



GRASS ROOTS NORTH CAROLINA / FORUM FOR FIREARMS EDUCATION
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October 22, 2013

Charlotte-Mecklenburg Police Department
601 East Trade Street
Charlotte, NC 28202

Attn: Chief Rodney Monroe

Dear Chief Monroe:

Reports from gun dealers at two recent gun shows, as well as internal communications within your department, indicate you are attempting to regulate gun sales from individuals to dealers, and possibly between individuals who are not dealers under N.C.G.S. Article 45, (Part 1, "Pawnbrokers and Cash Converters") by classifying them as "cash converters." Specifically, your officers have been distributing and requiring use of the enclosed "CMPD Gun Show Gun Purchase Form."

Please be advised that: (1) As outlined below, the "cash converter" statute clearly does not apply to gun shops or private transactions; and (2) The imposition of a local gun law or regulation is in violation of § 14-409.40 ("Statewide uniformity of local regulation").

As passed in Session Law 2011-325 and then recodified in S.L. 2012-46, § 66-387(2) defines "cash converter" as follows:

(2) *Cash converter.* - A person engaged in the business of purchasing goods from the public for cash at a permanently located retail store who holds himself or herself out to the public by signs, advertising, or other methods as engaging in that business. The term does not include any of the following:

a. *Pawnbrokers.*

b. *Persons whose goods purchases are made directly from manufacturers or wholesalers for their inventories.*

c. *Precious metals dealers, to the extent that their transactions are regulated under Part 2 of this Article.*

d. *Purchases by persons primarily in the business of obtaining from the public, either by purchase or exchange, used clothing, children's furniture, and children's products, provided the amount paid for the individual item purchased is less than fifty dollars (\$50.00).*

e. *Purchases by persons primarily in the business of obtaining from the public, either by purchase or exchange, sporting goods and sporting equipment, provided the amount paid for the individual item purchased is less than fifty dollars (\$50.00).*

Please note that neither gun show vendors who purchase firearms from individuals nor private transfers between individuals meet the definition of "cash converter" for the following reasons:

1. Although your form is entitled "CMPD Gun Show Gun Purchase Form," nothing in the statute addresses gun shows any more than it addresses flea markets or other venues, leading any reasonable person to conclude that you are attempting to stigmatize gun shows;
2. A gun show vendor is not "a person engaged in the business of purchasing goods from the public for cash at a permanently located retail store." Not only do gun show purchases *not* take place at a "permanently located retail store," many gun show vendors do not even possess such locations.
3. By any reasonable plain language interpretation of the statute, it even more clearly excludes private transfers between individuals not engaged in a firearms-related business;
4. I am unaware of any gun show dealer who "holds himself or herself out to the public by signs, advertising, or other methods as engaging" the business of buying firearms particularly at the show itself, with the possible exception of pawnbrokers, who are specifically exempt as described below;
5. The cash converter statute specifically exempts both "Pawnbrokers" and "Persons whose goods purchases are made directly from manufacturers or wholesalers for their inventories," which would, in all likelihood, encompass nearly all gun show dealers.

Accordingly, Grass Roots North Carolina strongly advises you to cease and desist in your apparent attempt to register guns and gun owners in contravention of both Article 45 of the North Carolina General Statutes and § 14-409.40. Failure to do so will result in legal action. Please note that under § 6-21.7 ("Attorneys' fees; cities or counties acting outside the scope of their authority"), we will also seek to recover associated legal expenses.

I can be reached directly at (704) 907-9206. To preclude further action, please reply within five (5) business days.

Respectfully,

A handwritten signature in black ink, appearing to read 'F. Paul Valone', written in a cursive style.

F. Paul Valone
President, Grass Roots North Carolina
Executive Director, Rights Watch International