

From: London, Sarah [Sarah.London@vermont.gov]
Sent: Monday, November 02, 2015 3:55 PM
To: Flynn, Keith
CC: Porter, Louis
Subject: Fwd: Memo on Firearms
Attachments: image001.png; ATT00001.htm; firearms_memo_11_2_15.pdf; ATT00002.htm

Keith, left you vm. Let me when when is good time to connect on this and other matter tomorrow or later this week. Thanks,
Sarah

Sent from my iPad

Begin forwarded message:

From: "Lueders-Dumont, Tim" <Tim.Lueders-Dumont@vermont.gov>
Date: November 2, 2015 at 3:52:28 PM EST
To: "London, Sarah" <Sarah.London@vermont.gov>, "Johnson, Justin" <Justin.Johnson@vermont.gov>
Cc: "Johnson, Harriet" <Harriet.Johnson@vermont.gov>, "Clasen, Michael" <Michael.Clasen@vermont.gov>, "Pearce, Beth" <Beth.Pearce@vermont.gov>, "Wisloski, Stephen" <Stephen.Wisloski@vermont.gov>
Subject: Memo on Firearms

Sarah and Justin, per your conversations with Beth on this topic.

Thank you.



Tim Lueders-Dumont

Policy Director

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STATE OF VERMONT
OFFICE OF THE STATE TREASURER

TO: Justin Johnson, Secretary of Administration
Sarah London, Counsel to the Governor

FROM: Beth Pearce, Vermont State Treasurer

RE: Sale of Firearms

DATE: November 2, 2015

The Treasurer's Office remains concerned with the sale of firearms currently being held at the Department of Public Safety (DPS). In July I met with DPS staff; they subsequently raised the following concerns regarding the sale of firearms in an email dated July 20, 2015:

- *Liability of firearms sold by the state being used in a future crime*
- *Storage of firearms prior to a sale, firearms must be stored in a secure climate controlled environment so they do not deteriorate.*
- *Who is responsible for ensuring firearms are functioning properly? This would be a burden on the Forensic Lab and would potentially open up the state to liability should something malfunction after the sale.*
- *Very few firearms designated for destruction have any historical or antique value. Those that do are selected for the Forensic Laboratory's Reference Collection.*
- *Who is responsible for filling out the Federal Firearms forms for each firearm sold.*
- *The potential cost of liability far exceeds any potential profit margin from the sale of firearms*
- *There is currently no set standard for what determines a firearm as unsafe, What would the state use for a guideline and who makes that determination?*
- *Transportation of firearms from the storage facility to the site of sale. Who is responsible for moving these firearms? The state or a private vendor?*

Notwithstanding recent discussions at the senior level, the concerns noted above by DPS staff should be addressed. While I am not taking a policy position on their sale, we have a responsibility to address any liability issues; for example, as noted in the DPS comments: in the case of a firearm malfunctioning, or if the firearm were used in a crime after sale. I recommend a full review with the Department of Buildings and General Services' insurance staff.

The DPS comments also indicate the potential for significant expense particularly if there are indeed liability issues. The Treasurer's Office would not support selling firearms at a loss. Until all issues are thoroughly reviewed, I would not be in a position to support the sale of firearms by this office, another State office, or a third party entity.

I would be happy to discuss further once the above issues are addressed.

