

ALAN LOUIS FOMORIN 's FCI
FCL-34196
07/20/2022 10:26 AM
IOI [(b)(6)], Columbus III (IO) Field Office

GENERAL INFORMATION

IOI Hours Spent on Inspection
45.0

LICENSEE INFORMATION

Applicant Name
ALAN LOUIS FOMORIN
(Sole Proprietor)
Applicant Name
BETSY LOU MITCHELL

RDS Key
4-34-02663

License/Permit Number
4-34-059-07-4G-02663

License Type
07 - Manufacturer of Firearms License

Business Type
Sole Proprietorship

Premises Address

Premises Ownership Type
Owned

Premises Location Type
Store Front

Address
64390 COOKS RUN RD
Unit N/A
CAMBRIDGE, Ohio 43725
GUERNSEY United States

Mailing Address

Same as Premises Address

Phone Type	Phone Number	Remarks
Business	+1 740-439-3573	
Fax	+1 740-439-3573	

Email Address	Email Remarks
[(b)(6)]	
[(b)(6)]	This e-mail address has been more reliable

RECOMMENDATIONS

Final Decision
Revocation
Date
06/21/2022

Details
ALAN LOUIS FOMORIN dba METAL X WORKS 4-34-02663

License revoked. On 6/21/2022, the Final Notice of Revocation for ALAN LOUIS FOMORIN dba METAL X WORKS 4-34-02663 was issued. The revocation was effective 15 calendar days after receipt of the notice. The notice was received/signed for on 6/24/2022 (USPS certified mail). The records were picked up by IOI [(b)(6)] in 7/15/2022 and will be sent to NTC-OOBRC.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to an ATF Employee

ATF Employee Name
IOI [(b)(6)]

Licensee Inventory

✔ Inventory transferred to self

Deputy Assistant Director - Industry Operations Curtis Gilbert's Recommendation
Revocation

Details

Briefed to DAD(IO) on 5/26/22. Concur with recommendation of revocation.

Special Agent in Charge Travis Riddle's Recommendation

I concur with the recommendation of revocation is made in accordance with the Administrative Action policy as well as the Presidential Administrative Comprehensive

Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety.

Division Counsel (b)(6) Review

Details

Reviewed

Director Industry Operations Judyth Ledoux's Recommendation
Revocation

Details

DIO concurs with recommendation for Revocation of this license. Details are set forth in the 8C which has been submitted and accepted in the MCP.

Area Supervisor (b)(6) Recommendation
Revocation

Details

ALAN LOUIS FOMORIN dba METAL X WORKS 4-34-02663

On March 3, 2022, Industry Operations Investigator (b)(6) conducted a compliance inspection at the business premises of Alan Louis Fomorin dba Metal X Works. The onsite inspection was initiated on March 3, 2022, and concluded on March 23, 2022, when Mr. Fomorin signed the Report of Violations and the Acknowledgment of Federal Firearms Regulations. Based on the current policy, Area Supervisor (AS) (b)(6) recommends revocation due to the fact the licensee failed to complete a NICS/POC background check in one instance. Licensee admitted he knew the Ohio Concealed Handgun License (CHL) was expired. AS (b)(6) and IOI (b)(6) completed the 8C documenting the violations. AS (b)(6) forwarded the assignment and 8C to DIO LeDoux for final review and recommendation.

Industry Operations Investigator (b)(6) Recommendation
Revocation

Details

Alan Louis Fomorin dba Metal X Works Type 07

Onsite Start: 3/3/2022

Onsite End: 3/23/2022

Recommend Revocation

Metal X Works was cited for (1) instance of 27 CFR 478.102(a): Failure to complete a NICS/POC background check. Mr. Fomorin accepted an expired Ohio Concealed Handgun License (CHL) in lieu of completing a NICS background check. On 02/12/2022, the licensee transferred one long gun to (b)(6) (b)(6) is not prohibited and the firearm on the ATF Form 4473 was queried in Open Fox/NCIC and eTrace with negative results. The CHL expired on 1/31/22.

Mr. Fomorin stated that he knew it had just expired, but he knew that the customer wasn't prohibited because he is a regular. Mr. Fomorin told the customer to go get it renewed and he would record the updated CHL on the 4473. Licensee was cited for 27 CFR 478.102(a) in the November 2017 inspection, for failing to accept a valid CHL.

Metal X Works was cited for () instances of 27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record. This was a repeat violation from June 2019.

Metal X Works was cited for () instances of 27 CFR 478.123(b): Failure to maintain an accurate/complete/timely licensee disposition record. Firearm missing after reconciliation. This was a repeat violation from June 2019.

The current inspection reveals repeated similar violations for which the FFL has previously been the subject of a Warning Conference ILO Revocation from the 2019 inspection and an Area Supervisor Warning Conference from the 2017 inspection.

Inspection Findings

Records and Forms

- 2. Failure to timely and/or correctly maintain records of sales or other dispositions of () percent or more of the licensee's total dispositions during the inspection period, with a minimum of () instances.

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.

FFL History

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

ELIGIBILITY VERIFICATION

Business Information Verification

Property Ownership Verification

Premises Ownership Type

Premises Location Type

Has the property ownership been verified?

Owned

Store Front

Yes

Address

64390 COOKS RUN RD
Unit N/A
CAMBRIDGE, Ohio 43725
GUERNSEY United States

Additional Findings

IOI (b)(6) verified that Mr. Fomorin is the property owner through the Guernsey County Auditor website.

Attachment(s):

Guemsey County Auditor.pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
METAL X WORKS	Yes

Additional Findings

IOI (b)(6) verified that the trade name is registered through the Ohio Secretary of State website.

Attachment(s):

Fictious Name Metal X Works.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?

Yes

Additional Findings

IOI (b)(6) spoke with Cambridge Township Trustee (b)(6) stated that there is no zoning or restrictions at the premises location.

Contact Information

Name

(b)(6)

Date Contacted

02/25/2022

Organization

Cambridge Township

Job Title

Trustee

Phone Type	Phone Number	Remarks
Business	+1 740-630-7717	

Attachment(s):

APPOINTMENT DETAILS

Interview Date

03/10/2022

Address

64390 COOKS RUN RD, Unit N/A, CAMBRIDGE, Ohio 43725

Responsible Attendee(s)

ALAN LOUIS FOMORIN

BETSY LOU MITCHELL

Non-Responsible Person(s)

No Items

RESPONSIBLE PERSON(S)

ALAN LOUIS FOMORIN

Name

Mr. ALAN LOUIS FOMORIN

Gender

Male

Race

White

Ethnicity

Not Hispanic or Not Latino

Date of Birth

(b)(6)

SSN

(b)(6)

Job Title

RP

Physical Identifiers

Height

(b)(6)

Weight

(b)(6)

Hair Color

(b)(6)

Eye Color

Brown

Place of Birth

Country

United States Of America

State

(b)(6)

City

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
02/25/2022

Criminal History Check Comments
IO **(b)(6)** conducted an NCIC criminal history query (JWIN) with no prohibiting information.

BETSY LOU MITCHELL

Name	Gender	Race	Ethnicity
Ms. BETSY LOU MITCHELL	Female	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	RP	

Physical Identifiers

Height	Weight	Hair Color	Eye Color
(b)(6)	(b)(6)	(b)(6)	(b)(6)

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Criminal History Check

Date Criminal History Check Conducted
02/25/2022

Criminal History Check Comments

IOI (b)(6) conducted an NCIC criminal history query (JWIN) with no prohibiting information.

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

Metal X Works transfers handguns and long-guns, of which approximately 90 percent are new and 10 percent are used. Mr. Fomorin stated that the majority of his business the last couple of years are transfers and he doesn't usually carry an inventory. The licensee has not manufactured any firearms for the last three years. Mr. Fomorin stated that he used to do gunsmithing, but has since stopped provided those services. Mr. Fomorin (b)(3)(26 USC § 6103) it has since discontinued that as well.

Do they need an additional license or permit?

No

Who are their primary suppliers?

(b)(4)

Business Activities

Retail
Gunsmith

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping
Controlled Access to Keys

PREMISES INFORMATION

Inspection Area Description

Alan Louis Fomorin dba Metal X Works operates from a rural residential location outside the city limits of Cambridge, OH in Guernsey County. The firearms business is located in a detached building next (b)(6) The building has a safe and a small display area for firearms.

Primary Activity

Retail

Selected Physical Security Measures

(b)(6)

GPS Coordinates

Latitude
40.03613

Longitude
-81.53423

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

(b)(6)

Total Number of ATF F 4473 Reviewed

(b)(6)

Total Number of Open Dispositions in A & D Record

(b)(6)

Total Number of Firearms in Inventory

9

Actual Number of Firearms Verified

(b)(6)

Number of Firearms Missing Before Reconciliation

(b)(6)

Total Number of Firearms Missing After Reconciliation

1

Total Number of Acquisitions in the Last 12 Months

(b)(4)

Total Number of Dispositions in the Last 12 Months

(b)(4)

Onsite Start Date
03/10/2022

Onsite End Date
03/23/2022

Number of Reported Lost/Stolen Firearms During Inspection Period

0

Total Number of Traces During Inspection Review Period

(b)(6)

Total Number of Those Traces That Were Unresolved

0

Inspection Period Start Date
03/03/2021

Inspection Period End Date
03/03/2022

Number Of Traces Resolved By IOI
0

[Click Here to See List of Perfected Traces](#)

AFMER Verified
Yes

Compliance History

Current inspection is Recall from previous inspection.

FCI-1256- 6/12/2019. DIO Warning Conference- Alternative Administrative Action-

Records and Forms-Failure to account for acquired firearms which records indicate were in inventory within the previous 5 years after reconciliation for which disposition could not be accounted for in required GCA records (e.g. acquisition and disposition record, F 4473) and is a repeat violation of increased frequency.

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

FFL History-The current inspection reveals repeated similar violation(s) for which the FFL has been cited in a Report of Violations within the previous 5 years and there has been NO significant improvement.

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

773015-2018-0133-11/02/2017- Viols WC with WL and Recall

Violations:

- 27 CFR 478.21(a)
- 27 CFR 478.124(e)(1)
- 27 CFR 478.124(e)(3)(i)
- 27 CFR 478.124(e)(4)
- 27 CFR 478.124(e)(5)
- 27 CFR 478.123(a)
- 27 CFR 478.124(a)
- 27 CFR 478.102(a)

Additional Comments

Mr. Fomorin accepted an expired Ohio Concealed Handgun License and did not complete a NICS background check. Mr. Fomorin stated that he knew it had just expired, but he knew that the customer wasn't prohibited because he is a regular. Mr. Fomorin told the customer to go get it renewed and he would record the updated CHL on the 4473. Customer (b)(6)

IO (b)(6) reviewed ATF Forms 4473 on file for the inspection period and discovered some discrepancies- see violations. IO (b)(6) compared one NTN from the NICS Audit Log with corresponding ATF Form 4473 with no discrepancies. IO (b)(6) reviewed the NICS denial ATF Form 4473 with no discrepancies. There were no reported multiple sales and no unreported multiple sales for the inspection period.

There were successful trace requests for the inspection period.

There were firearms in inventory and open entries in the acquisition and disposition books. Firearms were able to be reconciled through ATF Forms 4473 and transfers to another local FFL. There was one firearm that couldn't be reconciled and IO (b)(6) had Mr. Fomorin complete an ATF Theft Loss Report.

The licensee had 6 A&D Books.

The licensee utilizes handwritten ATF Forms 4473 and handwritten A&D books.

No suspicious or prohibited purchasers identified.

Inspection began on March 3, 2022. Spartan auto record function just started and recorded the incorrect date.

Amended ROV on 3/25/22 - Mr. Fomorin was able to locate a firearm on a ATF F 4473 that was originally being reported as lost.

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Report of Violations.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 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record</p> <p>Number of Instances: <input type="text"/></p>	<p>Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm disposition information.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.123(b): Failure to maintain an accurate/complete/timely licensee disposition record</p> <p>Number of Instances: <input type="text"/></p>	<p>Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information.</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="text"/> Number of Instances: <input type="text"/></p>	<p>Complete all forms as prescribed. Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions. Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</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>ATF F 4473 Error/Omission, 29, Incorrect, <input type="text"/> (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="text"/> Number of Instances: <input type="text"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.123(a): Failure to maintain an accurate/complete/timely manufacture or acquisition record</p> <p>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.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

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

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record Number of Instances: <input type="text"/>	Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm disposition information.	Mr. Fomorin stated that he was transferring firearms back and forth with another FFL for NRA sponsored events and it was causing a lot of problems and he was forgetting to log firearms out at times.	Status Licensee Notified Verified Method In Person Date Licensee Notified 03/23/2022
27 CFR 478.123(b): Failure to maintain an accurate/complete/timely licensee disposition record Number of Instances: <input type="text"/>	Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information.	Mr. Fomorin stated that he was transferring firearms back and forth with another FFL for NRA sponsored events and it was causing a lot of problems and he was forgetting to log firearms out at times.	Status Licensee Notified Verified Method In Person Date Licensee Notified 03/23/2022
27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Complete all forms as prescribed. Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions. Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.	Mr. Fomorin stated that he simply missed these errors.	Status Licensee Notified Verified Method In Person Date Licensee Notified 03/23/2022
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.	Mr. Fomorin stated that he knows the customer because he is a regular. He knew he wasn't prohibited and the CCW was only expired by a week so he thought it would be ok. Mr. Fomorin told the customer to go get it renewed and planned to record the new CCW on the form.	Status Licensee Notified Verified Method In Person Date Licensee Notified 03/23/2022
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"/>	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.	Mr. Fomorin stated that he just forgot to record the date on this form.	Status Licensee Notified Verified Method In Person Date Licensee Notified 03/23/2022
27 CFR 478.123(a): Failure to maintain an accurate/complete/timely manufacture or acquisition record 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.	Mr. Fomorin stated that he thought the model was the serial number.	Status Licensee Notified Verified Method In Person Date Licensee Notified 03/23/2022

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CLOSING CONFERENCE

Review Regulations conducted offline

(3/23/2022)

03/23/2022

Attachment(s)

Attendee(s)

ALAN LOUIS FOMORIN

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 4-34-02663 Inspection Results
Correspondence	Spartan Notification RE: 4-34-02663 Monitored Case
Correspondence	Spartan Notification RE: 4-34-02663 Monitored Case
Correspondence	Spartan Notification RE: 4-34-02663 Monitored Case
Correspondence	Spartan Notification RE: 4-34-02663 Monitored Case
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Correspondence	Spartan Notification RE: 4-34-02663 Monitored Case
Correspondence	Spartan Notification RE: 4-34-02663 Monitored Case
ReturnedSignedROV	Fomorin- Amended ROV Signed.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationsPDF	Report of Violations.pdf
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
Correspondence	
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
FirearmTheftLossList	Firearm Theft Loss List.pdf
TradeNameVerification	Fictitious Name Metal X Works.pdf
PropertyOwnershipVerification	Guernsey County Auditor.pdf

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

In the matter of License Number 4-34-059-07-4G-02663, as a/an

MANUFACTURER of Firearms issued to:

Name and Address of Licensee (Show number, street, city, State and ZIP Code)

Alan Fomorin
dba Metal X Works
64390 Cooks Run Road
Cambridge OH 43725

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 230 West Street Suite 400, Columbus OH 43215, 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
05/26/2022	Judyth A. LeDoux, Director, Industry Operations	(b)(6)

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: 70172620000078841285
- 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
05/26/2022	Executive Assistant	(b)(6)

Print Name and Title of Person Served	Signature of Person Served (if applicable)
Alan Fomorin, dba Metal X Works	

Address Where Notice Served
64390 Cooks Run Road, Cambridge OH 43725

Alan Louis Formorin
DBA: Metal X Works
4-34-059-07-4G-02663

Pursuant to 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 Alan Louis Formorin (“Licensee”). Specifically, the Director of Industry Operations (“DIO”), United States Department of Justice, ATF, Columbus Field Division, has reason to believe that Licensee, an (07) Manufacturer of firearms, 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 on June 12, 2009. Licensee had an Area Supervisor Warning Conference following the 2017 inspection and a DIO Warning Conference after the 2019 inspection. The laws and regulations issued under the GCA were reviewed as part of the qualification inspection and following subsequent inspections.

Current Inspection

On March 3, 2022, ATF began its recall inspection of Licensee’s premises that revealed the following violation:

Background Check Violation

1. On one (1) occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System (“NICS”) and failed to complete a background-check before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a). See Appendix ¶ 1.

APPENDIX

¶ 1 - 27 C.F.R. § 478.102(a) – Transfer without a NICS check

Transferee	Date	Discrepancy
(b)(6)	02/12/2022	Accepted expired Ohio concealed carry permit

**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 4-34-059-07-4G-02663 as a/an

MANUFACTURER of Firearms, issued to:

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

Alan Louis Formorin
dba Metal X Works
64390 Cooks Run Rd.
Cambridge, OH 43725

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 _____

_____ 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 6/21/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Judyth A. LeDoux, Director, Industry Operations	(b)(6)
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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: 70172620000078841360

Or

Delivering a copy of the notice to
the address shown below.

Date Notice Served 06/21/2022	Title of Person Serving Notice Executive Assistant	(b)(6)
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Print Name and Title of Person Served Alan Fomorin dba Metal X Works	Signature of Person Served
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Address Where Notice Served
64390 Cooks Run Road, Cambridge OH 43725

Note: Previous Edition is Obsolete

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

Alan Louis Formorin
DBA Metal X Works
64390 Cooks Run Rd.
Cambridge, OH 43725
FFL # 4-34-059-07-4G-02663

Alan Louis Formorin, (Licensee), holds the Federal firearms license listed above, as a Manufacturer of firearms, 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 May 26, 2022, ATF issued a Notice of Revocation of License, ATF Form 4500, to the Licensee. Said Notice was served upon the Licensee via certified mail, return receipt requested, on June 1, 2022. The Notice alleged that the Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. The Notice further specified that if the Licensee wished to challenge the revocation, Licensee 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 of Revocation was served upon the Licensee on June 1, 2022, no request for hearing was filed with ATF within 15 days of the date on which the Notice was served, which would have been June 16, 2022.

For the reasons set forth in the Notice of Revocation issued on May 26, 2022, the Federal firearms license held by Alan Louis Formorin is hereby REVOKED.

Dated this 21st day of June, 2022.

(b)(6)

Judyth A. LeDoux
Director, Industry Operations
Columbus Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
United States Department of Justice



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington DC

www.atf.gov

IMPORTANT NOTICE

Selling Firearms AFTER Revocation, Expiration, or Surrender of an FFL

Former Federal Firearms licensees (FFLs) who continue to sell firearms after the revocation, expiration, or surrender of their license are subject to the same rules as persons who have never been licensed in determining whether they are "engaged in the business" of selling firearms without a license in violation of 18 U.S.C. § 922(a)(1)(A). Accordingly, former licensees who wish to dispose of any remaining business inventory must adhere to the following guidance:

Business inventory must be disposed of by the former FFL in a manner that, objectively, does not constitute being engaged in the business of dealing in firearms using the same facts and circumstances test that would apply to persons who have never been licensed.

The preferred manner of disposition is for the former licensee to:

- Arrange for another FFL to purchase the business inventory (and other assets) of the business; or
- Consign the inventory to another FFL to sell on consignment, or at auction.

Should a former FFL decide against those options, he/she should be aware that future sales - whether from his/her personal firearms collection or otherwise - will be evaluated for a potential violation of 18 U.S.C. § 922(a)(1)(A), just as would occur with a person who had never been licensed.

If a former FFL is disposing of business inventory, the fact that no purchases are made after the date of license revocation, expiration, or surrender does not immunize him/her from potential violations of 18 U.S.C. § 922(a)(1)(A). Instead, business inventory acquired through repetitive purchases while licensed are attributed to the former FFL when evaluating whether subsequent sales constitute engaging in the business of dealing in firearms without a license.

ATF remains committed to assisting former licensees in complying with Federal firearms laws. If you have questions, please contact your local ATF office.

**CURTIS
GILBERT** Digitally signed by
CURTIS GILBERT
Date: 2022.04.04
16:12:22 -04'00'

Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations