

## Steve Felano

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**From:** Ronald G. Spike <rspike@yatescounty.org>  
**Sent:** Thursday, May 14, 2020 2:50 PM  
**To:** Steve Felano; Nonie Flynn  
**Cc:** Doug Paddock  
**Subject:** RE: Reopening of Yates County Firearms Businesses

Steve:

Thank you for your information from Empire State Development (ESD) Finger Lakes Program Administrator

Any PAUSE violations come to this office, and to the county attorney.

Firearms retailers in Yates County opening per Phase One May 15 it is understood with them strictly following the safety guidelines promulgated by the Governor's office, especially the ESD. Any PAUSE complaints or information received that informs us of a possible violation of those safety guidelines before mentioned will be investigated, and resolved with an unfounded finding or if founded an actual counseling, or warning by this office, or civil or criminal action. I trust that said firearms retailers will strictly follow the reopening plan safety guidelines as you have referenced.

Best wishes to you, and your retailers as business resumes. Stay safe.

Sheriff Ron Spike

CC: YC Legislature Chairman D. Paddock

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**From:** Steve Felano <sfelano@2awny.com>  
**Sent:** Thursday, May 14, 2020 1:20 PM  
**To:** Nonie Flynn <nflynn@yatescounty.org>; Ronald G. Spike <rspike@yatescounty.org>  
**Subject:** Reopening of Yates County Firearms Businesses

Greetings Administrator Flynn and Sheriff Spike,

I am writing on behalf of a range of firearms retailers and manufacturers physically located in Yates County. As will become clear upon review of the correspondence in the email thread below, a consensus has been reached between myself and Empire State Development Finger Lakes Program Administrator Stephen Golding that Yates County firearms retailers may reopen effective Friday, May 15 2020 under Phase 1 of the "NY Forward Reopening" Plan outlined by Governor Andrew Cuomo, assuming said firearms retailers strictly follow the reopening plan safety guidelines outlined by the state.

More specifically, Mr. Golding advised me on May 13, 2020 that:

"I believe you [Finger Lakes region firearms retailers] are ok to open strictly following the safety guidelines and would do so unless you hear otherwise, or are told to close by the local governmental jurisdiction. When conflicts have arisen between our guidance for business to open and a local governmental entity, we have been deferring that local entity."

Several firearms retailers physically located in Yates County do, in fact, plan to reopen tomorrow (May 15, 2020). Given that Mr. Golding has deferred to Yates County government for a final decision on this matter, I am reaching out to you all for final guidance.

Please, with all deliberate speed, kindly confirm that firearms retailers physically located in Yates County may reopen effective May 15, 2020, provided they strictly follow the safety guidelines promulgated by the New York State government entities managing the "NY Forward Reopening" Plan, and that no enforcement action will be taken by Yates County officials against any firearms retailers within the county for reopening in accordance with said guidelines.

Thank you for your prompt attention to this critical matter.

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**From:** Golding, Stephen (ESD) <[Stephen.Golding@esd.ny.gov](mailto:Stephen.Golding@esd.ny.gov)>  
**Sent:** Wednesday, May 13, 2020 9:23 AM  
**To:** Steve Felano <[sfelano@2awny.com](mailto:sfelano@2awny.com)>  
**Subject:** RE: Reopening of Finger Lakes Firearms Businesses

Good morning,

To get a more definitive answer, I may have to send the question to our legal office. This could take some time for a response. I am not familiar with regulations related to firearm sales and am not sure if curbside is even plausible. I would believe you to be much more versed in this and able to proceed with sales/service within the law. An official plan for reopening is not required to be submitted to NYS/FL Region but it is encouraged that you have a plan in place for employees and safe operations. NYS is only approving what business/industry/activity is allowed to open and the regions/counties are not approving specifically for each business.

I believe you are ok to open strictly following the safety guidelines and would do so unless you hear otherwise, or are told to close by the local governmental jurisdiction. When conflicts have arisen between our guidance for business to open and a local governmental entity, we have been deferring that local entity. Not sure if this is helpful but the best I can do for now.

Steve

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**From:** Steve Felano <[sfelano@2awny.com](mailto:sfelano@2awny.com)>  
**Sent:** Tuesday, May 12, 2020 2:53 PM  
**To:** Golding, Stephen (ESD) <[Stephen.Golding@esd.ny.gov](mailto:Stephen.Golding@esd.ny.gov)>  
**Subject:** RE: Reopening of Finger Lakes Firearms Businesses

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Mr. Golding,

Thank you for your reply. In the interest of maintaining compliance with state mandates, can you please provide definitive guidance regarding firearms retailers being included in the categories I identified? Additionally, can you please confirm that the following query included in my prior email is correct?

- Each Finger Lakes region firearms retailer's "plan to protect employees and consumers, make the physical work space safer, and implement processes that lower risk of infection in the business" is not required to be officially reviewed and approved by the Finger Lakes Regional Office, Empire State Development, and/or any other New York State entity in order for a Finger Lakes region firearms retailer to reopen in compliance with the "NY Forward Reopening" Plan effective May 15, 2020.

Best,

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**From:** Golding, Stephen (ESD) <[Stephen.Golding@esd.ny.gov](mailto:Stephen.Golding@esd.ny.gov)>  
**Sent:** Tuesday, May 12, 2020 2:06 PM  
**To:** Steve Felano <[sfelano@2awny.com](mailto:sfelano@2awny.com)>  
**Subject:** RE: Reopening of Finger Lakes Firearms Businesses

I believe range and firearms retailers would be included in the category you identified below. Only curbside pick-up or delivery is permissible however. Instore pick-up would be prohibited under this phase.

Please continue to visit the <https://forward.ny.gov/> website for updates on business/activity openings.

**Stephen Golding**  
Economic Development Program Administrator, Finger Lakes Regional Office

**Empire State Development**  
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**From:** esd.sm.flnyf <[flnyf@esd.ny.gov](mailto:flnyf@esd.ny.gov)>  
**Sent:** Tuesday, May 12, 2020 12:07 PM  
**To:** Golding, Stephen (ESD) <[Stephen.Golding@esd.ny.gov](mailto:Stephen.Golding@esd.ny.gov)>  
**Subject:** Fw: Reopening of Finger Lakes Firearms Businesses

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**From:** Steve Felano <[sfelano@2awny.com](mailto:sfelano@2awny.com)>  
**Sent:** Tuesday, May 12, 2020 1:23 AM

To: esd.sm.flnyf <[flnyf@esd.ny.gov](mailto:flnyf@esd.ny.gov)>

Subject: Reopening of Finger Lakes Firearms Businesses

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Greetings,

I am writing on behalf of a range of firearms retailers and manufacturers physically located in the Finger Lakes region. Based on today's brief by Governor Cuomo and [information provided](#) on the governor's website, my understanding is that the Finger Lakes region has met the seven metrics required to begin Phase 1 of the "NY Forward Reopening" Plan effective Friday, May 15, 2020, which includes "retail for curbside pickup and drop-off or in-store pickup."

Furthermore, [reopening guidance](#) on the governor's website indicates that Phase One: Retail Trade includes the following businesses only:

- Clothing Stores
- Direct Selling Establishments
- Electronics and Appliance Stores
- Electronic Shopping and Mail-Order Houses
- Furniture and Home Furnishing Stores
- Florists
- General Merchandise Stores
- Health and Personal Care Stores
- Jewelry, Luggage, and Leather Goods Stores
- Lawn and Garden Equipment and Supplies Stores
- Office Supplies, Stationery, and Gift Stores
- Used Merchandise Stores
- Shoe Stores
- Sporting Goods, Hobby, Musical Instrument and Book Stores
- Other Miscellaneous Store Retailers"

Logic dictates that firearms retailers are covered under the "Sporting Goods" and "Other Miscellaneous Store Retailers" designations listed above, given that firearms retailers clearly and directly serve sportsmen preparing for the upcoming hunting season, competitive shooters, and civilian, military, and police athletes preparing for tactical marksmanship competitions. Furthermore, given that Merriam-Webster [defines](#) "miscellaneous" as "consisting of diverse things or members", the aforementioned "Other Miscellaneous Store Retailers" designation is an extremely broad classification that clearly captures firearms retailers within its ambit.

Furthermore, my understanding is that firearms retailers located in the Finger Lakes region preparing to reopen on May 15, 2020 are, [according to guidance](#) provided on the governor's website, required to "have a plan to protect employees and consumers, make the physical work space safer, and implement processes that lower risk of infection in the business."

Given the above, please reply with all deliberate speed confirming that the following conclusions are correct:

- Firearms retailers physically located in the Finger Lakes region of New York State (i.e. Orleans, Genesee, Wyoming, Monroe, Livingston, Wayne, Ontario, Yates, and Seneca Counties) are included under the "Sporting Goods, Hobby, Musical Instrument and Book Stores" and "Other Miscellaneous Store Retailers" designations outlined in "Phase One: Retail Trade" of the "NY Forward Reopening" Plan;
- As such, firearms retailers physically located in the Finger Lakes region of New York State are officially permitted by the Finger Lakes Regional Office and Empire State Development to reopen effective May 15, 2020 "for curbside pickup and drop-off or in-store pickup", provided they have developed and maintain on the premises a

“plan to protect employees and consumers, make the physical work space safer, and implement processes that lower risk of infection in the business”; and

- Each Finger Lakes region firearms retailer’s “plan to protect employees and consumers, make the physical work space safer, and implement processes that lower risk of infection in the business” is not required to be officially reviewed and approved by the Finger Lakes Regional Office, Empire State Development, and/or any other New York State entity in order for a Finger Lakes region firearms retailer to reopen in compliance with the “NY Forward Reopening” Plan effective May 15, 2020.

Please ensure your reply includes your:

- Full name
- Official title
- Physical address from where you are conducting New York State Finger Lakes Regional Office official business
- Direct phone number
- Direct email address

Thank you for your prompt attention to this critical matter.

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