
THREE ADDITIONAL GUN DEALERS NAMED IN NEW YORK CITY LAWSUIT**

*One-Third of the 15 Gun Dealers Sued by New York City Have Agreed to
Landmark Settlements with the City*

*Gun Dealers in Virginia, Pennsylvania and Georgia Enter into Settlements
Consistent With Deals Reached in July*

*Settlements Provide for the Appointment of a Special Master, Strict Parameters for Monitoring
Dealer Records and Inventories and a Penalty Structure for Future Violations*

Mayor Michael R. Bloomberg today announced that three additional gun dealers named in the New York City lawsuit against dealers caught selling illegally have agreed to settlements with the City bringing the total number of gun dealer settlements to five. Big Tom's Pawn Shop of Savannah, Georgia, Dunkelberger's Sports Outfitters of Stroudsburg, Pennsylvania, and Cole's Gun Shop of South Boston, Virginia, have all agreed to settlements providing for a Special Master selected by the City and appointed by the court to monitor their firearms sales activities. They have each also agreed to submit to close monitoring of their records and inventory, which may include videotaping of their sales activities and continued undercover surveillance. The Special Master will ensure that each dealer is in full compliance with all laws regulating the sales and purchase of firearms. The agreements reached with these three dealers closely mirror the ones reached in July with A-1 Jewelry and Pawn and AAA Gun & Pawn in Georgia. No other city or state has ever won such an agreement. All five dealers were among the 15 gun dealers named in the New York City lawsuit filed on May 15 and currently pending in the Federal District Court for the Eastern District of New York.

"I applaud the gun dealers who have come forward to say that they want to play by the rules and make sure that guns don't fall into the hands of criminals," said Mayor Bloomberg. "Illegal guns plague the streets of every major city. The landmark agreements reached today send a message that the reckless sale of firearms will not be tolerated. By increasing monitoring and accountability among these gun dealers, we're making sure that these guns don't end up on New York City streets or those of other cities across our country. These gun dealers have stepped up to do the right thing and I encourage the remaining 10 dealers to do the same."

"These settlements provide another demonstration that there is plenty of room for common ground in the gun debate," said Corporation Counsel Michael A. Cardozo. "Agreements like these show the possibility of what can be done when the focus is on public safety instead of ideology."

(more)

As part of the agreement, a Special Master will be appointed and paid for by the City. The Special Master will have broad powers to monitor the gun dealers, including unlimited review of firearms-related records, which include trace requests and multiple handgun sale reports, as well as the ability to conduct unrestricted inspections of all firearm inventories. Employees will receive enhanced training to ensure these dealers conduct legal firearm sales and identify and refuse to sell to straw purchasers.

“Once again these historic settlements demonstrate that the City has one goal and one goal only: to keep guns out of the hands of criminals,” said John Feinblatt, the Mayor’s Criminal Justice Coordinator. “By entering into these agreements, these dealers have demonstrated they share that goal, and we applaud them for making a commitment to law and order.”

“With 90 percent of the guns used in crimes in New York originating from out-of-state, every effort to staunch the flow, including these voluntary accords, is welcome,” said Police Commissioner Raymond W. Kelly.

The agreement also establishes a penalty structure for non-compliance - including straw sales and other violations of federal, state or local firearms laws. Each dealer will post a bond. Fines incurred for each violation will be deducted from the bond - with the added requirement that the dealer replenish the original bond amount upon each violation. Fines for each violation vary in each individual settlement and range from \$1,000 to \$10,000 for a first violation; \$2,000 to \$15,000 for a second violation; and \$3,000 to \$20,000 for a third violation.

The agreements will expire after three consecutive years without a reported violation. At least every three months, the special master will certify whether the dealers have met their obligations. If the dealers go two years and then relapse, the three-year clock will be re-set.

The 15 gun dealers named in the lawsuit are located in five states – Georgia, Ohio, Pennsylvania, South Carolina and Virginia. The gun dealers in the lawsuit sold guns in violation of federal and state statutes. The lawsuit asked that the Court appoint a Special Master to monitor the dealers and require them to submit to enhanced training. The 15 dealers were targeted primarily because of the large number of New York City crime guns that were traced back to them. Based only on the incomplete data currently available to the City due to federal restrictions, more than 500 crime guns recovered in New York City were traced to these 15 gun dealers between 1994 and 2001.

Illegal Gun Agenda

Mayor Bloomberg has made stopping the flow of illegal guns an important priority in his second term. To that end, he is using a comprehensive three-pronged strategy: tougher enforcement, new legislation and innovative litigation to combat illegal guns.

In July, the Mayor signed four bills into law that include tough new measures that will help keep guns out of the hands of criminals; prevent under-the-table sales and require those convicted of a gun crime to check in with the NYPD after they have been released from prison; and ban real guns from being painted to look like toy guns. In June, at the Mayor’s urging, the State Legislature increased the mandatory minimum sentence for illegal possession of a loaded handgun to 3 ½ years, and eliminated the loophole that allowed judges far too much discretion in sentencing – changes the Mayor had called for in his State of the City Address last January.

(more)

Other enforcement efforts include creating specialized Gun Courts, which have resulted in longer sentences for gun offenders, working to introduce gun shot detection cameras that will discourage the use and possession of illegal guns, and establishing a “debriefing” protocol for every felony gun defendant, which is helping law enforcement agencies learn more about the identities of gun traffickers.

The Mayor is also fighting federal legislation that would protect irresponsible gun dealers by limiting access to trace data and barring its introduction in civil suits like this one, preventing law enforcement agencies from holding gun dealers fully accountable. The mayor is also opposing legislation that would make it harder for the ATF to revoke the licenses of rogue dealers.

Recognizing that illegal guns are a national problem requiring national leadership, Mayor Bloomberg, together with Boston Mayor Thomas Menino, last April hosted a Mayors’ Summit on Illegal Guns that was attended by more than a dozen mayors from across the nation, from Seattle to Dallas to Philadelphia. The nonpartisan group of mayors discussed cutting-edge policing and legal strategies, identified opportunities for greater coordination in combating the flow of illegal guns, and signed a statement of principles to guide their efforts going forward. In June, the Mayor announced that more mayors from across the country had joined in this effort, and now the total number of mayors in the coalition is more than 80.

-30-

Contact:	Stu Loeser/Virginia Lam	(212) 788-2958
	Kate O’Brien Ahlers (Law)	(212) 788-0400
	Paul Browne (NYPD)	(646) 610-6700