



ARGEO PAUL CELLUCCI
Governor

JANE SWIFT
Lieutenant Governor

The Commonwealth of Massachusetts

Executive Office of Public Safety Criminal History Systems Board

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JANE PERLOV
Secretary

MAUREEN W. CHEW
Executive Director

October 18, 1999

Michael Elbery
168 Fairfield Street
Needham, Massachusetts 02492

RE: Michael Elbery v. Robert Scheketoff and Daniel Sklut
United States District Court, C.A. No. 97-11743MLW and 98-10163MLW

Dear Mr. Elbery:

In response to your subpoena received by this office on September 14, 1999, please find the following:

- 1.) a printout showing the firearms purchased by you prior to 1985;
- 2.) copies of FA-10 cards (No. 118673 and 690366) showing the purchase of firearms on 10/10/86 and 2/13/93;
- 3.) a computer printout showing a firearm identification card showing date of issue as 01/01/1901 and also indicating that it was revoked on 3/20/1995. (Please note that all FID cards with no date of issue were entered into our automated database with a date of issue 01/01/1901 date of issue.)
- 4.) a copy of the "listing of licenses by holder", showing that you were issued two (2) licenses to carry (4507882 which expired on 2/8/89 and 4676140 which expired on 2/8/94).

This includes all documents in the possession of this agency that are responsive to your request. No documents were withheld; however, names and identifying information of other license holders were redacted from the last document.

In response to the four (4) deposition questions posed by you, please find answers below. While your request was directed to the Commissioner of the Massachusetts Department of Public Safety, please be advised that the Firearm Record Bureau has been under the jurisdiction of the Criminal History Systems Board since 1996.

1.) Did the DPS on 8/5/94 through 4/5/95 have a copy of all FID cards issued in MA by various municipal police departments in MA?

X *Due to the extensive backlog of lost, destroyed or non-entered data that existed in 1994 and 1995, it is not possible to say with any accuracy that the Department of Public Safety had a copy of all FID cards issued in Massachusetts by various police departments.*

2.) Did the DPS have on 8/5/94 through 4/5/94 have a record of revocations of MA FID cards made by the various police departments in MA?

Due to the extensive backlog of lost, destroyed or non-entered data that existed in 1994 and 1995, it is not possible to say with any accuracy that the Department of Public Safety had a record of all revocations of FID cards made by various police departments. However, the Firearms Record Bureau does have a record of the revocation on 3/20/95 of the FID card issued to Michael Elbery.

3.) Was the DPS the originator of MA FID cards prior to 1995 or were the various MA police departments the originators and a copy sent to the MA DPS?

The Department of Public Safety was not the originator of FID cards prior to 1995. At that time, to the best of our knowledge, municipal police departments were the originators of all FID cards and were required to send a copy to the Firearms Record Bureau.

4.) Did you have record on 8/5/94 that Michael Elbery had a valid FID card?

Yes. It appears to have been revoked on 3/20/95.

If you have any further questions, contact me at (617)660-4600.

Sincerely,



Ann M. Dawley
Deputy Director/General Counsel

DATE: 9/15/99

DEPARTMENT OF PUBLIC SAFETY COMPUTER CENTER

PAGE 1

SEQ: NAME

FIREARMS NAME SEARCH

JOB NO. 00501E REPORT NO. 1

	CODE	MAKE	CAL	TYPE	LAST NAME	FIRST NAME	CITY	SERIAL NO.	DATE	FA-10 NO.	D O B
SOUNDEX NAME SEARCH FOR					ELBERY	MICHAEL					
GUN SALE	G	REM	12	S	ELBERY	MICHAEL	SHRE	T590429V	060683	C793918	020852
GUN SALE	G	CLT	38	R	ELBERY	MICHAEL S	SHRE	S79121	040385	D 6366	020852

Handwritten notes:
 1. ...
 2. ...
 3. ... (p. 1, 198)