

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS, et al.	§	
<i>Plaintiffs,</i>	§	
v.	§	
	§	CIVIL ACTION NO. 2:24-cv-00089-z
BUREAU OF ALCOHOL, TOBACCO,	§	
FIREARMS AND EXPLOSIVES, et al.,	§	
<i>Defendants.</i>	§	

DECLARATION OF ROBYN M. SANDOVAL

I, Robyn M. Sandoval, declare as follows:

1. My name is Robyn M. Sandoval. I am over the age of 18, of sound mind, and otherwise competent to make this Declaration. The facts set out in this Declaration are based on my personal knowledge and experience. I could testify as to the contents of this declaration if called upon to do so.
2. A Girl & A Gun ("AG & AG") is a club for women who want to improve their marksmanship and make new friends. It is led by a cadre of highly credentialed female firearms instructors, including myself, that introduce women to safe and proficient use of firearms and provide experienced shooters with advanced opportunities.
3. With more than 300 events hosted each month, approximately 40,000 women across the country are trained annually by AG & AG instructors in pistol, rifle, and shotgun skills for defense, competition, recreation, hunting, and safety. AG & AG has 38 chapters in Texas, as well as chapters in 39 other states and Guam.

4. For over a decade, I served as the Executive Director for A Girl & A Gun. This past January, my title changed to President and CEO; however, my role and responsibilities within the organization remained the same.
5. In my capacity as President and CEO, I supervise all AG & AG's business and affairs. I am in frequent contact with AG & AG members and instructors on how to best advance AG & AG's mission of helping women feel comfortable exercising their Second Amendment rights.
6. I am a Range Safety Officer and Firearms Instructor. I hold instructor certifications from the following organizations: NRA, USCCA, Rangemaster, TCC, and AG & AG. I have personal experience working with individuals to develop their shooting skills. This often entails helping my trainees identify, through trial and error, a firearm that suits their individual needs.
7. I am aware of the new Final Rule issued by ATF that redefines what it means to be "Engaged in the Business" as a Dealer in Firearms and is the subject of this lawsuit. I am familiar with its contents. Based on my experience, if the Final Rule were to go into effect, it would have serious adverse consequences for AG & AG's members, the women AG & AG coaches, as well as the State of Texas, generally.
8. As an instructor and leader in AG & AG community, I have trained and interacted with women who purchased handguns at the recommendation of sales representatives at retail gun counters, who either out of ignorance or a desire for a sale, failed to take into account gun fit, use, training, and lifestyle considerations for women when making their suggestion.

9. Even when women receive good advice about what's available on the market, there is no guarantee that their first selection best suits their needs. It is a common occurrence for instructors at AG & AG to train women who purchased their first firearm and discovered thereafter that the handgun is not the right fit for them.
10. Additionally, in my experience, a woman's needs may change as she ages or as she grows in skill and confidence. I, along with other AG & AG instructors, have worked with women who, because of changed circumstances, owned a firearm that no longer suited them or their families.
11. Prior to the Final Rule, women who made an ill-fitting purchase had the option of recouping the costs of that purchase to buy a different (i.e. better) firearm and thus continue their journey in firearms safety. The Final Rule, however, puts that option in peril since many of these transactions arguably fall under ATF's broad definition of "Engaged in Business."
12. In my experience, women first learning to shoot may purchase and resell multiple firearms before finding the handgun that best matches their needs. These transactions often occur within one year of purchase, and the firearms will often be in like new condition, in their original packaging. Moreover, the purpose of these sales is to earn a profit or at least break even.
13. Accordingly, based on my understanding of the Final Rule, ATF's new interpretation will impede and likely dissuade women from selling a firearm that is a poor purchase because it requires additional steps, costs, and red tape, even if the gun is unsafe, uncomfortable, or unreasonable for her to use.

14. Not only does this have public safety implications, but it also reduces the number of firearm purchases that women will make in the course of becoming a safe and practiced shooter—if it does not prevent her from buying a firearm in the first place. A quality firearm can cost hundreds, if not thousands, of dollars. If a woman cannot recoup the costs of a bad purchase, she is less likely to make it.
15. I am aware that the State of Texas collects a sales tax on the purchase of firearms. Because of the Final Rule's aforementioned effects, the State of Texas will lose tax revenue from the sale, resale, and any future purchases that female shooters would have made had they been allowed to recoup the costs of an ill-suited firearm.
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. My experience also leads me to believe that the Final Rule will decrease the sales of licensed firearm dealers since many shooters would have used the recouped costs of a previously purchased firearm to buy from a licensed dealer. If shooters are precluded from regaining that lost capital, they will have less resources (and therefore be less likely) to make a subsequent purchase.
18. The decrease in sales at licensed firearm dealers will cause the State of Texas to lose out on additional tax revenue.
19. The Final Rule, in short, penalizes gun owners for wanting to replace firearms that

do not meet their needs. The resulting chilling effect, which I describe above, will decrease tax revenue for the State of Texas and force novice shooters, particularly women, to keep in their possession firearms that do not suit them and are potentially unsafe for them to use.

20. For many women, the Final Rule will discourage them from becoming a gun owner altogether. This includes even the frightened woman with a restraining order against a stalker because she cannot make the investment knowing that the funds will never be recovered.

21. In my experience, the right to bear arms depends on the ability to acquire and resell firearms. The Final Rule infringes on that right.

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.


Roby M. Sandoval