

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

STATE OF TEXAS, et al.

*Plaintiffs,*

v.

BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES, et al.,

*Defendants.*

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CIVIL ACTION NO. 2:24-CV-00089-Z

**DECLARATION OF DARWIN BOEDEKER**

I, Darwin Boedeker, declare as follows:

1. I am Darwin Boedeker, I am over the age of 18, and I have personal knowledge of the facts contained in this Declaration. I could competently testify as to the contents of this declaration if called upon to do so.
2. I am a law-abiding person, eligible to possess firearms under state and federal law.
3. I am the owner of Texas Gun Shows (“TGS”). I have owned and operated TGS for twenty-three years.
4. I have built TGS from eight tables at our debut to 800 tables at our Rosenberg, Texas location.
5. As a gun show promoter, I organize about 34 shows a year in 13 locations. I am the only remaining gun show in San Antonio.
6. Presently, I have a gun show scheduled the weekend of May 31–June 2, 2024.
7. I am aware of and have reviewed the Final Rule which redefines what qualifies as “Engaged in the Business” as a Dealer in Firearms (“Final Rule”) that is at issue in this case.
8. In my experience of organizing about 34 gun shows a year, I am aware of the impact the Final Rule will have on gun shows overall.

9. Typically, some vendors at gun shows have federal firearms licenses to be in the business of selling firearms and require all buyers to complete a federal background check before completing a transaction. Other vendors are private sellers, not in active business, but who may be selling firearms from a personal collection or trading firearms as a hobby. Such private sales have always been legal and allowed until the Final Rule. With a change in administrative rules and definitions, the new regulation could make it a federal crime for private sellers to sell even one firearm.
10. Recently, I have experienced a 30% loss in reservations and attendance at my gun shows. People are confused about what they can and cannot do anymore because of the Final Rule.
11. Previously, approximately 500–750 personally owned guns were brought to each show by individuals looking to sell them.
12. Recently, at a show in Denton, Texas, only fewer than 100 people brought personally owned guns to sell. I estimate a loss of about \$40,000 from that show alone.
13. Attendance at my gun shows has significantly decreased. The last show in Denton, Texas, had about 1,115 attendees, down from approximately 3,000.
14. This reduction in attendance, sales of tables, and people coming to sell personal firearms has resulted in a loss of about \$150,000 over the last six weeks.
15. The door fee for the gun show is typically \$15 or \$20, and the reduced attendance significantly impacts revenue.
16. Based on the information available, it is my understanding that the Final Rule is expected to decrease the sale of unlicensed firearms dealers by 10%. 89 Fed. Reg. 29054. My experience leads me to believe that this 10% estimate is conservative, and sales could decrease by an even greater percentage.
17. For example, I have experienced the following direct impacts on TGS from the Final Rule:

- a. Attendance is down 30%;
  - b. Vendor participation has decreased by 25%;
  - c. The number of firearms coming in the front door to sell has decreased by 75%;
  - d. There is an overall decrease in the buy, sell, and trade mood—which is a direct motivator for purchasing and leads to a better bottom line for participating vendors.
18. The uncertainties and looming criminal liabilities created by the Final Rule are hurting my ability to bring in enough vendors to cover the costs associated with putting on my gun shows.
19. Private sellers of firearms at gun shows are unwilling to risk prison time to pursue their hobby or sell firearms from personal collections.
20. The decrease in vendor participation could, and will likely lead to, a cancellation of future gun shows.
21. The reduction in the number of lawful vendors and persons who normally purchase, sell, and trade firearms at gun shows is directly attributable to the threat of enforcement actions of ATF through the Final Rule.
22. Thus, naturally, the Final Rule's induced and intended 10% reduction in firearms sales and the continued loss of related taxable vendor and consumer transactional activities due to the loss of consumer traffic and activity will cause the State of Texas to experience a loss of State sales and use tax revenue.
23. I attend approximately 34 gun shows in Texas a year. At those guns shows, I have bought and sold firearms for my personal collection. I am not a federal firearms licensee.
24. I am aware of the requirements of a federal firearms licensee, and they are burdensome for someone who sells firearms as a hobby or to enhance a personal collection.
25. I am also aware that violating the Final Rule could subject me to civil, administrative, and

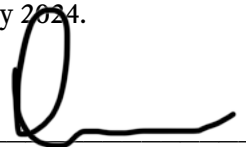
criminal penalties.

26. Given the vague and uncertain nature of the Final Rule, the burdens of obtaining an FFL, and the threat of civil, administrative, and criminal penalties, I have passed on—and will continue to pass on—opportunities to buy and sell guns at the gun shows I attend out of fear of prosecution.

27. Further the declarant sayeth naught.

I declare under penalty of perjury under the laws of the United States of America and the State of Texas that the foregoing is true and correct.

Executed in San Antonio, Texas on this the 30<sup>th</sup> day of May 2024.



Darwin Boedeker