

A F LUKE ENTERPRISES INC's FCI
FCL-18339
10/20/2021 01:53 PM
IOI (b)(6), Forth Worth II (IO) Field Office

LICENSEE INFORMATION

Licensee Name	RDS Key	License/Permit Number	License Type
A F LUKE ENTERPRISES INC	5-75-40839	5-75-337-01-2K-40839	01 - Dealer License

Business Type
Corporation

Premises Address

Mailing Address

Premises Ownership Type
Owned

Premises Location Type
Store Front

RECOMMENDATIONS

Director of Industry Operations Krissy Carlson's Recommendation
Revocation

Details

The licensee was cited for nine violations including 27 CFR 478.102(a) Failure to complete a NICS background check and 27 CFR 478.124(a) Failure to execute an ATF Form 4473. The licensee continues to have repeat violations and expresses a general lack of concern for compliance. Revocation is recommended.

Area Supervisor (b)(6)'s Recommendation
Revocation

Details

I concur with IOI (b)(6)'s recommendation of revocation per the recent Presidential Order.

Industry Operations Investigator (b)(6)'s Recommendation
Revocation

Details

The recent Presidential Order calls for revocation.

Inspection Findings

Records and Forms

9. Failure to execute a Form 4473 (Exception: Select findings 6, 7, and 8 above for consignment sales, transfers to law enforcement officers for personal use, and FFL responsible persons; if the transferee is NOT prohibited).

Firearms

1. Missing firearms after inventory reconciliation (e.g., no records of disposition, required or otherwise).

NICS

4. Failure to conduct a NICS check or obtain an alternate permit.

7. Failure to record NICS or Point of Contact background check information on (b)(7)(E) of Forms 4473 examined, with a minimum (b)(7)(E) instances.

FFL History

2. The current inspection reveals repeated similar violation(s) for which the FFL has previously been the subject of a Warning Letter or Warning Conference within the previous 5 years and there has been NO significant improvement.

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name
A F LUKE ENTERPRISES INC

Business Type
Corporation

Is the business valid?
Yes

Additional Findings

Active with TX SOS and Comptroller. Melvin Luke is only listed member. Melvin and Terri Luke are on FFL. Melvin and Terri both stated they each own 50 percent of the corporation. Melvin Luke would not furnish me with corporate documents.

Attachment(s):

Taxable Entity Search Results.pdf

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY.pdf

Property Ownership Verification

Premises Ownership Type	Premises Location Type	Has the property ownership been verified?
Owned	Store Front	Yes

Address
No data available

Additional Findings
A F Luke Enterprises owns the property.

Attachment(s):

property.pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
ACE HARDWARE	Yes

Additional Findings
No record of DBA in Montague county, only Cooke County. Licensee obtained DBA in Montague county.

Contact Information

Name	Date Contacted
Melvin Luke	04/21/2021

Organization
A F Luke

Job Title
Owner

Phone Type	Phone Number	Remarks
Business	+1 940-825-3750	

Attachment(s):
MontageDBA.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings
No zoning issues per City of Nocona.

Contact Information

Name	Date Contacted
(b)(6)	04/21/2021

Organization
City of Nocona

Job Title
City Secretary

Phone Type	Phone Number	Remarks
Business	+1 940-825-3282	

Attachment(s):

APPOINTMENT DETAILS

Interview Date
07/07/2021

Address

Responsible Attendee(s)

Non-Responsible Person(s)

RESPONSIBLE PERSON(S)

MELVIN R LUKE

Name	Gender	Race	Ethnicity
MELVIN R LUKE	Male	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)		PRESIDENT	

Physical Identifiers

Height	Weight	Hair Color	Eye Color
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Place of Birth

Country	State	City
United States Of America	(b)(6)	unknown

Home Address

(b)(6)

Additional Names

Citizenship

United States

ID Type	Country	State	ID Number
Driver's License	United States	Texas	(b)(6)

Phone Type	Phone Number	Remarks
Residence	(b)(6)	no ringer
Mobile		

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
04/21/2021

Criminal History Check Comments
No hits.

TERRI K LUKE

Name	Gender	Race	Ethnicity
TERRI K LUKE	Female	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)		VP & SECRETARY	

Physical Identifiers

Height	Weight	Hair Color	Eye Color
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Place of Birth

Country	State	City
United States Of America	(b)(6)	unknown

Home Address

(b)(6)

Additional Names

Citizenship

United States

Phone Type	Phone Number	Remarks
Residence	(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
04/21/2021

Criminal History Check Comments
No hits.

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
The licensee handles retail sales and transfers of new firearms only; handguns and long guns.

Do they need an additional license or permit?
No

Who are their primary suppliers?
(b)(4)

Business Activities

Retail

Selected Operational Security Measures

- Controlled Access to ATF Recordkeeping
- Controlled Access to Keys

PREMISES INFORMATION

Inspection Area Description
This is a retail store location of a typical Ace Hardware with an office to the left of the door where ATF records and firearm inventory is stored.

Primary Activity
Retail

GPS Coordinates

Latitude

Longitude

Selected Physical Security Measures

(b)(4)

ONSITE SUMMARY

Total # of ATF F 4473 Reviewed

Total # of Open Dispositions in A & D Record

Total # of Firearms in Inventory
20

Total # of Firearms Missing after Reconciliation

Total # of Acquisitions in the Last 12 Months

Total # of Dispositions in the Last 12 Months

Additional Comments

This was a recall inspection conducted on 7/7/21 and 7/9/21, 8/19/21 and 8/25/21. The licensee has computerized A&D records (EPICOR System) and five manual A&D books from prior to the computerized system. Investigator (b)(6) reviewed the electronic A&D book and reviewed all five manual A&D books. The licensee utilizes electronic ATF Forms 4473, but the system is not in compliance with ATF Ruling 2016-2. Of (b)(6) of the forms, the purchaser did not sign the form before the remainder of the form was completed. The (b)(6) forms were for customers who had a Texas License to Carry and did not require a NICS check. On (b)(6) forms, the purchaser's signature is not electronic, but various other blocks are a mixture of electronic and non-electronic and the licensee has multiple copies of one ATF Form 4473 to make one complete ATF Form 4473. Melvin Luke stated he has the purchaser electronically complete the ATF Form 4473, he then prints it for them sign, contacts NICS electronically through eChecks and then prints another copy of the ATF Form 4473; thus, creating multiple copies of one ATF Form 4473 with neither copy complete. Investigator (b)(6) advised Melvin Luke he could not combine multiple incomplete ATF Forms 4473 to create one complete form. The licensee was cited for this same violation in 2018 and 2019 inspections. Investigator (b)(6) asked Melvin Luke why he was still using an electronic ATF Form 4473 that was not in compliance after she had previously informed him during the 2019 inspection and the Fort Worth Area Supervisor informed him to cease using the system during the 2019 Warning Conference. Melvin Luke stated, "It is what it is. I guess I'm making another trip to Dallas."

The ATF Forms 4473 are filed by a serial number on the form; however, there are several missing serial numbers in between numbers. Melvin Luke offered no explanation as to why the numbers are skipped. Of the forms on file for the previous 12 months, there are [redacted] forms that are skipped. Due to the discrepancy with the serial number system, Investigator [redacted] compared all [redacted] ATF Forms 4473 to the A&D record and compared [redacted] acquisitions from the previous year to the ATF Forms 4473. There were no discrepancies.

Melvin Luke took a very long time printing the open entry report and the last year of the A&D record for Investigator [redacted]. Mr. Luke informed Investigator [redacted] he only prints the report "every couple of years when y'all show up". The licensee is not conducting any inventories on his own. Investigator [redacted] again suggested at least a bi-annual inventory to keep up with A&D entries.

A theft/loss report was filed for one unaccounted for firearm as a result of this inspection. Investigator [redacted] ran the missing firearm in eTrace with no hits. Melvin Luke stated the firearm did not exist but did not have any paperwork or other reasoning to back this statement up. Mr. Luke did not want to file the theft/loss report because he was adamant the firearm did not exist. Mr. Luke did not have any documentation to support this claim, so Investigator [redacted] insisted he report the firearm as missing from inventory and added his statement to the theft/loss report.

The licensee was associated with [redacted] resolved traces, but they involved the same firearm. No additional referrals are needed regarding the traces.

The licensee is not a manufacturer or importer and does not deal in NFA weapons.

There were no denials for the previous 12 months; the last one being in 2016. No straw purchases were discovered.

The licensee does not sell used firearms.

There were no discrepancies with the NICS Audit log of 2 proceed NTNs. Most of the licensee's customers have a Texas License to Carry. Investigator [redacted] verified ten random TX LTCs with no discrepancies.

The period of inspection was July 7, 2020, to July 9, 2021, for the ATF Forms 4473, but Investigator [redacted] ended up reviewing the entire A&D record back to the beginning due to discrepancies found when the Nocona A&D record was compared to the A&D record for their other FFL in Muenster, Texas.

The licensee also holds FFL 5-75-08821, located in Muenster, Texas (Cooke County). The last inspection for that location was 2018 with no violations. The license uses the same electronic 4473 at the Muenster location.

The licensee received a Warning Conference in 2019 as a result of a 2019 recall inspection. That inspection revealed repeat violations and an additional violation of selling firearms from his Muenster FFL license at this Nocona location. Mr. Luke was cited for not having the purchaser sign the ATF Form prior to completing the rest of the ATF Form. He was instructed by IOI [redacted] and Area Supervisor [redacted] to cease using his electronic version of the ATF Form 4473 since it was not in compliance with ATF Regulations, but he continued to use the system.

Licensee received a Warning Letter in February 2018 as a result of a recall inspection. This inspection revealed repeat violations. Mr. Luke was cited for not having the purchaser sign the ATF Form 4473 prior to the NICS check in 2018 but continued this practice.

Licensee received a Warning Letter in August 2016 from a Recall Inspection for the same violations as this inspection.

Licensee received a Warning Letter in July 2015 from a Recall Inspection for the same violations as this inspection.

Licensee received a Warning Conference in November 2013 for the same violations as this inspection.

Licensee received a Warning Conference in 2009 for the same violations.

The licensee has been cited for the following violations:

27 CFR 478.125(e) - current, 2019, 2018, 2016, 2015, 2013, 2009;

27 CFR 478.21(a) - current, 2019, 2018, 2016, 2015, 2013;

27 CFR 478.124(c)(1) - current, 2019, 2018, 2016, 2015, 2013, 2009;

27 CFR 478.124(c)(3)(i) - 2019, 2018, 2016, 2013, 2009;

27 CFR 478.124(c)(3)(iv) - 2016, 2015, 2013;

27 CFR 478.124(c)(5) - 2016, 2015, 2013, 2009;

27 CFR 478.124(c)(4) - 2013, 2009;

27 CFR 478.99(c) - 2015, 2013.

The day of the closing conference, July 9, 2021, IOI [redacted] received notice that the licensee had retained FFL Guard. During the closing conference, IOI [redacted] asked Mr. Luke to show her that he had corrected the disposition for [redacted] duplicate entries and [redacted] missing firearm. Mr. Luke pulled the firearms up on his computer screen and all three had a disposition of 'AF Luke Enterprises'. IOI [redacted] advised Mr. Luke the firearms could not be logged out to the corporation; that they needed to respectively state 'duplicate entry' or 'missing with the ATF Theft/loss report number'. Mr. Luke contacted EPICOR and FFL Guard regarding the issues. There was a telephone conference between Mr. Luke, IOI [redacted], [redacted] with FFL Guard and [redacted] with EPICOR. IOI [redacted] advised all of the incorrect disposition issue [redacted] at EPICOR stated, "I just did what I was asked to do.", indicating he was the one that logged the [redacted] firearms out in the EPICOR system. Mr. Luke stated he asked EPICOR to log the firearms out because "I knew you (IOI [redacted]) would find something wrong if I did it and now you don't like what they did." I advised all in the telephone conference the dispositions needed to be changed to the [redacted] duplicate entries and [redacted] theft/loss [redacted] at EPICOR stated the entries could not be changed now since they were logged out [redacted] at FFL Guard stated he would have to do further research with EPICOR and get back with IOI [redacted] on the issue. During the conference call, it was determined by EPICOR that Mr. Luke was using one EPICOR system for both his Nocona location and his Muenster location and that was what was causing the skipping of the serial numbers. The numbers missing at Nocona were forms completed at the Muenster location. The forms at the Muenster location had the Nocona FFL number on them, though. EPICOR stated they would look into that issue as well.

According to FFL Guard, several meetings took place and EPICOR still stated the entry could not be changed.

A TEAMS Meeting was held on 8/5/21, with IOI [redacted], Area Supervisor [redacted], DIO Krissy Carlson and representatives from FFL Guard and EPICOR. EPICOR again stated the dispositions could not be changed. DIO Carlson advised EPICOR and FFL Guard that the licensee would have to close out his electronic A&D record, print it out and make manual corrections to the printed copy and file it as an A&D book. The licensee would then have to start a new electronic A&D record with the firearms in current inventory. FFL Guard and EPICOR stated they would contact the FFL to have this done. During the TEAMS Meeting IOI [redacted] mentioned that [redacted] with EPICOR had made the disposition entries in the licensee's A&D record, but EPICOR was adamant that they do not go into licensee's records and make any changes. IOI [redacted] asked Mr. Luke again on 8/19/21, if he made the entries in his A&D record, and Mr. Luke again stated he did not - that EPICOR made the changes.

IOI [redacted] contacted Mr. Luke on 8/17/21, to see if he had closed his A&D record out, made the manual corrections and started a new A&D record. Mr. Luke stated EPICOR did everything for him. He did not do anything. IOI [redacted] asked if the manual corrections had been made, and Mr. Luke stated he did not know what IOI [redacted] was talking about. IOI [redacted] asked Mr. Luke if he had stopped using his electronic ATF Forms 4473 or fixed his EPICOR system to allow for electronic signatures. Mr. Luke stated 'no' and that FFL Guard told him his system was compliant and he could keep doing the forms the way he was doing them. IOI [redacted] again advised Mr. Luke that he COULD NOT use EPICOR for his electronic ATF Forms 4473 and that if FFL Guard had told him that, they were incorrect.

IOI [redacted] returned to the licensee's store on 8/19/21, to review the printed A&D record to ensure the corrections were made. Mr. Luke provided IOI [redacted] with a printout of his A&D record, but the record was incomplete as it was missing half of the acquisition information and all of the disposition information by the way it was printed, and no corrections had been made. IOI [redacted] advised Mr. Luke the printout was not acceptable as it was missing information. Mr. Luke became frustrated with IOI [redacted] and stated, "That's what EPICOR printed for me so I can't help if it's not right." IOI [redacted] advised A/S [redacted] and DIO Carlson of the issue and asked Mr. Luke to print it out again, but this time where all the information would fit on the one page. Mr. Luke stated he has no way of contacting EPICOR other than emailing them and waiting for them to call him. Mr. Luke advised IOI [redacted] that he had a conference call with FFL Guard and EPICOR the previous afternoon and they fixed his 4473 issue, and he is now able to have purchasers electronically sign the form as well as him. Mr. Luke stated it was a "simple fix" and he "just had to click a button". IOI [redacted] asked if the same change was made to his Muenster location as they have the same issue. Mr. Luke stated he was going to Muenster that evening and look at the system. IOI [redacted] left the store. Mr. Luke called IOI [redacted] later and asked if she could be available for a conference call at 4PM so she could tell EPICOR what she wanted. IOI [redacted] joined a conference call at 4pm with Mr. Luke and EPICOR. IOI [redacted] advised EPICOR of the printing issue of the A&D record and informed them of the missing information on the printout. Mr. Luke provided her. EPICOR stated they could fix that issue and reprint the A&D record. Mr. Luke texted IOI [redacted] later that day with a picture of the new printout. It appeared to contain all the required information. IOI [redacted] advised Mr. Luke that it looked good, and he needed to make the manual corrections to that printout.

After leaving the licensee, IOI [redacted] went to the licensee's other FFL in Muenster, Texas to conduct a compliance inspection. During that inspection, there was a firearm in Muenster inventory that was logged out to the Nocona FFL. Terri Luke, the manager of that store and Melvin Luke's wife, called Mr. Luke and asked him when he had sent the firearm back to Muenster. Terri Luke advised IOI [redacted] that the firearm was never logged into or out of Nocona's A&D record. IOI [redacted] reviewed Muenster's A&D record and found there were [redacted] firearms that were logged to or from the Nocona store.

IOI [redacted] reviewed Nocona's and Muenster's A&D records and the transfers between the stores. IOI [redacted] found and additional [redacted] (b)(3) (112 Public Law 55 125 Stat 552) that Muenster's A&D record showed logged out to Nocona, but the firearm was never logged into or out of Nocona's A&D record. The firearm was not in inventory at either location and there was no ATF Form 4473 on file at either location for the firearm. In addition, there was [redacted] (b)(3) (112 Public Law 55 125 Stat 552) that was logged into both Nocona's and Muenster's A&D records with the same acquisition date of 9/30/2020, but different disposition dates and information. IOI [redacted] amended the ROV to include the additional violations found.

IOI [redacted] held the closing conference for the Muenster store on 8/25/21, so she visited this licensee on the same day. IOI [redacted] met with Mr. Luke and asked to see his manual A&D books again for review. IOI [redacted] reviewed all of the manual A&D books to ensure one of the firearms with issues had not been logged into the manual A&D books by chance. The manual A&D books ended in March of 2017 and there was no record of the firearms with issues. IOI [redacted] tried to talk to Mr. Luke about the issues with transferring

firearms between Nocona and Muenster, but Mr. Luke simply stated it was too long ago for him to remember what happened. IOI (b)(6) issued Mr. Luke the amended ROV and he signed it. During the visit, IOI (b)(6) asked to see the manual corrections that were to be made to his printed A&D record. Mr. Luke provided IOI (b)(6) with printout and no manual corrections had been made as instructed. IOI (b)(6) directed Mr. Luke to make the corrections while she was there. IOI (b)(6) wrote a brief explanation as to why there was an A&D record printout and stapled it to the front of the A&D record.

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Report of Violations.pdf

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>1 Number of Instances: <input type="text"/></p>	<p>Accurately, completely & timely record all required future firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552)</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>2 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>3 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552)</p>
<p>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p> <p>4</p>	<p>Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations and there can only be one ATF Form 4473 per transaction, not a combination of forms.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations and there can only be one ATF Form 4473 per transaction, not a combination of forms.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations and there can only be one ATF Form 4473 per transaction, not a combination of forms.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.124(a): Failure to execute an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Record Management, Unknown</p>
<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p>	<p>NICS Violation, Unknown</p>
<p>27 CFR 478.103(d): Failure to visibly display Youth handgun notice for handgun purchasers</p> <p>Number of Instances: 1</p>	<p>Obtain, conspicuously post and provide Youth Handgun Safety Act notices for purchasers of handguns.</p>	<p>Licensee no longer had any poster posted where it was located during the last inspection.</p>

THEFT/LOSS REPORT

(b)(3) (112 Public Law 55 125 Stat 552)

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms Number of Instances: <input type="text"/>	Accurately, completely & timely record all required future firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.	Melvin Luke stated he only does an inventory when ATF shows up so he did not know about his duplicate entries. Melvin Luke stated the missing Beretta is a firearm that does not exist, but he had no paperwork or reasoning to support his claim.	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/09/2021
27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations.	Melvin Luke was told in the 2018 and 2019 inspections and 2019 Warning Conference that he could not use this electronic 4473, but he continued anyways. When asked why he was still using the electronic 4473, he stated, "It is what it is. I guess I guess I'm making another trip to Dallas."	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/09/2021
27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations.	Melvin Luke was told in the 2018 and 2019 inspections and 2019 Warning Conference that he could not use this electronic 4473, but he continued anyways. When asked why he was still using the electronic 4473, he stated, "It is what it is. I guess I guess I'm making another trip to Dallas."	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/09/2021
27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations and there can only be one ATF Form 4473 per transaction, not a combination of forms.	Melvin Luke was told in the 2018 and 2019 inspections and 2019 Warning Conference that he could not use this electronic 4473, but he continued anyways. When asked why he was still using the electronic 4473, he stated, "It is what it is. I guess I guess I'm making another trip to Dallas."	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/09/2021
27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations and there can only be one ATF Form 4473 per transaction, not a combination of forms.	Melvin Luke was told in the 2018 and 2019 inspections and 2019 Warning Conference that he could not use this electronic 4473, but he continued anyways. When asked why he was still using the electronic 4473, he stated, "It is what it is. I guess I guess I'm making another trip to Dallas."	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/09/2021
27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Cease and Desist using an electronic ATF Form 4473 that does not comply with regulations and there can only be one ATF Form 4473 per transaction, not a combination of forms.	Melvin Luke was told in the 2018 and 2019 inspections and 2019 Warning Conference that he could not use this electronic 4473, but he continued anyways. When asked why he was still using the electronic 4473, he stated, "It is what it is. I guess I guess I'm making another trip to Dallas."	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/09/2021

7	27 CFR 478.124(a): Failure to execute an ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	Melvin Luke did not have any explanation as to what happened to the firearm.	Status Licensee Notified Verified Method In Person Date Licensee Notified 08/25/2021
8	27 CFR 478.102(a): Failure to complete a NICS/POC background check ATF Forms 4473: 1 Number of Instances: 1	Execute a required NICS/POC background check for all future over-the-counter firearm transactions.	Melvin Luke stated he did not have any explanation as to what happened to the firearm.	Status Licensee Notified Verified Method In Person Date Licensee Notified 08/25/2021
9	27 CFR 478.103(d): Failure to visibly display Youth handgun notice for handgun purchasers Number of Instances: <input type="checkbox"/>	Obtain, conspicuously post and provide Youth Handgun Safety Act notices for purchasers of handguns.	Melvin Luke stated he did not know where it was.	Status Licensee Notified Verified Method In Person Date Licensee Notified 08/25/2021

CLOSING CONFERENCE

(7/9/2021)

07/09/2021

Attachment(s)

Attendee(s)

MELVIN R LUKE

EXHIBITS

Inspection

Category	Attachment Name
WarningConferenceLetterReturnSlip	AF Luke Enterprises, Inc. - Nocona (WCSLDeliveryConfirmation).pdf
WarningConferenceSchedulingLetter	Scheduling Letter.pdf
WarningConferenceSchedulingLetter	Scheduling Letter.pdf
OnSiteSummaryInformation	Sample2withNICSon1stform.pdf
OnSiteSummaryInformation	Sample1withnoNICSon1stform.pdf
OnSiteSummaryInformation	81921incompleteAandD.pdf
OnSiteSummaryInformation	SampleMuensterForms.pdf
OnSiteSummaryInformation	THeftLossReport.pdf
OnSiteSummaryInformation	ClosedoutAandDprintedandcorrected.pdf
OnSiteSummaryInformation	AandDbookIssuesBetweenStores.pdf
OnSiteSummaryInformation	Follow Up Letter2019WC.pdf
OnSiteSummaryInformation	AandDrecordWRONG.pdf
OnSiteSummaryInformation	ACE-FFLGuard POA.pdf
ReturnedSignedROV	SignedAmendedROV.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf

LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	2ndamendednotice.docx
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
TradeNameVerification	MontageDBA.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
FirearmTheftLossList	Firearm Theft Loss List.pdf
PropertyOwnershipVerification	property.pdf
BusinessVerification	Taxable Entity Search Results.pdf
BusinessVerification	BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY.pdf

Notice to Revoke or Suspend License and/or Impose a Civil Fine

In the matter of License Number 5-75-337-01-2K-40839, as a/an
Dealer in Firearms Other Than Destructive Devices issued to:

Name and Address of Licensee (Show number, street, city, State and ZIP Code)
AF Luke Enterprises, Inc, dba Ace Hardware
310 West Highway 82, Nocona, Texas, 76255, Montague County

Notice Is Hereby Given That:

Pursuant to the statutory provisions and reasons stated in the attached page(s), the Director or his/her designee, Bureau of Alcohol, Tobacco, Firearms and Explosives, intends to take action on the license described above.

- The above identified license may be revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p).
- The above identified license may be suspended pursuant to 18 U.S.C. 922(t)(5) or 924(p).
- The above identified licensee may be fined pursuant to 18 U.S.C. 922(t)(5) or 924(p).

Pursuant to U.S.C. 923(f)(2) and/or 922(t)(5), you may file a request with the Director of Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, at 2501 Business 121 S, Suite 300A, Lewisville, Texas 75067, in duplicate, for a hearing to review the revocation, suspension and/or fine of your license. The request must be received at the above address within 15 days of your receipt of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing, and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed. The hearing will be held as provided in 27 CFR Part 478.

If you do not request a hearing, or your request for a hearing is not received by ATF on time, a final notice of revocation, suspension, and/or imposition of civil fine (ATF Form 5300.13) shall be issued.

- Please see included brochure

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
12/17/2021	Krissy Y. Carlson, Director, Industry Operations, Dallas Field Division	Krissy Y. Carlson <small>Digitally signed by Krissy Y. Carlson Date: 2021.12.17 11:54:47 AM GMT</small>

I certify that on the date shown below I served the above notice on the person identified below by:

- Certified mail to the address shown below.
Tracking Number: 7012 3460 0001 Or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
<u>12/27/21</u>	<u>Investigative Analyst</u>	<u>(b)(6)</u>
<u>(b)(6)</u>	<u>Investigative Analyst</u>	
<u>310 West Highway 82, Nocona, Tx 76255</u>		

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given that the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") intends to revoke the Federal firearms license held by A F Luke Enterprises, Inc. dba Ace Hardware ("Licensee"), a Dealer in Firearms Other Than Destructive Devices. Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Dallas Field Division, has reason to believe that Licensee willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively, "GCA") as described herein.

Compliance History

ATF first issued a Federal firearms license to Licensee in 1995. The laws and regulations issued under the GCA were reviewed as part of the application inspection. Subsequently, ATF conducted compliance inspections of Licensee in 2009, 2010, 2013, 2015, 2016, 2018, and 2019. As a result of the 2009 inspection, Licensee (specifically, Melvin R. Luke, President) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. As a result of the 2013 inspection, Licensee (specifically, Melvin R. Luke, President) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. As a result of the 2015 inspection, Licensee (specifically, Melvin R. Luke, President) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. As a result of the 2016 inspection, Licensee was issued a warning letter. As a result of the 2018 inspection, Licensee was issued a warning letter. As a result of the 2019 inspection, Licensee (specifically, Melvin R. Luke, President) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. Following each warning conference, ATF sent a letter stating, "any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license."

Current Inspection

On July 7, 2021, ATF began a compliance inspection of Licensee's premises that revealed the following:

Acquisition and Disposition Record Violations:

1. On occasions, Licensee willfully failed to timely and/or accurately record the acquisition of a firearm, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 1
2. On occasion, Licensee willfully failed to timely and/or accurately record the disposition of a firearm, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 2
3. On occasions, Licensee willfully failed to record the acquisition and disposition of a firearm, in violation of 18 U.S.C. § 923(g)(1)(A) and 478.125(e). See Appendix ¶ 3

Background Check Violations:

4. On occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System ("NICS") and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix ¶ 4

ATF Form 4473 Violations:

5. On occasion, Licensee willfully sold or otherwise disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(a). See Appendix ¶ 5
6. On occasions, Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix ¶ 6
7. On occasions, Licensee willfully transferred a firearm to a non-licensee without verifying the identity of the transferee by examining the identification document presented and noting the type on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i). See Appendix ¶ 7
8. On occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the National Instant Criminal Background Check System ("NICS"), any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix ¶ 8
9. On occasions, Licensee willfully failed to sign and/or date the Firearms Transaction Record, ATF Form 4473 certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5). See Appendix ¶ 9
10. On occasions, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a). See Appendix ¶ 10

Appendix

Paragraph 1

18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e): Failed to timely and/or accurately record the acquisition of firearms

Firearm Description

Serial
Number

Discrepancy

(b)(3) (112 Public Law 55 125 Stat 552)

Paragraph 2

18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e): Failed to timely and/or accurately record the disposition of firearms

Firearm Description

Serial
Number

Discrepancy

(b)(3) (112 Public Law 55 125 Stat 552)

Paragraph 3

18 U.S.C. § 923(g)(1)(A) and 478.125(e): Failed to timely and/or accurately record the acquisition and disposition of firearms

Firearm Description

Serial
Number

Discrepancy

(b)(3) (112 Public Law 55 125 Stat 552)

Paragraph 4

18 U.S.C. § 922(t) and 27 C.F.R. § 478.102: Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System (“NICS”) and obtaining a unique identification number and/or waiting three days before allowing the transfer

Firearm Description	Date of Transaction	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552)	Unknown	Failed to conduct a NICS background check (purchaser unknown)

Paragraph 5

18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(a): Licensee willfully sold or otherwise disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473

Firearm Description	Date of Transaction	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552)		

Paragraph 6

18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1): Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee

Transferee's Name	Date of Transaction	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)		

Paragraph 7

18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i): Licensee willfully transferred a firearm to a non-licensee without verifying the identity of the transferee by examining the identification document presented and noting the type on a Firearms Transaction Record

Transferee's Name	Date of Transaction	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)		

(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Paragraph 8

18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv): Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the National Instant Criminal Background Check System (“NICS”), any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473

Transferee's Name	Date of Transaction	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)		

(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Paragraph 9

18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5): Licensee willfully failed to sign and/or date the Firearms Transaction Record, ATF Form 4473 certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form

Transferee's Name _____ Date of Transaction _____ Discrepancy _____

(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Paragraph 10

18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a): Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form

Transferee's Name	Date of Transaction	Discrepancy
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

EXPLANATION OF THE HEARING PROCESS



The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has decided to deny your original or renewal application for a Federal firearms license, or to revoke, suspend and/or impose a civil fine on your existing license.

As stated on the enclosed Notice of Denial, Revocation, Suspension and/or Fine, you have the right to request a hearing. This brochure provides general guidance to assist you in making a decision on requesting a hearing, and to appropriately prepare for a hearing should you request one.

Background

27 C.F.R. §§ 478.71 – 478.73

The Gun Control Act of 1968 (GCA) and its implementing regulations specify certain licensing requirements for those intending to engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition.

The GCA authorizes ATF to deny a license application when an inspection reveals the applicant is not qualified to receive or continue to hold the license. ATF may revoke a license when a licensee willfully violates the GCA or its implementing regulations.

For purposes of the regulatory provisions of the GCA, a “willful” violation occurs when the licensee knew of his or her legal obligations and either purposefully disregarded or was plainly indifferent to those requirements. ATF is not required to prove a licensee *intended* to violate the law.

Under limited circumstances, ATF may revoke or suspend a license and/or impose a civil fine against a licensee who knowingly violates certain provisions of the GCA.

Hearing Request and Representation

27 C.F.R. §§ 478.74 and 478.76

You have the right to request a hearing. If you wish to do so, you must file a request, in writing, with the Director, Industry Operations (DIO) within 15 days after the receipt of the enclosed Notice.

An applicant or licensee may be represented at the hearing by an attorney, certified public accountant or other person recognized to practice before ATF as provided in 31 C.F.R. Part 8.

Pre-Hearing Resolution

27 C.F.R. §§ 478.72 and 478.74

You may submit an offer to settle or other proposed resolution prior to the hearing. If you wish to present your offer in person, you must request to do so within the same 15 days as allotted for a hearing. A request for a pre-hearing resolution should be made in writing to the DIO. ATF is not obligated to grant requests for in-person meetings or proposals for resolution.

You may also submit offers of potential resolution to the DIO after the hearing, but before a final decision is rendered; however, the DIO will not entertain settlement offers at the hearing.

EXPLANATION OF THE HEARING PROCESS

Hearing Overview

27 C.F.R. §§ 478.72, 478.74, 478.76, 478.77

Upon receipt of a timely request and after consultation with you, ATF will set the date, time and place of the hearing. You will then receive formal notification via certified mail, return receipt request. Please be advised that ATF may reschedule a hearing for good cause, as determined by the DIO.

The DIO will preside over the hearing. The purpose of the hearing is to allow both parties to present, in an orderly manner, all relevant evidence and arguments regarding the proposed licensing action.

The hearing itself is informal in nature which means that formal courtroom procedures, including sworn testimony and rules of evidence are not followed. During the hearing, you will have the opportunity to submit facts and arguments for review and consideration. An ATF-hired court reporter will be present to transcribe the hearing. The resulting transcript, along with the exhibits presented at the hearing, constitute the official record of the hearing. You may order a copy of the transcript at your own expense. Video recording of the hearing is not permitted.

An ATF attorney will present evidence in support of the licensing action. The ATF industry operations investigator(s) who conducted your inspection and/or other ATF employees who have relevant information concerning your case may testify.

At the conclusion of the government's presentation, you will have the opportunity to respond. You should state your case as clearly and factually as possible. Your presentation should focus on the violation(s) described in the Notice you received. You may also bring other witnesses who are able to speak to the violation(s) cited in the Notice. Both you and the government have

the right to question all witnesses. Please note that all persons attending the hearing must bring a valid form of state or federal government issued identification (e.g., driver's license or passport) for entry.

In addition to oral testimony, you may also present written documentation. Regardless of its form, all evidence presented at the hearing must be relevant. Relevant evidence is evidence that tends to prove or disprove an issue at the hearing, such as whether the alleged violation occurred as stated in the Notice.

NOTE: It is a violation of law to possess or cause to be present a firearm or other dangerous weapon in a Federal facility. 18 U.S.C. § 930(a). Violation of this law will result in termination of hearing proceedings and a referral to law enforcement.

After the Hearing

27 C.F.R. §§ 478.72, 478.74, 478.78

Following completion of the hearing, the court reporter will prepare a transcript of the hearing. After reviewing the transcript and all evidence submitted at the hearing, the DIO will make the final licensing decision for ATF.

Should the DIO determine that the allegation(s) contained in the Notice are substantiated, he or she may issue a Final Notice of Denial, Revocation, Suspension and/or Fine of Firearms License, which ATF would send to you via certified mail, return receipt requested.

You may appeal the DIO's final decision to the appropriate Federal district court within 60 days for de novo judicial review.

If you have any questions concerning the hearing, please contact the DIO for the ATF division in which you are located.

Final Notice of Denial of Application, Revocation Suspension and/or Fine of Firearms License

In the matter of:

- The application for license as a/an _____, filed by:
or
 License Number 5-75-337-01-2K-40839 as a/an
Dealer in Firearms Other Than Destructive Devices, issued to:

Name and Address of Applicant or Licensee (Show number, street, city, state and ZIP Code)

A F Luke Enterprises, Inc. d.b.a. Ace Hardware
310 West Highway 82, Nocona, Texas 76255, Montague County

Notice is Hereby Given That:

- A request for hearing pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5) was not timely filed. Based on the findings set forth in the attached document, your
- license described above is revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p), effective:
 - 15 calendar days after receipt of this notice, or _____.
 - license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
 - licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- After due consideration following a hearing held pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5), and on the basis of findings set out in the attached copy of the findings and conclusions, the Director or his/her designee concludes that your
- application for license described above is denied, pursuant to 18 U.S.C. 923(d).
 - application for renewal of license described above is denied pursuant to 18 U.S.C. 923(d), effective:
 - 15 calendar days after receipt of this notice, or _____.
 - license described above is revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p), effective:
 - 15 calendar days after receipt of this notice, or _____.
 - license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
 - licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at N/A, prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

Records prescribed under 27 CFR Part 478 for the license described above shall either be delivered to ATF within 30 days of the date the business is required to be discontinued or shall be documented to reflect delivery to a successor. See 18 U.S.C. 923(g)(4) and 27 CFR § 478.127.

After the effective date of a license denial of renewal, revocation, or suspension, you may not lawfully engage in the business of dealing in firearms. Any disposition of your firearms business inventory must comply with all applicable laws and regulations. Your local ATF office is able to assist you in understanding and implementing the options available to lawfully dispose of your firearms business inventory.

Date 01/24/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Kristen N. Moore, Acting Director of Industry Operations	Signature (b)(6) <small>Digitally signed by Kristen Moore Date: 2022.01.24 13:44:28 -0600</small>
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I certify that, on the date below, I served the above notice on the person identified below by:

- Certified mail to the address shown below.
Tracking Number: 7019 297000017136 4940 Or Delivering a copy of the notice to the address shown below.

Date Notice Served <u>1/24/22</u>	Title of Person Serving Notice <u>Investigative Analyst</u>	Signature of Person Serving Notice (b)(6)
Print Name and Title of Person Served		

Address Where Notice Served
310 West Highway 82, Nocona, TX 76255

Note: Previous Edition is Obsolete

Page 2 – ATF Form 5300.13, Final Notice of Denial of Application, Revocation,
Suspension and/or Fine of Firearms License

AF Luke Enterprises, Inc. dba Ace Hardware, 310 West Highway 82, Nocona, Texas 76255 (Licensee), holds Federal firearms license 5-75-337-01-2K-40839 as a dealer in firearms other than destructive devices issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On December 17, 2021, ATF issued a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4) (Notice to Revoke) advising the Licensee that ATF intended to revoke its License. The Notice to Revoke was served upon the Licensee via certified mail, return receipt requested, on December 31, 2021. The Notice to Revoke alleged that the Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. The Notice to Revoke further specified that if the Licensee wished to challenge the revocation, it [he/she] may file a request with ATF for a hearing “within 15 days after receipt of this notice.” See 18 U.S.C. § 923(f)(2); 27 C.F.R. § 478.73(b).

Although the Notice to Revoke was served upon the Licensee on December 31, 2021, no request for hearing was filed with ATF within 15 days of the date on which the Notice was served.

For the reasons set forth in the Notice to Revoke or Suspend License and/or Impose a Civil Fine issued on December 17, 2021, the Federal firearms license held by AF Luke Enterprises, Inc. dba Ace Hardware is hereby REVOKED.

Dated this 24th day of January, 2022.

(b)(6) Digitally signed by Kristen Moore
Date: 2022.01.24 13:11:52 -06'00'

Kristen Moore
Acting Director, Industry Operations
Dallas Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
United State Department of Justice