

31st District Agricultural Association



Board of Directors Committee Report on Gun Shows

June 21, 2019

Gun Show Committee:

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Assisted by:

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Introduction

The 31st District Agricultural Association (DAA), commonly known as the Ventura County Fairgrounds (Fairgrounds or Fair), is a state institution that is governed by a nine-member Board of Directors (Board), appointed by the Governor of California.

The DAA was created in the Food and Agricultural Code and has the statutory purposes of holding the annual Ventura County Fair; hosting expositions to exhibit all of the industries, resources and products of the state; and constructing and operating recreational and cultural facilities of general public interest. (Tab 1).

The mission of the 31st DAA is to “promote, support, educate, celebrate and preserve the diverse culture and traditions of our County and to make certain that the Ventura County Fairgrounds be an exemplary multi-use community resource.” When not hosting the annual fair, the Fairgrounds’ facilities are available to rent to those who wish to hold events.

The California Department of Food and Agriculture (CDFA) provides fiscal and policy oversight of all fifty-two DAAs throughout the state and allocates state funding to fairs. Due to a decrease in state funding for fairs in 2011, the 31st DAA does not receive any allocations from the Department for general operations. Rather, the DAA is expected to generate revenue to self-sustain its operations.

While the Department provides a framework of fiscal and policy administration for the DAAs, it does not require DAAs to hold or prohibit certain activities on fairgrounds. Rather, it is up to each board of directors to govern their fairgrounds in accordance with the interests of their local community. (Tab 1).

In early 2018, the Board began receiving comments from the community regarding the gun shows held at the Fairgrounds. The Fairgrounds has been contracting to host gun shows for at least thirty years, and with B&L Productions, dba Crossroads of the West, for twelve years.

At its meeting on September 25, 2018, the Board appointed a gun show committee (Committee), consisting of its Board President and Vice President, to work with its CEO and CDFA legal counsel to develop an informational report to assist the Board with developing its policy. The Committee was tasked with information gathering, based on public comments, and providing findings and recommendations to the Board.

This report is the result of the Committee’s work and will be presented to the Board on June 27, 2019 at a special meeting to focus on the Fairgrounds’ gun show policy. While reviewing and studying all public comments received, general themes emerged that directed the Committee’s information gathering and the organization of this report: (1) Summary of Public Comments; (2) About the Gun Show and Its Effects on the Community; (3) Fairgrounds Revenue from Gun Shows; and (4) Safety and Security.

Summary of Public Comments

Method of Consolidating Public Comments

Public comments studied by the Committee for this report were those received since the Committee's formation on September 25, 2018 through June 14, 2019. Comments include those provided to the Board verbally and in writing during its monthly meetings as well as written correspondence sent to the Fair, which were then included in the Board's meeting packets or minutes.

There were three Board meetings when gun shows were an item on the agenda: September 25, 2018; November 23, 2018; and May 28, 2019. Transcripts of those meetings were prepared and reviewed by the Committee. When gun shows were not an item on the Board's meeting agenda, comments were documented in the meeting minutes. Those comments were also considered by the Committee.

The Committee organized the comments as either offering support for hosting or prohibiting gun shows. The comments were bundled into categories represented by a general statement and include the number of times the statement was submitted to the Board.

Comments from petitions are included in the list and counted once and not by the number of signatures. However, a copy of each petition's narrative and the number of signatures reported to the Fair are included in this section.

Some comments addressed issues and concerns outside of the Board's authority and therefore, were not studied by the Committee or addressed in this report. However, they are included in this list for informational purposes only.

To view public comments, correspondence and meeting transcripts in their entirety, visit the Fair's website (www.venturacountyfair.org) or submit a Public Records Act request to the CDFA Legal Office (cdfa.legaloffice@cdfa.ca.gov).

Support for Hosting Gun Shows

1. Constitutional rights
 - Reference to 1st and/or 2nd Amendment rights. (40).
 - Freedom of Assembly. We have the right to a safe forum to exchange information with those who have a shared interest. (14).
 - A ban on gun shows is an act of discrimination. Don't limit certain activities because of another group's differing opinion or because they don't like it. (13).
2. Gun shows are legal. California gun law is stringent. There's no gun show loophole. Law enforcement is present at the show. (60).
3. The gun show is more than just selling guns. There are a lot of things besides guns being sold at a gun show. It allows small businesses to showcase and promote their merchandise to a wider audience in an inexpensive way. (27).
4. It's for hobbyists, collectors, outdoors and sportsmen and women as well as education on firearm safety and handling and self-defense. (27).
5. The gun show is a safe, family event. Family traditions; childhood spent going to gun shows, now attend with their children. (20).
6. There are no crimes associated with or incidents at the gun show. (26).
7. The gun show is not for criminals or committing violence. Banning gun shows will not make it safer or reduce gun violence. Gun violence is a result of people's actions and not the gun. (47).
8. There are not a lot of places to purchase a firearm. (4).
9. The Templetons/Crossroads of the West operates a safe gun show in full compliance with the law. (4).
10. The Fair's mission statement supports holding gun shows at the Fairgrounds. (14).
11. The gun show brings revenue to the state, county, city and Fairgrounds. (27).
12. Please continue to support gun shows (in general, stand-alone statement). (11).
13. Comments outside of the Board's authority. (14).
 - Funding of gun-control groups.
 - Firearm and gun violence facts in America compared to other countries.
 - Disarmament. An unarmed populace is a controllable populace.

Support for Prohibiting Gun Shows

1. Government should not be in the gun business or profiting from gun sales. (51).
2. Gun shows have lax market sales/Gun shows are not regulated. Gun show loophole or straw purchases at gun shows make firearms more accessible in the community. (9).
3. Gun shows contribute to gun violence. They are only good for selling guns that kill people. (24).
4. Crossroads of the West is run by criminals. Their gun shows have been connected to gun violence. (5).
5. Gun shows are not good for children, families or the family-based community of Ventura. (22).
6. There are negative effects of gun show advertising on children. (11).
7. There are already a lot of places to purchase guns, so we do not need a gun show. (3).
8. Please do not continue to host gun shows (in general, stand-alone comment). (9).
9. Comments outside of the Board's authority. (49).
 - Citation to gun violence in other states or nationwide.
 - Children are afraid to go to school. Active shooter drills. Arming teachers.
 - Gun violence is a public health issue.
 - Need for stricter gun legislation.
 - Funding of gun control groups.

Other Comments

1. Ban gun sales at gun shows. (2).
2. The Board needs to certify that California laws are being complied with. (1).
3. Don't sell beer at the gun show. (1).

Dear Ventura Fair Grounds 31st District Agricultural Association Board,

We, the below signed, urge you to vote in support of continuing to allow gun shows, especially those produced by the Crossroads Of the West organization, at the Ventura County Fairgrounds.

This request is being made for the following reasons:

1) Banning gun shows or similar types of events, will not make our community or the world safer.

Gun shows, and their attendees, are not dangerous. Over a decade of holding gun shows at the Ventura County Fairgrounds proves this. Moreover, gun shows are a safe and family friendly environment where sons, daughters, and grandchildren can be introduced to shooting sports with the proper safety, training, and supervision and to the joys of collecting and learning the history of the items collected.

The often-referred to "gun show loophole" is an absolute myth, especially in California. No one is able to walk into a show, purchase a firearm, and walk out without having gone through a background check. Any gun purchase made at the show must be conducted through a licensed federal firearms dealer with a background check and 10 day waiting period. Firearms and ammunition are kept separate and out of direct reach of the public without assistance from the licensed dealer. Safety and security are taken very seriously at these shows and this is proven by their clean records.

2) Although traditionally referred to as "gun shows", these events include considerably more than guns and ammunition.

A vast majority of the vendors at these events are small business owners selling a wide variety of products related to hunting, fishing, outdoors activities, health, family fun, and survival and include food, jewelry, clothing, equipment, books, and collectibles. Additionally, gun shows often serve as a venue for accessing firearms safety classes and programs which help law abiding gun owners keep firearms out of the hands of children and teach responsible firearms ownership and usage.

3) In keeping with the Ventura County Fairgrounds Mission to "promote, support, educate, celebrate and preserve the diverse culture and traditions of our county and to make certain that the Ventura County Fairgrounds be an exemplary multi-use community resource" and in view of the fact that the Ventura Fairgrounds is state property operated by a government body, **any prohibition against law-abiding gun shows and their participants is an act of discrimination.** To do so based on the fact that the people in power just don't "like" the content of the speech or an event is a violation of constitutional rights both for the promoter (as noted in the Cinevision Corp v. City of Burbank case) and for the thousands of people who attend gun shows to engage with a community of like-minded people and exercise their constitutional rights.

4) Although many of the people encouraging you to take away the rights of a large group of citizens appear to be acting as individuals, they are actually being funded and encouraged by organizations spear-heading the opposition to gun shows and gun ownership statewide and nationwide. These organizations, including MoveOn.org, are heavily funded by anti-Americans such as George Soros who wish to destroy our culture and traditions, prevent us from legally owning and using guns, and prevent our children from becoming part of this time-honored group of loyal Americans exercising their rights. Once we are helpless, they can take over and shape our country any way they wish. We encourage you not to be intimidated by these groups and their scare tactics.

As such, we respectfully ask you to vote in favor of the continuation of Crossroads of the West and other similar gun shows at the Ventura County Fairgrounds. Preventing them from using these facilities for their events would eliminate a critical source of gun safety programs, materials, and training opportunities in the Coastal California Area; would negatively impact a great many small and large businesses, both at the events and in the community; would cause a substantial loss of revenue to the Fairgrounds; and would infringe on the constitutional rights of a large number of law-abiding citizens and their families.

Thank you for your consideration.

Dear Ventura County Fairgrounds Board,

I started a petition to you titled [Stop Gunshows at the Ventura County Fairgrounds](#). So far, the petition has 2,923 total signers.

The petition states:

"State agencies should not promote and profit from the proliferation of guns and ammunition. The state-owned Ventura County Fairgrounds should stop renting out its facilities to gun shows."

106 Signatures

October 20, 2018

To: Ventura County Fairgrounds Board of Directors,

Dear Honorable Board Members,

I am writing to you because I am opposed to any gun shows at the Ventura County Fairgrounds.

This is why I am opposed to the gun shows:

- *The Ventura Fair Grounds is state-owned property. I agree with Lt. Governor Gavin Newsom that the proliferation of firearms through gun and ammunition sales should not take place on state-owned property.*
- *The father and son, Crossroads president and show director, are convicted felons. Convicted firearms felons shouldn't be allowed near a gun show, and clearly should not be allowed to own, operate or promote gun shows.*
- *Crossroads of the West Gun Shows facilitated the worst mass murderer in modern times. The Las Vegas shooter found his ammo supplier at a Crossroads Gun Show.*
- *The Crossroads of the West Gun Show glorifies and normalizes the use of guns to our youth. We need to change the gun culture!*
- *Children are afraid to go to school for fear of getting shot and gun shows stoke that fear.*
- *Guns are now the third-leading cause of death for all Americans under 18.*

Additional comments:

I urge you to End Gun Shows on state owned property. Guns and ammunition should be sold only at registered and licensed gun stores.

To be delivered to Ventura County Fairgrounds Board, Barbara Quaid CEO

State agencies should not promote and profit from the proliferation of guns and ammunition. The state-owned Ventura County Fairgrounds should stop renting out its facilities to gun shows.

Background

A network of anti-gun activists has asked the Ventura County Fairgrounds board to stop hosting gun shows. We are concerned about the influence that billboard marketing and the gun shows themselves have on our communities. The majority of the fair board does not agree.

It's time for the Ventura County Fairgrounds to stop hosting gun shows. No State agency should promote and profit from the proliferation of firearms.

Background:

Five gun shows have been hosted every year at the Ventura County Fairgrounds, a state-owned property run by board members appointed by the CA governor. The fairgrounds are owned and managed by a division of the California Department of Food and Agriculture. Each show features hundreds of tables where firearms are bought, sold, and traded. Two are already approved for 2019.

About the Gun Show and Its Effects on the Community

About the Gun Show

The Board received many comments from a number of gun show attendees that the event is not just a place to purchase a firearm, but a forum for the sharing of information and an opportunity to receive education. Those who attend the gun show do so as hobbyists, collectors, outdoors and sportsmen and women, hunters, and competitive shooters.

Firearms and ammunition are not the only goods for sale at a gun show. According to Crossroads of the West, only 15% of vendors at their event are licensed firearm dealers. According to the gun show promoter and comments received, types of other merchandise the gun shows offer include: tactical gear such as bags to carry equipment, targets (both paper and steel), books, gun safes, gun parts, knives, military surplus, jewelry, bed sheets, wallets, leather goods, pain relief cream, training/seminars, informational materials from organizations, tools, pepper spray, stun guns, self-defense items, first aid supplies, flashlights, flags, scopes, swords, knife/tool sharpening, engraving, videos, clothing, walking sticks, heat packs, coins, gun cleaning equipment/supplies, and food products such as jerky, popcorn, fudge, nuts, seasonings. Food and beverage concessions include the sale of beer.

Comments from small business owners who rent space at the gun show state that the event allows them to showcase and promote their goods and services to a larger audience. The majority of small business commenters were not gun dealers, but sold other goods, such as mineral, fossil and butterfly specimens.

Firearm safety and education is also offered, including opportunity to sign up for proper firearm handling instruction and classes. In addition, many comments stated organizations and nonprofits normally have informational booths at the gun show, including veteran-focused nonprofits, and the federal Bureau of Alcohol, Tobacco, and Firearms.

Some comments stated that there is no need for a gun show at the Fairgrounds because there are already a number of gun stores in Ventura at which firearms may be purchased (Tab 2).

However, based on the comments from those who attend the gun show, the event is not just for the selling and buying of firearms for legal purposes (such as for sport and hobby) but serves as a place for a segment of the community to gather and share information, education and interests. In addition, the number of attendees to the gun show reflects that it is a well-attended event. (Tab 2). According to the CEO, it is one of the most well attended public events on the Fairgrounds.

Finally, based on the fact that gun sales are not banned in Ventura City or County and the thirty-year history of these events at the Fairgrounds, the gun show is within the 31st DAA's mission to "promote, support, educate, celebrate and preserve the diverse culture and traditions of our County and to make certain that the Ventura County Fairgrounds be an exemplary multi-use community resource."

Effects of Gun Shows on Families and Children in the Community

1. Children's Attendance at Gun Shows

Many commenters emphasized that the gun show is a safe, family event. Parents testified that they do not have any safety concerns with bringing their children to the gun show. Others

explained their family traditions of hunting and sport shooting and that they attended gun shows with their parents as a child. They now attend with their own children.

Commenters stated that the gun show provides opportunity for parents to help educate their children on gun safety, such as through programs such as “Project Child Safe” and “Eddie Eagle GunSafe.” (Tab 2).

The Board also received public comments that gun shows have a negative effect on children and that it is not a family event, because the event is gun-centric and encourages firearm use by minors which leads to gun violence.

California law prohibits gun shows from allowing children under the age of 18 into the event unless accompanied by their parent, grandparent or legal guardian.¹ During the event, the child must be accompanied by a parent, legal guardian or grandparent at all times. The law very narrowly allows a child to enter a gun show only if he or she is with a parent, grandparent or legal guardian—no other adult qualifies. Whether a parent chooses to take his or her child to the gun show is a family decision that California law does not prohibit.

Crossroads of the West’s “Exhibitor Contract” (Tab 2), which all vendors are required to sign, makes clear that the gun show is a family event. The contract further prohibits any “pornographic materials or items with obscene language or graphics, including magazines, pictures, videos, bumper stickers, T-shirts, hats or other items which are offensive to families or individuals.”

California law prohibits vendors at a gun show from engaging in any activity that incites or encourages hate crimes and requires this prohibition to be in all vendor contracts.²

Crossroads of the West’s vendor contract complies with this requirement and states: “[Racial, ethnic or hate materials, including but not limited to Nazi, Communist or white supremacist propaganda are strictly prohibited. The display of such materials is a crime under AB 295.]. Display or sale of any prohibited items will result in the immediate removal of the offending dealer from the show and will be grounds for being banned from any future shows.”

1. Gun Show Advertising and Effects on Children

Comments stated that gun show advertising has negative effects on children. Some emphasized that seeing gun show advertisements contributed to the trauma children already suffer as a result of gun violence, such as participating in active shooter drills at school.

Restrictions on the content and manner of gun commerce advertising is beyond the Board’s purview, as that is regulated by other state and local authorities. Advertising for a legal purpose, as long as it is not misleading, is protected commercial speech. If Crossroads of the West’s advertising were not in accordance with the law, there is confidence that the appropriate governmental entity would ensure proper corrective action.

¹ Cal. Penal Code § 27335.

² Cal. Penal Code § 27305.

Fairgrounds' Revenue from Gun Shows

Fairgrounds' Revenue from Gun Shows

The Board received many comments opposing the Fairgrounds, as a state entity, from profiting from the sale of guns. In addition, the Board requested that the Committee report on the revenue received from gun shows.

Outside of when the annual Ventura County Fair is held, the Fairgrounds' facilities are available to the public to rent, including for exhibitions, expositions, and events of general public interest. The Fairgrounds' revenue sources from rental, parking, and food and beverage are the same for all events, regardless of the event's theme.

Pie charts show the amount of revenue the Fairgrounds receives from the rental of its facilities to Crossroads of the West (Tab 3). Revenue sources consist of the rental fee for use of the facilities, parking, and food and beverage. The Fairgrounds does not generate any revenue from the gun sales that occur at a gun show.

It would be infeasible for the Fairgrounds to collect revenue from gun sales due to California laws requiring a 10-day waiting period and background check on gun show sales. Sales are not completed at the gun show on the Fairgrounds, but upon delivery of the firearm from the dealer to the buyer at the dealer's licensed premises, following a successful background check and waiting period.³

³ See "Safety and Security" section of this report which concerns the "Regulation of Gun Shows" for California laws regulating the transfer of firearms at a gun show.

Safety and Security

Regulation of Gun Shows

A number of comments concerned the regulation of gun shows. Comments included claims that either gun shows are unregulated or have lax market and illegal sales. Concerns of gun show loophole and straw purchases at the gun show were also voiced. Comments noted that as a result, gun shows made firearms more accessible in the community.

Below is a summary of federal and California's regulation of gun shows. The studies that the Committee reviewed for the purposes of this section are attached. (Tab 4).

A. Gun Show Loophole⁴

The Federal Gun Control Act (Act) regulates gun commerce throughout the nation and is enforced by the Bureau of Alcohol, Tobacco, Firearms (ATF) of the U.S. Department of Justice. Those "engaged in business of selling guns" are considered a retail dealer that is required to obtain federal licenses and follow specific procedures. One is considered engaged in the business if he or she sells five or more firearms a year.

Federally required procedures include obtaining the buyer's identification information and completing a Firearms Transaction Record, under which the buyer certifies, under penalty of perjury, that the buyer is purchasing the gun for him or herself and not prohibited from owning the gun. The dealer must submit the buyer's information to the National Instant Criminal Background Check System to verify his or her eligibility to own a firearm. Upon a successful background check, the firearm is released from the dealer to the buyer. Records from the purchase must be kept permanently.

Private parties who sell guns infrequently (less than five per year) are exempt from the Act, do not need to obtain a federal license, and none of the federal safeguards are in place. There are no records of the sale and no background check.

Gun show loophole refers to the sale of firearms by private sellers at a gun show who are not subject to the federally required background check, waiting period or other safeguards.

However, states may broaden these federal standards. California is one of 17 states that does so, including regulating all sales conducted between unlicensed private parties. If neither party to a firearm transaction holds a license, then the transaction must be completed through a licensed California dealer.⁵ This law applies to sales at gun shows.

To complete the private transaction, the seller must provide the firearm to the dealer, who then performs the background check and holds the firearm for the required 10-day waiting period.⁶ The dealer then delivers the firearm to the buyer.⁷ If the buyer is prohibited from purchasing or possessing firearms the dealer is notified by the California Department of Justice that the sale or transfer may not proceed.⁸

⁴ UC Davis Health Study, *Inside Gun Shows*, Chapter 1: "Gun Shows in Context," pages 17–19 (attached), available online at <https://health.ucdavis.edu/vprp/pdf/IGS/IGS1web.pdf>. (Tab 4).

⁵ Cal. Penal Code § 27545.

⁶ Cal. Penal Code § 28050.

⁷ Cal. Penal Code § 28050.

⁸ Cal. Penal Code § 28050.

While federal law exempts private sellers from performing a background check, California law is more stringent and requires private sales to be completed through a licensed dealer, who delivers the firearm to the buyer only after successful completion of a background check and the 10-day waiting period.

These laws apply to gun shows held in California. California Penal Code section 27310 states: “All firearm transfers at a gun show or event shall be in accordance with state and federal laws.”

B. Straw Purchases⁹

A straw purchase occurs when a person falsely represents him or herself to a licensed dealer as the buyer of a firearm but is actually purchasing it as an agent for someone else. For instance, an individual may not be legally eligible to purchase a firearm, so he or she gets a straw purchaser to buy the firearm on his or her behalf.

A straw purchase is a felony under federal law for both the actual buyer and the straw purchaser. The dealer may also be charged if he or she sells a firearm despite knowing or having reasonable belief that a straw purchase is in progress. Federal firearm commerce law is enforced by the ATF.

California law also prohibits straw purchases.¹⁰ California laws governing firearm sales, including those at gun shows, are enforced by the Bureau of Firearms (Bureau) of the California Department of Justice (DOJ). The Bureau’s Enforcement Section is responsible for conducting covert operations of firearms dealers at stores and gun shows. Attached is information on the Bureau (Tab 4).

C. California Gun Show Laws

Gun shows are legal and are regulated by the Bureau. Its Licensing and Permits Section processes gun show promoter documents and reviews gun show event and security plans.

Attached is California Penal Code sections 27200–27245 and 27300–27350, which regulates gun shows. (Tab 4). The legal requirements are summarized below.

1. Age of Attendance

No one under the age of 18 shall be admitted to a gun show unless accompanied by a parent, grandparent or legal guardian.¹¹ While at the show, anyone under the age of 18 shall be accompanied by that person’s parent, grandparent, or legal guardian at all times.¹²

2. Firearm and Ammunition Sales

In California, all firearm transfers at gun shows must be processed through a licensed firearm dealer.¹³ Licensed dealers ordinarily are permitted to sell firearms only from their licensed

⁹ UC Davis Health Study, *Inside Gun Shows*, Chapter 1: “Gun Shows in Context,” pages 24–26, available online at <https://health.ucdavis.edu/vprp/pdf/IGS/IGS1web.pdf>. (Tab 4).

¹⁰ Cal. Penal Code § 27515.

¹¹ Cal. Penal Code § 27335.

¹² Cal. Penal Code § 27335.

¹³ Cal. Penal Code § 27305(d).

premises.¹⁴ However, there is an exception for sales at gun shows as long as they are not conducted from vehicles.¹⁵

A dealer selling firearms at a gun show must still comply with all applicable laws, including California's 10-day waiting period, background check, and all other California laws governing the transfer of firearms by dealers.¹⁶

Public attendees are not allowed to purchase a firearm at a gun show and then leave with it in their possession. Rather, a buyer only takes possession of the firearm after the 10-day waiting period and after a successful background check. This means that a firearm purchased at a gun show may be then picked up by the buyer at any of the thirty-nine licensed firearm dealers in Ventura (Tab 2).

Beginning in July 2019, ammunition vendors will be required to conduct background checks and record ammunition sales made at gun shows.¹⁷

3. Signs Required to be Posted

At the gun show, certain signs (Tab 4) must be posted in a conspicuous location at each public entrance to the show.¹⁸ The signs must have the following notices:

- This gun show follows all federal, state, and local firearms and weapons laws, without exception.
- Any firearm carried onto the premises by any member of the public will be checked, cleared of any ammunition, and secured in a manner that prevents it from being operated, and an identification tag or sticker will be attached to the firearm before the person is allowed admittance to the show.
- No member of the public under the age of 18 years shall be admitted to the show unless accompanied by a parent, grandparent, or legal guardian.
- All firearm transfers between private parties at the show shall be conducted through a licensed dealer in accordance with applicable state and federal laws.
- Persons possessing firearms at this facility must have in their immediate possession government-issued photo identification, and display it upon request to any security officer or any peace officer, as defined in Section 830.

In addition, at each parking lot entrance, a sign must be posted that states: "The transfer of firearms on the parking lot of this facility is a crime."

¹⁴ Cal. Penal Code § 26805.

¹⁵ Cal. Penal Code § 26805.

¹⁶ Cal. Penal Code § 26805.

¹⁷ Cal. Proposition 63.

¹⁸ Cal. Penal Code § 27240.

4. Possession of Firearms at a Gun Show

All firearms carried into a gun show by the public must be checked, cleared of any ammunition, secured in a manner that prevents them from being operated, and an identification tag must be attached to the firearm, prior to the person being allowed admittance to the show.¹⁹

The identification tag must state that “all firearms transfers between private parties at the show must be conducted through a licensed dealer in accordance with applicable state and federal laws.” On the tag to be attached to the firearm, the owner must: print his or her name and government-issued photo identification number and sign.²⁰

No person at a gun show, other than security personnel or sworn peace officers, may possess at the same time both a firearm and ammunition that is designed to be used with the firearm. (Vendors having those items at the show for sale or exhibition are exempt from this prohibition).²¹

All persons possessing firearms at the gun show must have government-issued photo identification in his or her immediate possession and display it upon request to any security officer or any peace officer.²²

5. Gun Show Promoter Requirements²³

The gun show promoter, who organizes the event and contracts with vendors, is required to obtain a Certificate of Eligibility from the California Department of Justice (DOJ) which is renewed annually.²⁴ This requires a background check.

In addition, the gun show promoter is required to:

- Certify to the DOJ that he or she is familiar with the California laws governing gun shows;
- Ensure that liability insurance is in effect for the duration of a gun show or event in a minimum amount of \$1,000,000;
- Provide an annual list of the gun shows the applicant plans to produce with the date, time, and location;
- Working with the facility manager, prepare a security plan and show schedule to be submitted to DOJ and local law enforcement. The security plan shall be approved by the facility manager before the show, after consulting with local law enforcement.²⁵

¹⁹ Cal. Penal Code §27340.

²⁰ Cal. Penal Code §27340.

²¹ Cal. Penal Code §27330.

²² Cal. Penal Code §27345.

²³ Cal. Penal Code §§ 27200–27245.

²⁴ Cal. Penal Code § 27200.

²⁵ Cal. Penal Code § 27200.

The security plan submitted to DOJ must include:

- The type of event including, but not limited to, antique or general firearms;
- Location, date and time of the show;
- Contact person and telephone for the show promoter and Fairgrounds;
- Estimated number of vendors offering firearms for sale or display, and the estimated number of attendees;
- Number of entrances and exits at the gun show site; and
- The number of sworn peace officers and non-sworn security personnel employed by the show promoter or the facility who will be present at the show;²⁶

Within seven calendar days of the gun show or event, the event promoter must submit to the DOJ a list of all vendors who are licensed firearms dealers.²⁷ The DOJ is required by law to examine its records and determine whether each vendor is eligible to process firearms transactions. If it is determined that a license is not valid, the DOJ shall notify the event promoter before the show.

At any time, law enforcement may request from the event promoter a complete list of all vendors that will be selling firearms at the show.²⁸ The gun show promoter must make the list available within 48 hours if requested before the show. Thereafter, for every day the gun show operates, the list shall be made available within 24 hours to the requesting law enforcement agency.

In addition, upon law enforcement request, the promoter is required to provide personal information of the vendor, employees, or any person providing services to the public at the vendor's space. This information includes: names, driver's license or state identification card numbers, and dates of birth.²⁹

6. Vendor Requirements

The gun show promoter shall have written contracts with vendors and is responsible for informing vendors of all the legal requirements of a gun show.³⁰

Vendors are required to provide written certification³¹ to the gun show promoter that they:

- Will not display, possess, or offer for sale any firearms, knives, or weapons for which possession or sale is prohibited.
- Acknowledge that they are responsible for knowing and complying with all applicable federal, state, and local laws dealing with the possession and transfer of firearms.
- Will not engage in activities that incite or encourage hate crimes.

²⁶ Cal. Penal Code § 27210.

²⁷ Cal. Penal Code § 27220.

²⁸ Cal. Penal Code § 27205.

²⁹ Cal. Penal Code § 27320.

³⁰ Cal. Penal Code § 27235.

³¹ Cal. Penal Code § 27305.

- Will process all transfers of firearms through licensed firearms dealers as required by state law.
- Will verify that all firearms in their possession at the show will be unloaded, and that the firearms will be secured in a manner that prevents them from being operated except for brief periods when the mechanical condition of a firearm is being demonstrated to a prospective buyer.
- Prior to the commencement of the show, provide to the gun show promoter the names, driver's license or state identification card numbers, and dates of birth of the vendor, the vendor's employees, and any other persons providing services to the public at the vendor's space.³² The promoter must make the information available to law enforcement upon request.
- Will not display or possess black powder or offer it for sale.

At the gun show, each vendor and its employees shall wear a name tag with the person's first and last name.³³

Ammunition may be displayed only in closed original factory boxes or other closed containers, except when it is being shown to a prospective buyer.³⁴

If a licensed firearms dealer fails to cooperate with the gun show promoter, that person shall not be allowed to participate in that show.³⁵

Crossroads of the West Gun Shows at the Fairgrounds

The Fairgrounds' contract with Crossroads of the West requires the gun show promoter to comply with California gun show laws, copies of which are attached as an exhibit to the contract. (Tab 5). However, the contract is "bare bones" in that it only requires the gun show promoter to comply with all applicable federal and state laws. The contract lacks details in how the Fairgrounds, gun show promoter and its vendors will work together to ensure state law is followed.

Comments received claim that Crossroads of the West is not eligible for a Certificate of Eligibility to conduct a gun show. However, whether or not Crossroads of the West meets the requirements to hold a gun show is outside of the Board's purview. The DOJ is the permit issuing authority for gun shows following a background check.

Crossroads of the West submits its required security plan (Tab 5) to the Fairgrounds' CEO for review prior to a gun show. The CEO then submits the security plan to the California Highway Patrol, and following their approval, to the DOJ. (Tab 5). According to Crossroads of the West, in the weeks leading up to a show, it is in frequent communication with the DOJ to comply with providing vendor information and other reporting requirements. This is the only security plan for

³² Cal. Penal Code §27320.

³³ Cal. Penal Code §27325.

³⁴ Cal. Penal Code §27315.

³⁵ Cal. Penal Code § 27225.

the gun show, which again is “bare bones” in that it meets the minimum requirements of state law.

As required by law, Crossroads of the West does have a written vendor contract, “Exhibitor Contract” (Tab 5). All statutory requirements for the vendor contract are met except for compliance with Penal Code section 27325, which requires that all vendors and its employees must wear a name tag indicating the person’s first and last name. While this requirement may or may not be met in practice, it needs to be in the vendor contract.

Crime Associated with Gun Shows at the Fairgrounds

The Board empathetically heard from many members of the community who have suffered heartbreak from the loss of a family member or friend due to gun violence. Many voiced their concerns regarding gun violence and called for an end to the gun shows at the Fairgrounds.

There was no evidence submitted to the Board showing that gun crimes occurring in Ventura were connected to the gun shows held at the Fairgrounds. The Fairgrounds CEO works closely with both CHP and VPD and has never received notice from law enforcement that a crime in Ventura was connected to a firearm obtained from a gun show held at the Fairgrounds.

In fact, the Police Chief of Ventura Police Department confirms in a letter dated June 18, 2019 that he “cannot identify any act of violence that was perpetrated using a firearm that was known or suspected to have been purchased at a “gun show” at the Ventura County Fairgrounds.” (Tab 5).

While there was no evidence submitted or found to support a finding of gun violence in the community that was connected to gun shows held on the Fairgrounds, the Committee did research where criminals obtained their guns as part of its due diligence.

The Committee reviewed the January 2019 report by the U.S. Department of Justice³⁶ that studied where prisoners reported they obtained the firearm used in committing their offense. (Tab 4). Among those who possessed a gun during their offense, 90% obtained the gun from a source other than a licensed dealer. More than half reported they had either stolen the firearm or obtained it off the street or from the underground market. Others obtained it from a family member.

Only 1.3% of the prisoners had obtained the firearm used during their offense from a licensed dealer and 0.8% obtained it at a gun show. This was a nationwide study. From the small percentage that obtained the firearm from a gun show, it is unknown whether any of those transactions occurred at a gun show in California, one of only 17 states that regulate gun shows more stringently than federal law.

The gun control and accessibility issues outlined by the U.S. Department of Justice study and described above are beyond the purview of the Board’s authority. The proper avenue for tighter gun control laws is a legislative body that has jurisdiction beyond just the Fairgrounds.

³⁶ U.S. Department of Justice Special Report (January 2019) *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016* (attached), available online at <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>. (Tab 4).

The Committee has not found any link between gun sales facilitated at the Fairgrounds and gun violence in the community and no evidence of such was provided by commenters. Accordingly, the requisite substantial grounds necessary for the Fairgrounds to prohibit gun sales is lacking, as firearm sales at gun shows is a legal commercial activity.

Should any evidence be submitted to the Board that shows a link between gun violence in the Ventura community to a gun sale at a gun shows held at the Fairgrounds, the Board shall consider that evidence to support a ban on gun sales at the gun show.

In addition, should the Board continue to host gun shows, the Committee stresses the need for fleshed out contract provisions that outlines a process that shows how the Fairgrounds, gun show promoter, and vendors are in compliance with the law. Further, those terms and conditions must provide for checks and balances that ensure the Fairgrounds remains contracting for an event that is indeed safe.

Incidents at the Gun Show on the Fairgrounds

The Committee consulted with Fairgrounds security staff, California Highway Patrol (CHP), and Ventura Police Department (VPD) regarding whether there were any incidents involving a firearm during gun shows on the Fairgrounds. Letters from CHP and VPD are attached. (Tab 5). Ventura County Sheriff's Office stated that it would have no record of an incident at the Fairgrounds since that location is not within its jurisdiction.

The Committee found that there was one report of an incident at the August 25, 2018 Crossroads of the West gun show held at the Fairgrounds.

Fairgrounds security staff reported that a vendor claimed a display handgun was stolen which he had last seen an hour before discovering the theft. According to staff, the vendor appeared to have been drinking.

The CHP responded to the incident. According to CHP, the theft was never substantiated, and the file closed. This is the only CHP record of an incident occurring at a gun show on the Fairgrounds in the past five years, as earlier records are purged pursuant to their records retention policy.

The VPD has no records of incidents at a gun show on the Fairgrounds.

Committee Findings and Recommendation to the Board

Committee Findings and Recommendations to the Board

The Committee has not found any evidence of gun violence or illegal activity that would justify a ban of gun shows or sales at the Fairgrounds, such as a direct link between a firearm sale at the Fairgrounds and an incident of gun violence in the Ventura community. The Committee therefore recommends that the Board adopt a policy to hold gun shows at the Fairgrounds.

However, the Committee finds that more specificity is required in the contract that reflects how the Fairgrounds, gun show promoter and its vendors will comply with state law and that establishes checks and balances to ensure compliance.

Should the Board decide to hold gun shows at the Fairgrounds, the Committee recommends that as part of that policy, the following be included: Contracting procedures, contract template, and event security measures and procedures.

Restrictions that are not found in law are recommended to be included in the gun show contract. While the incident occurring at the August 25, 2018 Crossroads of the West Gun Show was unsubstantiated by law enforcement, it may be used to inform the Board of necessary precautions that may be implemented to prevent a similar incident.

For instance, the Committee recommends that as part of the Fairgrounds' gun show contract, the following terms and conditions be included:

- All firearms on display shall be secured either in a locked showcase or attached to a surface by security chords.
- No vendor or its employees shall possess or consume alcohol at the gun show. Doing so shall result in immediate ejection from the event.

The Committee recommends that the Board also explore the feasibility of security measures and procedures for guns shows. Such measures and procedures may possibly include:

- Whether law enforcement shall be contracted by the gun show promoter to be a visible presence at the event;
- Fairgrounds security staff conduct periodic compliance checks before and during the event, such as ensuring the required signage is posted. A standard checklist may be developed for this purpose;
- Fairgrounds and gun show promoter's security reporting and incident protocol;
- Whether the gun show promoter be required to use security cameras during the gun show;
- Whether the gun show promoter should be required to maintain a list of all individuals who bring their firearm into the event.

Upon the Board's decision to hold or prohibit gun shows, the Board may then direct the Committee to proceed with drafting a written policy for the Board's review and approval at a future public meeting.