

**TESTIMONY OF
George Romanoff**

**President
Pennsylvania Association of Firearms Retailers**



**PUBLIC HEARING BEFORE
THE PENNSYLVANIA SENATE
LAW and JUSTICE COMMITTEE
ON
PENNSYLVANIA INSTANT CHECK SYSTEM
VS.
NATIONAL INSTANT CHECK SYSTEM**

May 11, 2011

Mr. Chairman, Members of the Committee, I appreciate the opportunity to appear before you today. I am a business owner and licensed firearms dealer as well as a representative of the interests of my fellow firearms dealers on the issues before us today.

As an independent firearms dealer for the past 35 years and an officer of the Pennsylvania Association of the Firearms Retailers (PAFR), I feel that it is extremely important that a background check is initiated on every individual purchasing firearms in the Commonwealth. Our reason for testifying is not to eliminate that need, but to remove the burdensome, duplicative, and costly process that the Pennsylvania State Police have created.

The firearms industry in Pennsylvania, with its major components of hunting, target shooting, firearms collecting, and arms for self-protection, provide great economic enhancement to the citizens and businesses of Pennsylvania. In addition, the tax revenue generated by this industry and related sporting ventures is extremely significant.

The PICS system has become a nightmare for those of us federally licensed dealers who try to conduct our legitimate businesses. We have experienced over the years, periodic shutdowns of the system, especially during peak business hours (weekends), unconscionable delays, inconsistencies from one day to the next, and inconveniences to our customers caused by these shutdowns and delays and “at times” the customer being placed in a category of being presumed ineligible to purchase a firearm until he can prove himself worthy to do so by challenging his denial or delayed status.

Also, the Pennsylvania State Police have determined that individuals who can not themselves physically fill out the state form when buying a handgun, are ineligible from purchasing that firearm. This is contrary to the federal law and a direct violation of the Americans with Disabilities Act.

In addition, the loss of revenues to dealers, the cost of staffing to do the checks, and the additional reporting and associated costs affect each dealer’s bottom line.

Be it a customer who drives 40 miles to our place of business only to be placed in a delayed status, or has to wait 20 or 30 minutes or more for an approval, or face a system being down with no knowledge of when, or if, it will be back in operation, these occurrences which transpire on a weekly, if not daily basis, adversely affect our ability to transact business. Customers have left our store under these circumstances, without making a purchase.

We have had customers placed into a “delayed” status, leave our store, travel 17 miles to Cabela’s in West Virginia and purchase the same longarm and be approved by the national system. One customer recently was put in a delayed status. The next day he was approved for a concealed carry permit by the county sheriff’s office where he resides. This permit approval goes through the same PICS system as we utilize. It finally took 11 days before his delayed status was changed to an approved one.

One of our employees was on hold for over 51 minutes while requesting an approval. After that period of time, the customer was put into this delayed status. We ask, why 51 minutes to make this determination?

Last Tuesday night, May 3rd, the recorded message relayed to us was a wait time of over 20 minutes before an operator could even initiate an attempt to give us an approval. Why the time delay of 20 minutes on an off night with no gun bashes, shows, or pre-season firearms rush? This caused two of my four employees to be tied up on the telephone. With a store full of customers, I had no

choice but to call in extra help to avoid losing business. At times, we have had up to 5 telephone lines and employees' occupied doing background checks. This also prevents incoming calls and our ability to service other customers.

I have attached charts listing inordinate delays and shut downs of the system encompassing the last couple of months. It seems that the problems have intensified with the additional volume of business that has occurred this year.

It appears that the shutdowns are due to an overloaded and understaffed system. If the Pennsylvania State Police would approve concealed carry permits (which are approved through their system) as an alternative to the instant check, as other states do, this overload would be drastically diminished.

Being a large volume dealer, we estimate it takes three to four hours a week of clerical time to do reporting of sales. If a customer purchases more than one handgun at a time, he has to fill out the same Pennsylvania state form repeatedly for each handgun he purchases. Each form has a place for the firearms description. The State Police do not allow one form with an addendum to be filled out as does ATF on their forms. The time consumption and the cost to firearms dealers is outrageous. We estimate that our labor costs alone average over \$40 per transaction with a high percentage of this costs attributed to the procedures and lack of expedience of the Pennsylvania State Police' Instant Check System.

In closing, we the dealers of Pennsylvania only want a system that complements our ability to conduct commerce in a professional manner. Unfortunately, we have a system that is counterproductive, inconsistent, and unfair to the residents and business owners of Pennsylvania. The National Instant Check System (NICS) provides legitimate alternatives. Not only would it save our customers a minimum of \$5 per firearms transaction, but it would save business owners considerable time and monies. Furthermore, the cost to the state of running the PICS system would be nullified. We trust that you will make a prudent decision regarding the method of background checks needed for the Commonwealth.

The firearms dealers have as much or more invested in making sure that firearms do not fall into the wrong hands. We have worked with our local ATF agents on numerous occasions to further these efforts. We also work closely with the National Shooting Sports Foundation (NSSF) via programs such as "Don't Lie for the Other Guy" which attempts to prevent straw sales. We want to continue our close partnership with all agencies. All we request, is a system that allows us to be efficient and effective.

I thank you, Mr. Chairman and the committee members, for the opportunity to testify here today. I would gladly answer any questions you may have at this time.

Thank you,

George L. Romanoff, President
Ace Sporting Goods, Inc.

The Pennsylvania Association of Firearms Retailers (PAFR) is the only organization set up by firearms retailers for firearms retailers. PAFR provides firearms retailers in the state with a unified voice in Harrisburg and includes professional government relation's representation, representing every retail store, no matter the size, that deals in firearms and ammunition. We are taking a proactive approach to stopping frivolous legislation aimed at firearm retailers in the state of Pennsylvania.

PICS System Lag Times and Shutdowns

Below are the dates and times of PICS lags times and shut downs that were logged at Ace Sporting Goods in Washington, PA. Note, this is not a complete list as some employees did not write down the information when a call exceeded 5:00 minute wait time.

**March 3rd: Time 1833 hours - 1859 hours, 27 minute wait for an approval number.
Reason Given: Extremely Busy**

March 4th: 1853 hours - 1905 hours, 12:45 minute wait time, no reason given

March 9th: 0945 hours - 1005 hours, greater than 20 minute wait time, Customer: Scott Skirpan, Collector.

March 9th: 1049 hours - 1109 hours, 19:25 Minute wait time, no reason given

March 10th: 1332 hours - 1345 hours, 12:05 minute wait, no reason given

March 11th: 1140 hours - 1155 hours, 15-20 minute wait on multiple calls, no reason given

March 12th: 1050 hours - 1103 hours, 12:35 minute wait, 15-20 minute waits on multiple calls at the same time.

March 12th: 1209 hours, PICS SYSTEM SHUT DOWN UNTIL 1232 hours, no reason given

March 12th: 1430 hours, all calls greater than 20 minute wait when call transfers to an Operator

March 15th: 1348 hours- 1407 hours, 15:35 minute wait, no reason given

March 17th: 1326 hours - 1400 hours, PICS SYSTEM SHUT DOWN

March 17th: 1400 hours, All calls 15-20 minute wait when call transfers to an Operator

March 18th: 1335 hours - 1415 hours, PICS SHUT DOWN

March 19th: 1300 hours, all calls 15-20 minute or Greater than 20 minute wait when transferred to an Operator from Automated system

March 22nd: PICS SYSTEM DOWN (employee didn't write the time)

March 23rd: 1125 hours - 1140 hours, 15-20 minute wait time

March 25th: 1120 hours - 1135 hours, 10-15 minute wait time

March 28th: 1650 hours - 1708 hours, 17:25 minute wait time, no reason given

April 2nd: 0900 hours - 1300 hours, Call wait times from 9: 25 minutes to 23:45 minutes

April 3rd: 1555 hours - 1613 hours, 17: 48 minute wait time, no reason given

April 6th: 1225 hours - 1415 hours, PICS SHUT DOWN

April 6th: 1430 hours - 1700 hours, Call wait times ranging from 12:35 minutes to 24:15 minutes

April 7th: 1245 hours through 1800 hours, Call wait times ranging from 10:30 minutes to 36:43 minutes. at one time 2 checks were called in and both took over 30:00 minutes to complete while customers waited and some walked out without purchasing

April 11th: 1327 hours - 1338 hours, 10:21 minute wait time, no reason given

April 13th: 1121 hours - 1134 hours, 13:47 minute wait time, no reason given

April 15th: 1313 hours - 1323 hours, 10:15 minute wait time, no reason given

April 19th: 1553 hours - 1618 hours, 24:00 minute wait time, Reason Given, "Very Busy"

April 22nd: 1642 hours - 1708 hours, 23:25 minute wait time, no reason given

April 27th: 1625 hours: 51:31 minute wait time, Outcome was a "Delayed Status"

April 28th: PICS Down 1620 hours - 1630 hours, no automated response at all, just a busy signal

April 28th: 1635 hours - 1800 hours, call wait times, "Greater than 20 minutes" when transferred from automated system to an Operator

April 29th: 15:20 minute wait time

April 30th: 13:53 minute wait time

May 2nd: two Mid Day background checks over 15 minutes each

May 3rd: 1645 hours, 18:20 minute wait time, no reason given

May 3rd: 1800 hours - 2030 hours, "Greater than 20 minute wait times" on multiple Checks at the same time

May 6th: Wait times: 12:41 minutes, 22:00 minutes (put in research), 10:31 minutes (Denied)