

CAROLINA GUNS AND GEAR EAST INC's FCI  
 FCI-27964  
 10/13/2022 02:43 PM  
 IOI (b)(6) Raleigh (IO) Satellite Office

**LICENSEE INFORMATION**

Licensee Name CAROLINA GUNS AND GEAR EAST INC	RDS Key 1-56-03789	License/Permit Number 1-56-151-02-2M-03789	License Type 02 - Pawnbroker License
Business Type Corporation			
Premises Ownership Type Owned	Premises Address 1223 EAST DIXIE DR STE B, Unit N/A, ASHEBORO, North Carolina		
Premises Location Type Required Store Front			

Address  
 1223 EAST DIXIE DR STE B  
 Unit N/A  
 ASHEBORO, North Carolina 27203  
 RANDOLPH  
 United States

Address  
 1223 EAST DIXIE DR STE B  
 Unit N/A  
 ASHEBORO, North Carolina 27203  
 RANDOLPH  
 United States

Phone Type	Phone Number	Remarks
Business	+1 336-626-7296	

Email Address	Email Remarks
(b)(6)	

Online Presence Type	Online Presence URL	Remarks
Website	https://www.carolinagun.com/	

**RECOMMENDATIONS**

Final Decision Date  
 Revocation 09/23/2022

Details

FFL effectived date of revocation of 09/23/22.

DAD removed from MCP 10/12/22

All records sent to NTC

**Out of Business Records and Inventory Management**

**Licensee Records**

✔ Submitted to the Federal Licensing Center

Deputy Assistant Director - Industry Operations Hans Hummel's Recommendation  
 Revocation

Details

Concur with DIO recommendation to proceed with revocation.

Special Agent in Charge Vincent Pallozzi's Recommendation

SAC concurrence with Recommendation for Revocation

**Licensee Inventory**

✔ Inventory transferred to self

Division Counsel: (b)(6) Review

Details

Violations meet requirements for revocation

Director of Industry Operations: (b)(6) Recommendation  
Revocation

Details

DIO concurs with the recommendation for revocation.

Area Supervisor: (b)(6) Recommendation  
Revocation

Details

Licensee has been in business since 2007 and this is the 4th compliance inspection.

A compliance inspection conducted in 2009, resulted in WL and Recall. The 2011 inspection resulted in a WL and Recall. And the 2012 Recall inspection resulted in another WL being issued, but no Recall.

The 2021 inspection resulted in 13 violations being issued, of which 478.21a, 478.102(a), 478.124(c)(1), 478.21(a), and 478.124(c)(5) were all REPEAT violation of the 2013 inspection. Based on licensee's compliance history and violation of 478.102(a), which occurred in [ ] instances, AS concurs with IOI (b)(6) recommendation of REVOCATION.

Industry Operations Investigator: (b)(6) Recommendation  
Revocation

Details

The recommendation for this Firearms Compliance Inspection is Revocation.

Justification for Revocation-

- Failure to execute a Form 4473 [ ] forms, [ ] instances.
- Missing firearms after inventory reconciliation [ ] missing, reported.
- Failure to conduct a NICS check or obtain alternative permit for the transfer of a firearm to a law enforcement officer for personal use, if the transferee is NOT prohibited- **1 instances.**
- Failure to conduct a NICS check or obtain an alternate permit- **2 instances, neither prohibited.**
- Failure to file Reports of Multiple Sale or Other Disposition of Pistols and Revolvers (F 3310.4) when legally required and with a minimum of [ ] instances. [ ] forms, [ ] instances.

FFLC Notes-

1. Remove Fax number, no longer in use.
2. Add Trade Name of "Carolina Guns and Gear"
3. Remove RP (b)(6) and (b)(6) as they are no longer employed with the FFL (See letter in attachments).

**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**

2. Failure to conduct a NICS check or obtain alternative permit for the transfer of a firearm to a law enforcement officer for personal use, if the transferee is NOT prohibited.
4. Failure to conduct a NICS check or obtain an alternate permit.

**Failure to Report**

1. Failure to file Reports of Multiple Sale or Other Disposition of Pistols and Revolvers (F 3310.4) or Reports of Multiple Sales or Dispositions of Certain Rifles (F 3310.12) (Southwest Border states only) when legally required and with a minimum of [ ] instances.

**ELIGIBILITY VERIFICATION**

**Business Information Verification**

Licensee Name	Business Type	Is the business valid?
CAROLINA GUNS AND GEAR EAST INC	Corporation	Yes

**Additional Findings**

CAROLINA GUNS AND GEAR EAST is an active Corporation filed with the NC Secretary of State on 5/4/2007. On 4/18/2021 the FFL filed Corporation Name Change (Domestic) with the NC Secretary of State to CAROLINA GUNS AND GEAR EAST INC from PAYDAY JEWELRY LOANS, INC. FFLC reflects this correctly.

RP Mrs. Kristi VanTine is listed at the Vice President of the Corporation and RP Mr. Lee VanTine is listed as the registering agent. Hidden ownership is not suspected.

NCIC/JWIN, FLS and N-Force queries were conducted for all RPs.

CE notification (RA (b)(6)) was conducted with no issues.

FLS- Sister Store located at 3106D Sweeten Creek Rd, Asheville, NC 28803 under the FFL for CAROLINA GUNS AND GEAR WEST LLC, 1-56-13509.

Attachment(s):

Articles of Incorporation.pdf

Corporation Name Change.pdf

**Property Ownership Verification**

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

Address

1223 EAST DIXIE DR STE B  
Unit N/A  
ASHEBORO, North Carolina 27203  
RANDOLPH  
United States

Additional Findings

The property owner is listed as PGG Holdings LLC. RP Mrs. Kristi VanTine and Mr. Lee VanTine II are managers of the LLC.

Attachment(s):

Property Deed PGG Holdings LLC.pdf

**Trade Name/DBA Verification**

Trade Name/DBA	Is the trade name/DBA registered?
CAROLINA GUNS AND GEAR	Yes

Additional Findings

"Carolina Guns and Gear" is a registered Trade Name with Randolph County NC under CAROLINA GUNS AND GEAR EAST INC.

Attachment(s):

Trade Name Cert.pdf

**Zoning Information Verification**

Is the proposed business activity in compliance with zoning?

Yes

Additional Findings

On 10/27/2021, IO (b)(6) contacted the City of Asheboro Planning and Zoning department. Zoning Administrator (b)(6) confirmed the location is zoned B2 Commercial, therefor no special permits are needed.

Attachment(s):

ATF- Zoning Compliance.pdf

**APPOINTMENT DETAILS**

Interview Date

11/01/2021

Address

1223 EAST DIXIE DR STE B, Unit N/A, ASHEBORO, North Carolina 27203

**Responsible Attendee(s)**

LEE WAYNE VANTINE II

(b)(6) (Deactivated)

(b)(6) (Deactivated)

KRISTI MICHELLE VANTINE

TIMOTHY ANDREW KIRSCH

**Non-Responsible Person(s)**

(b)(6) (Deactivated)

**RESPONSIBLE PERSON(S)**

**LEE WAYNE VANTINE II**

Name	Gender	Race	Ethnicity
LEE WAYNE VANTINE II	Male	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	PRES	

Physical Identifiers

Height

Weight

Hair Color

Eye Color

**Place of Birth**

Country  
United States Of America

State  
(b)(6)

City  
(b)(6)

**Home Address**

(b)(6)

**Additional Names**

**Citizenship**

United States

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

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

Email Address	Email Remarks
(b)(6)	

**Criminal History Check**

Date Criminal History Check Conducted  
10/27/2021

Criminal History Check Comments  
NCIC/IWIN  
IO# (b)(6)  
No prohibitors

(b)(6)

(Deactivated)

Name  
(b)(6)

Gender  
Male

Race  
White

Ethnicity

Date of Birth  
(b)(6)

SSN  
(b)(6)

Job Title  
RP

**Physical Identifiers**

Height

Weight

Hair Color

Eye Color

**Place of Birth**

Country  
United States Of America

State  
(b)(6)

City

**Home Address**

(b)(6)

United States

**Additional Names**

**Citizenship**

Phone Type	Phone Number	Remarks
Business	+1 336-626-7296	

Email Address	Email Remarks
(b)(6)	

**Criminal History Check**

Date Criminal History Check Conducted  
10/27/2021

Criminal History Check Comments  
NCIC/JWIN  
IOI (b)(6)  
No prohibitors

(b)(6)

(Deactivated)

Name	Gender	Race	Ethnicity
(b)(6)	Male	Black	
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	RP	

**Physical Identifiers**

Height	Weight	Hair Color	Eye Color
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**Place of Birth**

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

**Home Address**

(b)(6)

United States

**Additional Names**

**Citizenship**

United States

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

Email Address	Email Remarks
(b)(6)	

**Criminal History Check**

Date Criminal History Check Conducted  
10/27/2021

Criminal History Check Comments  
NCIC/JWIN  
IOI (b)(6)  
No prohibitors

**KRISTI MICHELLE VANTINE**

Name	Gender	Race	Ethnicity
KRISTI MICHELLE VANTINE	Female	White	
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	VICE PRESIDENT	

**Physical Identifiers**

Height

Weight

Hair Color

Eye Color

**Place of Birth**

Country  
United States Of America

State  
(b)(6)

City

**Home Address**

(b)(6)

United States

**Additional Names**

**Citizenship**

United States

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

Email Address	Email Remarks
(b)(6)	

**Criminal History Check**

Date Criminal History Check Conducted  
10/27/2021

Criminal History Check Comments

NCIC/IWIN

IOI (b)(6)

No prohibitors

**TIMOTHY ANDREW KIRSCH**

Name	Gender	Race	Ethnicity
TIMOTHY ANDREW KIRSCH	Male	White	
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	MANAGER	

**Physical Identifiers**

Weight

Height  
(b)(6)

Hair Color  
(b)(6)

Eye Color  
(b)(6)

**Place of Birth**

Country  
United States Of America

State  
(b)(6)

City  
(b)(6)

**Home Address**

(b)(6)

United States

**Additional Names**

**Citizenship**

United States

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

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

Email Address	Email Remarks
(b)(6)	

**Criminal History Check**

Date Criminal History Check Conducted  
10/27/2021

Criminal History Check Comments

NCIC/JWIN  
IOI (b)(6)  
No prohibitors  
Cleared via NTN (b)(6) on 10/22/2020.

**NON-RESPONSIBLE PERSON(S)**

(b)(6)

Name	Date of Birth	Job Title
(b)(6)		Store Manager

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

**INTERVIEW QUESTIONNAIRE**

What is the proposed business activity?

CAROLINA GUNS AND GEAR EAST INC d/b/a CAROLINA GUNS AND GEAR is a Type 02 pawnbroker and dealer in firearm (b)(3)(26 USC § 6103) Carolina Guns and Gear also sells merchandise such ammunition, scopes and firearms accessories. Light gunsmithing is conducted such as scopes and cleaning but the RP never allows gunsmith firearms to stay overnight. The FFL has an eCommerce website where firearms can be purchased (https://www.carolinagun.com/). Primary customer base is the Randolph County local community. RP Mr. Vantine stated that they are potentially wanting to go out of business with the 02 and re-apply as an 01 FFL as they rarely pawn firearms.

A&D (Inventory)-

The licensee maintains an online Acquisition and Disposition Record (Pawn Manager) as their primary record keeping book. The A&D record was in the proper format. A 100% inventory was taken of 1084 firearms. During the closing conference RP Mr. Vantine stated that he is working on upgrading their software system to Axis powered by Gear Fire.

There were instances of 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms of the instances were due to firearms not being logged into the Acquisition book but found during inventory by IOIs post 7 days of receiving them into inventory of the instances were due to firearms being recorded but not properly such as incorrect serial numbers or incorrect dates. The remaining instances were due to dispositions not being recorded in a timely manner of which are still missing firearms. As of 12/2/2021 the three firearms could not be located despite attempts to contact UPS for tracking information. It's the FFLs belief that these firearms were FFL transfers to Texas but no proof can be provided to IOI (b)(6); IOI (b)(6) advised the FFL that if they receive confirmation from UPS and have an acquisition record from the receiving FFL's in Texas that they will need to amend the Loss Report with the tracing center. On 12/2/2021 RP Mr. Kirsch submitted a loss form for firearms unable to be located (see attachments Loss Report (b)(3)(12 Public Law 95 128 Stat 552) Mr. Kirsch stated that since he started at the shop in January of 2020, they haven't conducted a full inventory but more "spot checks" where they will pick a manufacturer and check serial numbers. IOI (b)(6) encouraged the FFL to conducted at minimum a yearly inventory where the open dispositions are populated from Pawn Master and employees put eyes on each firearm to check for A&D accuracy. During the closing conference RP Mr. Vantine stated that he will be requiring the Asheboro location to conduct month inventory effective immediately.

ATF F 4473s-

The FFL files ATF F 4473's in chronological order by date of sale and with a transactional serial number. During record review (b)(6) (Office Manager) stated that she is currently in the process of refiling all the forms to be in sequential order as required as the previous management staff "left things unorganized". IOI (b)(6) did witness the new system and the fixes being implemented onsite (b)(6) stated that she has only been employed at the store for 6 months and is going to go through all forms since the FFL commenced business as she is now responsible for the record keeping.

There were ATF F 4473's reviewed on 11/1/2021-11/5/2021 by IOI (b)(6); IOI (b)(6); IOI (b)(6) and IOI (b)(6) for the inspection scope of 10/31/2020-10/31/2021. There were multiple ATF F 4473's identified by the IOIs with errors/omissions during the record review. See below for the breakdown in errors/omission identified while onsite.

27 CFR 478.129(b): Failure to retain ATF F 4473-

FFL failed to keep and maintain separately approximately (1) denial ATF F 4473s for 5 years after the date of the NICS inquiry. RP Mr. Kirsch and (b)(6) stated that they were unaware of this regulation and that they have not been separating their denial forms. Immediately after being informed the FFL placed a separate box below the counter for all future denial forms to be filed. During the record review IOI's were able to locate of the denial forms. IOI (b)(6) gave the licensee two weeks to locate all denial forms for the past 5 years and they could not locate them. RP Kirsch stated that the previous management staff may have thrown them away or shredded them as he was never aware of a separate folder since starting work at Carolina Guns in January of 2020.

27 CFR 478.126a: Failure to report multiple sales \*REPEAT VIOLATION 2013\* or other dispositions of pistols and revolvers for instances. While onsite IOI's identified unreported multiple sales of handguns. RP Mr. Kirsch retroactively submitted all ATF Form 3310.4 verified by IOI (b)(6)

27 CFR 478.124(a): Failure to execute an ATF F 4473-

During record review IOI's discovered that ATF F 4473's were being re-used for multiple purchases performed on a day post the original purchase date or if a customer left and came back same day. Additional purchase/s were completed on the original ATF F 4473 for instances. RP Mr. Kirsch stated that he thought he was able to use the same form 4473 for the same purchaser within 5 days. IOI (b)(6) asked Mr. Kirsch where he heard/saw this business practice being acceptable. Mr. Kirsch stated that he heard this from another FFL employee in the area but can't recall exactly who. IOI (b)(6) explained to the licensee that they cannot re-use a completed ATF F 4473 and that once the transaction in complete the form is done and needs to be filed. IOI (b)(6) read the portion of the 4473 instructions that states "Additional firearms purchased by the same transferee/buyer may not be added to the form after the transferor/seller has signed and dated it. A transfer/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check." Additionally, RP Mr. Kirsch stated that he did not hear this practice from any ATF official.

27 CFR 478.102(a): Failure to complete a NICS/POC background check \*REPEAT VIOLATION 2013\* -

Due to the FFL re-using ATF F 4473's on two occasions a background check was not satisfied by the NC Concealed Carry Permit thus the FFL was cited for failure to conduct a background check. When the FFL re-used the ATF F 4473 for an additional purchase within 5 days of the original purchase they failed to run a new NICS check and execute a new form. Additionally, on one instance the FFL failed to run a NICS when transferring a firearm to a law enforcement officer. IOI (b)(6) conducted a background check via NCIC for all three individuals to ensure a prohibited transfers were not conducted. These background checks are documented in Spartan under "Document transferee background checks". No prohibitors identified.

27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473-

IOI [redacted] reiterated to the licensee that it is required to fill out the form in its entirety and that all firearms information must be properly recorded on the form. She educated them that attaching receipts and tags does not exempt them from recording firearms information on the form. Additionally, she reminded them that if the firearm does not have a model designated, they need to draw a line or write none.

27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473 & 27 CFR 478.21(a): Failure to complete forms as prescribed \*REPEAT VIOLATION 2013\* - Please see ROV for details on specific errors and omissions identified during record review.

27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473-

While the licensee makes copies and affixes them to the ATF F 4473 a majority of the time, failure to record identification documents occurred in [redacted] instances. IOI [redacted] explained to the licensee that the form itself needs to be filled out in its entirety and that making copies is an extra step but the information must be properly recorded on the ATF F 4473 and verified by the licensee.

27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473-

The FFL failed to record NICS contact date on [redacted] forms and NTN on [redacted] forms. The FFL would instead write the NTN on an attached Post-it or paper with other information on it such as IDs, firearms tags, and receipts. Additionally, the FFL failed to record a NICS responses ([redacted] instances) in 27c or 27d but would occasionally write the response on an affixed piece of paper. The licensee was educated on the need to complete the form as prescribed and that attaching paper with an NTN and response is not an exemption to completing Section C 27a-27d.

IOI [redacted] conducted NCIC queries for [redacted] individuals where the FFL failed to complete the NICS response on the ATF F 4473. During the background checks IOI [redacted] found one individual who is documented under "Transferee background checks" but not prohibited [redacted] [redacted]

27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473 \*REPEAT VIOLATION 2013\*-

The licensee failed to complete #35-36 in [redacted] instances identified by IOIs. IOI [redacted] reviewed the importance of certifying that the form is true, correct, and complete to the best of the transferor's ability.

Trace Activity, Multiple Sale, NICS-

The Violent Crime Analysis Branch provided an FFL history query for the time period of October 27, 2018 to October 27, 2021. The results are as follows:

Carolina Guns and Gear East, Inc. was associated with [redacted] firearm trace requests (including [redacted] duplicates) and [redacted] of which were not completed to an individual purchaser.

[redacted] (b)(3) (112 Public Law 55 125 Stat 552) [redacted] (b)(3) (112 Public Law 55 125 Stat 552) [redacted] (b)(6) No referrals need to be submitted based on data pulled from ATF Analytics.

IOI [redacted] completed [redacted] open traces while onsite and sent them directly to the Tracing Center via [redacted] (b)(6) These traces are not documented in Spartan because [redacted] (b)(6) responded letting IOI [redacted] know that the FFL had already completed the traces with the tracing center prior to her email. However, for reference a confirmation email can be found under attachments as "Open Traces Resolved during Inspection".

This FFL was also associated with [redacted] multiple sale transactions involving [redacted] firearms, [redacted] FFL theft reports involving [redacted] firearms, [redacted] of which have been recovered and [redacted] Interstate Shipper theft report involving [redacted] firearm that has not been recovered. During record review IOIs discovered [redacted] unreported multiple sales.

On 11/24/2021 IOI [redacted] queried approximately 160 used firearms in NCIC for theft with one hit on a Hi-Point [redacted] (b)(6) This firearm was properly reported by RP Mr. Kirsch on a Loss form on 4/27/2020. However, when the FFL reported this firearm missing they failed to log it out of the A&D book with the incident number [redacted] (b)(3) (112 Public Law 55 Stat 552) cited. Additionally, when reported to local PD it was entered into NCIC as stolen. IOI [redacted] (b)(6) reached out to the reporting department who is going to remove the firearm as stolen from NCIC.

FFL is properly reporting firearms to the Leads Online investigation system as required.

No erroneous NTNs were identified during record review. A 60 day NICS FFL Audit Log query revealed 110 transaction for the FFL with 40 denials on file. The FFL was cited for 27 CFR 478.129(b): Failure to retain ATF F 4473 due to missing denial ATF F 4473's. All denials are now being kept in a separate box below the front counter. FFL is properly registered with NICS and utilizes the E-check method.

NFA/Importer/Manufacturer/Collector-

[redacted] (b)(3) (112 Public Law 55 125 Stat 552), (b)(3)(26 USC § 6103), (b)(6)

Suspicious Purchaser-

A suspicious purchaser was identified during record review. Please see Suspicious Activity reported in Spartan under SAR-1463 for more information of [redacted] (b)(6)

[redacted] (b)(6), (b)(7)(C)

Other-

It should be noted that during the 2019 holiday season owners Mr. and Mrs. Vantine let go of most of their employees due to an internal scheduling conflict between management and staff. Due to the mass firing and hiring, new staff was employed at the beginning of 2020 to include RP Mr. Timothy Kirsch. Mr. Kirsch has been running the store as of January 2020. The previous store manager [redacted] (b)(6) was also fired roughly 7 months ago, and [redacted] (b)(6) was hired in her place to get things organized.

On 5/21/2021, RP Mr. Kirsch emailed IOI [redacted] (b)(6) during the covid pandemic to inquire about ATF training classes for him and his staff. IOI [redacted] (b)(6) responded to Mr. Kirsch stated that due to the pandemic the IOI's were instructed to halt all industry seminars/face-to-face outreaches and she will inform him of any in the future (See attachment "[EXTERNAL] FW\_ EDUCATION").

Past 5 year Inspection History- No compliance inspection history for the past 5 years.

- 09/14/2013- 763050-2013-0312, Recall DE, IOI [redacted] (b)(6) Viols WC with WL and Recall



Number Of Traces Resolved By IOI

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

(b)(3)(26 USC § 6103)

NFA Documents Verified

(b)(3)(26 USC § 6103)

Additional Comments

(b)(3)(26 USC § 6103)

Number of Transferee Background Checks

4

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

**REPORT OF VIOLATIONS**

Regulation	Corrective Actions	Instance Details
<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473 (b)(3)(26 USC § 6103)</p> <p>Number of Instances: (b)(3)(26 USC § 6103)</p>	<p>Identify and separately retain all denied (completed if located and future) ATF Forms 4473, for a period not less than 5 years.</p> <p>Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order where NICS was contacted, but no firearm transfer took place, for a period not less than 5 years.</p>	<p>Missing ATF F 4473</p>
<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473 (b)(3)(26 USC § 6103)</p> <p>Number of Instances: (b)(3)(26 USC § 6103)</p>	<p><b>*REPEAT VIOLATION 2013*</b></p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection.</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</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 (b)(3)(26 USC § 6103)</p> <p>Number of Instances: (b)(3)(26 USC § 6103)</p>	<p>Ensure that additional firearms purchased by the same transferee/buyer are not added to the form after the transferor/seller has signed and dated it. A transferee/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check. Execute and retain a complete and accurate ATF Form 4473 on all future firearm 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: 3</p> <p>Number of Instances: 3</p>	<p>Ensure that additional firearms purchased by the same transferee/buyer are not added to the form after the transferor/seller has signed and dated it. A transferee/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check.</p> <p><b>*REPEAT VIOLATION 2013*</b></p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p>	<p>NICS Violation (b)(6)</p> <p>NICS Violation (b)(6)</p> <p>NICS Violation (b)(6)</p>

27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms

Number of Instances:

Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report for remaining (3) missing firearms.  
Accurately, completely & timely record all required future firearm acquisition information.  
Accurately, completely & timely record all required future firearm disposition 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.  
Resume proper maintenance of required acquisition and disposition record.

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

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27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473

ATF Forms 4473:   
Number of Instances:

Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section A.  
  
Do not utilize tags/receipts/attachments to satisfy the requirement to record firearms information in Section A, #1-5.  
Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.

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

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27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473

ATF Forms 4473:   
Number of Instances:

Ensure that all required ATF Form 4473 Section B items are completed/provided by the transferee/buyer on all future transactions.  
  
Ensure that the transferee/buyer provides required signature, on ATF Form 4473 Section D, for all transactions taking place on a date different from when Section B was certified.

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

**\*REPEAT VIOLATION 2013\***  
Execute and retain a complete and accurate ATF  
Form 4473 on all future firearm transactions.

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

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

27 CFR 478.21(a): Failure to complete forms as prescribed

ATF Forms 4473  
Number of Instances:

Ensure that all required ATF Form 4473 Section B items are completed/provided by the transferee/buyer on all future transactions.

Ensure that the transferee/buyer provides required date, on ATF Form 4473 Section D, for all transactions taking place on a date different from when Section B was certified.

Ensure that Section A #6-7 are accurately recorded on all future ATF Forms 4473.

Ensure that the required information for Section E is obtained, validated and accurately recorded on all future ATF Forms 4473.

**\*REPEAT VIOLATION 2013\***

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.

Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.

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

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

27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473

ATF Forms 4473   
Number of Instances:

Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section C.

Do not utilize attachments to satisfy the requirement to record identification information in Section C, #26a.  
Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.

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

27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473

ATF Forms 4473   
Number of Instances:

Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section C.

Do not utilize attachments/post-its to satisfy the requirement to record NICS information in Section C, #27a-d.  
Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.

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

<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>Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section E.</p> <p><b>*REPEAT VIOLATION 2013*</b></p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p><b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b></p>
<p>27 CFR 479.84: Failure to file application to transfer a NFA firearm to a nonlicensee (ATF Form 4)</p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Complete and submit required ATF Form 4 (5320.4 - Application for Tax Paid Transfer and Registration of Firearm) for all future NFA transaction.</p> <p>Verify prior to conducting NFA transfers that the approved ATF Form 4 matches the SI being transferred to the purchaser.</p>	<p><b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(3)(26 USC § 6103),(b)(6)</b></p>
<p>27 CFR 479.86: Failure to obtain approved ATF Form 4 prior to NFA transfer</p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Complete and submit required ATF Form 4 (5320.4 - Application for Tax Paid Transfer and Registration of Firearm) for all future transactions.</p> <p>Verify prior to conducting NFA transfers that the approved ATF Form 4 matches the SI being transferred to the purchaser.</p>	<p><b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(3)(26 USC § 6103),(b)(6)</b></p>

**THEFT/LOSS REPORT**

Acquisition Date	Type	Manufacturer	Importer	Model	Caliber/Gauge	Serial Number
<p><b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b></p>						

**LICENSEE RESPONSE REPORT**

Regulation	Corrective Actions	Licensee Response	Status Details
<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: [ ] Number of Instances: [ ]</p>	<p>Identify and separately retain all denied (completed if located and future) ATF Forms 4473, for a period not less than 5 years. Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order where NICS was contacted, but no firearm transfer took place, for a period not less than 5 years.</p>	<p>RP Mr. Kirsch stated that he was unaware of the requirement to file denial forms separately and as soon as IOI (b)(6) notified them they created a separate folder immediately. When asked if they ever read the 4473 instructions under Purpose of Form they stated that they have not read it thoroughly but will immediately after the closing conference. When asked about where the 25 missing forms went, RP Mr. Kirsch stated that all but two were located during his management and the remainder were likely shredded by previous staff.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/02/2021</p>
<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473: [ ] Number of Instances: [ ]</p>	<p>*REPEAT VIOLATION 2013*</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p>RP Mr. Kirsch stated that it's mostly due to lack of checking over the forms before being filed. Immediately after being informed of the unreported multiple sales, RP Mr. Kirsch retroactively submitted the forms same day. When asked if the computerized record system automatically notifies employees regarding multiple handgun sales they stated it will notify the employee or but will not stop the sale from moving forward. RP Mr. Vantine also stated that he is working on upgrading the software to Axis powered by Gear Fire and the new system will likely keep this issue from occurring.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 12/02/2021</p>
<p>27 CFR 478.124(a): Failure to execute an ATF F 4473</p> <p>ATF Forms 4473: [ ] Number of Instances: [ ]</p>	<p>Ensure that additional firearms purchased by the same transferee/buyer are not added to the form after the transferor/seller has signed and dated it. A transferee/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>RP Mr. Kirsch stated that he was under the assumption if a customer returned within 5 days the same ATF F 4473 could be re-used for additional purchases. RP Mr. Kirsch stated that he likely confused the 5 days for multiple handguns sales. When ask about where they saw/heard this from he stated that he can't recall but thinks it was a previous FFL employee. When ask if they have ever read section A paragraph 4 of the ATF F 4473 instructions, he stated at the time he had not read that section of the instructions but has since been informed by IOI (b)(6) that it's there. RP Mr. Vantine also stated that he is working on upgrading the software to Axis powered by Gear Fire and the new system will likely keep these types of issue from occurring.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/02/2021</p>
<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 3 Number of Instances: 3</p>	<p>Ensure that additional firearms purchased by the same transferee/buyer are not added to the form after the transferor/seller has signed and dated it. A transferee/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check.</p> <p>*REPEAT VIOLATION 2013*</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions. Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p>	<p>RP stated that the missed NICS check for the Law Enforcement Office was a mistake and he has no valid excuse. In reference to the other two failure to complete a NICS check he stated that this was due to the assumption that he could re-use the same ATF F 4473 for addition purchaser within 5 days. When ask about where he saw/heard this from he stated that he can't recall but thinks it was a previous FFL employee. When ask if they have ever read section A paragraph 4 of the ATF F 4473 instructions, he stated at the time he had not read that section of the instructions but has since been informed by IOI (b)(6) that it's there. He also stated that this mistake will never happen again.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/02/2021</p>
<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: [ ]</p>	<p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report for remaining [ ] missing firearms. Accurately, completely &amp; timely record all required future firearm acquisition information. Accurately, completely &amp; timely record all required future firearm disposition information. Amend/Update A&amp;D Record to accurately record all required firearm acquisition information. Amend/Update A&amp;D Record to accurately record all required</p>	<p>RP Mr. Kirsch stated that some of the disposition errors were due to staff logging in a same day repair and neglecting to then dispose of the firearm in the system. RP Mr. Kirsch also stated that "not to assign blame to any previous staff but there was a lack of attention to detail in reference to the A&amp;D book and we have since been working diligently to fix these issues".</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 12/02/2021</p>

5	<p>firearm disposition information. Resume proper maintenance of required acquisition and disposition record.</p>	<p>(b)(6) stated that immediately after IO (b)(6) notified her of corrections needed she rectified what she could and contacted pawn master for additional support. Both (b)(6) and RP Mr. Kirsch stated that they will be conducting monthly inventories to prevent this from reoccurring.</p> <p>The missing firearms were brought in for transfers and Mr. Kirsch stated that they were not disposed of in the system. He and (b)(6) are currently working with UPS to get the tracking information for these three firearms. He stated that they are working diligently to get this resolved.</p>	
6	<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473 Number of Instances:</p>	<p>Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section A.</p> <p>Do not utilize tags/receipts/attachments to satisfy the requirement to record firearms information in Section A, #1-5. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>RP Mr. Vantine also stated that he is working on upgrading the software to Axis powered by Gear Fire and the new system will likely keep these types of issue from occurring. RP Mr. Kirsch stated that all the ATF F 4473 issues are due to oversights and not checking the forms over a second or third time. Additionally, he stated that they will no longer rely on any attachments and will fill out the form in its entirety. Additionally, they have started a new quadruple check system has already been implemented where at the end of every week they check over the forms.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/02/2021</p>
7	<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473 Number of Instances:</p>	<p>Ensure that all required ATF Form 4473 Section B items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature, on ATF Form 4473 Section D, for all transactions taking place on a date different from when Section B was certified.</p> <p><b>*REPEAT VIOLATION 2013*</b> Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>RP Mr. Vantine also stated that he is working on upgrading the software to Axis powered by Gear Fire and the new system will likely keep these types of issue from occurring. RP Mr. Kirsch stated that all the ATF F 4473 issues are due to oversights and not checking the forms over a second or third time. Additionally, he stated that they will no longer rely on any attachments and will fill out the form in its entirety. Additionally, they have started a new quadruple check system has already been implemented where at the end of every week they check over the forms.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/02/2021</p>
8	<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473 Number of Instances:</p>	<p>Ensure that all required ATF Form 4473 Section B items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required date, on ATF Form 4473 Section D, for all transactions taking place on a date different from when Section B was certified.</p> <p>Ensure that Section A #6-7 are accurately recorded on all future ATF Forms 4473.</p> <p>Ensure that the required information for Section E is obtained, validated and accurately recorded on all future ATF Forms 4473.</p> <p><b>*REPEAT VIOLATION 2013*</b> 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. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>RP Mr. Vantine also stated that he is working on upgrading the software to Axis powered by Gear Fire and the new system will likely keep these types of issue from occurring. RP Mr. Kirsch stated that all the ATF F 4473 issues are due to oversights and not checking the forms over a second or third time. Additionally, he stated that they will no longer rely on any attachments and will fill out the form in its entirety. Additionally, they have started a new quadruple check system has already been implemented where at the end of every week they check over the forms.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/02/2021</p>
9	<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473 Number of Instances:</p>	<p>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section C.</p> <p>Do not utilize attachments to satisfy the requirement to record identification information in Section C, #26a. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>RP Mr. Vantine also stated that he is working on upgrading the software to Axis powered by Gear Fire and the new system will likely keep these types of issue from occurring. RP Mr. Kirsch stated that all the ATF F 4473 issues are due to oversights and not checking the forms over a second or third time. Additionally, he stated that they will no longer rely on any attachments and will fill out the form in its entirety. Additionally, they have started a new quadruple check system has already been implemented where at the end of every week they check over the forms.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/02/2021</p>

10	27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473  ATF Forms 4473 [ ] Number of Instances: [ ]	Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section C.  Do not utilize attachments/post-its to satisfy the requirement to record NICS information in Section C, #27a-d. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	RP Mr. Vantine also stated that he is working on upgrading the software to Axis powered by Gear Fire and the new system will likely keep these types of issue from occurring. RP Mr. Kirsch stated that all the ATF F 4473 issues are due to oversights and not checking the forms over a second or third time. Additionally, he stated that they will no longer rely on any attachments and will fill out the form in its entirety. Additionally, they have started a new quadruple check system has already been implemented where at the end of every week they check over the forms.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 12/02/2021
11	27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473  ATF Forms 4473 [ ] Number of Instances: [ ]	Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section E.  *REPEAT VIOLATION 2013* Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	RP Mr. Vantine also stated that he is working on upgrading the software to Axis powered by Gear Fire and the new system will likely keep these types of issue from occurring. RP Mr. Kirsch stated that all the ATF F 4473 issues are due to oversights and not checking the forms over a second or third time. Additionally, he stated that they will no longer rely on any attachments and will fill out the form in its entirety. Additionally, they have started a new quadruple check system has already been implemented where at the end of every week they check over the forms.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 12/02/2021
12	27 CFR 479.84: Failure to file application to transfer a NFA firearm to a nonlicensee (ATF Form 4)  Number of Instances: [ ]	Complete and submit required ATF Form 4 (5320.4 - Application for Tax Paid Transfer and Registration of Firearm) for all future NFA transaction.  Verify prior to conducting NFA transfers that the approved ATF Form 4 matches the SI being transferred to the purchaser.	RP Mr. Kirsch stated he was only employed for 1 months at the time. He stated "I have no valid excuse and made a mistake but the fix was immediately corrected and aggressively executed." He also stated that he now always checks the Form 4 to ensure the correct SI is being transferred.	Status Correction Verified  Verified Method In Person  Date Correction Verified 12/02/2021
13	27 CFR 479.86: Failure to obtain approved ATF Form 4 prior to NFA transfer  Number of Instances: [ ]	Complete and submit required ATF Form 4 (5320.4 - Application for Tax Paid Transfer and Registration of Firearm) for all future transactions.  Verify prior to conducting NFA transfers that the approved ATF Form 4 matches the SI being transferred to the purchaser.	RP Mr. Kirsch stated he was only employed for 1 months at the time. He stated "I have no valid excuse and made a mistake but the fix was immediately corrected and aggressively executed." He also stated that he now always checks the Form 4 to ensure the correct SI is being transferred.	Status Correction Verified  Verified Method In Person  Date Correction Verified 12/02/2021

**CLOSING CONFERENCE**

( 12/2/2021 )  
12/02/2021

Closing Conference Additional Notes

(b)(6) from accounting were also present at the closing conference.

Attachment(s)

Attendee(s)

LEE WAYNE VANTINE II

TIMOTHY ANDREW KIRSCH

**EXHIBITS**

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 1-56-03789 Inspection Results
Correspondence	Spartan Notification RE: 1-56-03789 Monitored Case
Correspondence	Spartan Notification RE: 1-56-03789 Monitored Case
Correspondence	Spartan Notification RE: 1-56-03789 Monitored Case
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Correspondence	Spartan Notification RE: 1-56-03789 Monitored Case
Correspondence	Spartan Notification RE: 1-56-03789 Monitored Case
Correspondence	Spartan Notification RE: 1-56-03789 Monitored Case
Correspondence	Spartan Notification RE: 1-56-03789 Inspection Results
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
AdditionalBackgroundCheck	38976_27d.pdf
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
FirearmTheftLossList	Firearm Theft Loss List.pdf
AdditionalBackgroundCheck	39490_no NICS LEO.pdf
AdditionalBackgroundCheck	39781&39789_Failure to execute ATF F 4473 & No NICS for second transfer.pdf
AdditionalBackgroundCheck	39098, 39104_Failure to execute ATF F 4473 & No NICS for second transfer.pdf
TradeNameVerification	Trade Name Cert.pdf
ZoningVerification	ATF- Zoning Compliance.pdf
Correspondence	Spartan Notification RE: 1-56-03789 Inspection Results
BusinessVerification	Articles of Incorporation.pdf
BusinessVerification	Corporation Name Change.pdf
PropertyOwnershipVerification	Property Deed PGG Holdings LLC.pdf

SAR-1463

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Category	Attachment Name
Correspondence	Industry Operations Report of Suspicious Activity(SAR-1463)

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

In the matter of License Number 1-56-03789, as a/an

Pawnbroker in Firearms Other Than Destructive Devices issued to:

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

Carolina Guns and Gear East Inc.  
1223 East Dixie Drive, Suite B  
Asheboro, NC 27203

### 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 3600 Arco Corporate Drive, Suite 500, Attention DIO Albro, Charlotte, NC 28273, 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	<b>(b)(6)</b>
March 16, 2022	Stephen B. Albro, DIO	

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: 701901600000 19551966 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
03/17/2022	IA	
Print Name and Title of Person Served		Signature of Person Served ( <i>if applicable</i> )
LEE WAYNE VANTINE II		

Address Where Notice Served  
22531 TORRENCE CHAPEL RD, CORNELIUS, North Carolina 28031

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given of the revocation of the Federal firearms license specified above, in that the Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), Charlotte Field Division, has reason to believe that Carolina Guns and Gear East, Inc. (hereinafter Carolina Guns East), 1223 East Dixie Drive, Suite B, Asheboro, North Carolina 27203, 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.

### Compliance History

Lee Wayne VanTine is President of Carolina Guns and Kristi VanTine is Vice President of the corporation. In 2009, ATF conducted a compliance inspection of Carolina Guns East and cited it with multiple violations for which a warning letter was issued. In 2011, ATF conducted a recall inspection that resulted in multiple violations resulting in the issuance of a second warning letter.

In September 2013, ATF conducted a recall inspection of Carolina Guns East that resulted in citations for failing to report the multiple sale of pistols or firearms; failure to conduct a NICS check; and failing to ensure that all ATF 4473 Forms were accurately completed. Again, ATF issued a warning letter.

### Current Inspection

In November 2021, ATF Industry Operations Investigator (b)(6) conducted a compliance inspection of the licensee’s premises. The inspection revealed the following:

1. Licensee willfully failed in three (3) instances to conduct a NICS background check or obtain a NICS alternative permit in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a). In one (1) of the instances, the licensee transferred a firearm to a law enforcement officer without conducting a NICS background check. In two (2) instances, the licensee failed to conduct a NICS background check. Licensee claimed to believe that if an individual completed an ATF Form 4473 and NICS check on one day, the licensee could use the same 4473 and NICS check on subsequent transfers to the same individual within 5 days.

<u>Date</u>	<u>Transferee</u>	<u>Error</u>
1. 4/9/2021	(b)(6)	Failed to perform NICS check
2. 2/26/2021		Failed to perform NICS check
3. 6/10/2021		Failed to perform NICS check

***This was a repeated violation as cited by ATF in 2013.***

2. Licensee willfully failed to execute an ATF Form 4473 in  instances in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124a.

Date

Transferee

Error

<input type="text" value="(b)(6)/(b)(7)(C)"/> <b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b> <input type="text" value="(b)(6)/(b)(7)(C)"/> <input type="text" value="(b)(6)/(b)(7)(C)"/>
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3. Licensee willfully failed in  instances to completely and/or accurately record identification information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.124(c)(3)(i).

Date

Transferee

Error

<b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b>
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4. Licensee willfully failed in  instances on  forms to ensure that the transferee correctly recorded the required information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.124(c)(1). **See Appendix A.**

*This was a repeated violation as cited by ATF cited in 2009, 2011, and 2013.*

5. Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances on (b)(3) (112 Public Law 55 125 Stat 552) forms to document NICS information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.124(c)(3)(iv). **See Appendix B.**
6. Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances on (b)(3) (112 Public Law 55 125 Stat 552) forms to ensure that the ATF Form 4473 was complete and accurate as required prior to transferring a firearm violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.21a. **See Appendix C.**

*This was a repeated violation as cited by ATF in 2013.*

7. Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances on (b)(3) (112 Public Law 55 125 Stat 552) forms to completely and/or accurately record the licensee information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.124(c). **See Appendix D.**

*This was a repeated violation as cited by ATF in 2013.*

8. Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances on (b)(3) (112 Public Law 55 125 Stat 552) forms to properly record the firearm description (manufacturer, model, serial number type and caliber) on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.124(c)(4). **See Appendix E.**
9. Licensee willfully failed on (b)(3) (112 Public Law 55 125 Stat 552) occasions to maintain an accurate, complete, and timely acquisition and disposition record in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). **See Appendix F.**

*This was a repeated violation as cited by ATF cited in 2009, 2011, and 2013.*

10. Licensee willfully to retain ATF Forms 4473 where NICS issued denials in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.129(b).
11. Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances to report the multiple sales or other dispositions of pistols or revolvers in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a.

Date

Transferee

Error

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

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

*This was a repeated violation as cited by ATF in 2013.*

# Appendix A

Form hyperlink

Page

{(b)(6)(b)(7)(C)}

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

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

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

## Appendix B

Form hyperlink

Page

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

## Appendix C

Form hyperlink

Page

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

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

## Appendix D

Form hyperlink

Page

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

## Appendix E

Form hyperlink

Page

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

## Appendix F

Page

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

**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 1-56-03789 as a/an  
Pawnbroker in Firearms, issued to:

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

Carolina Guns and Gear East Inc.  
1223 East Dixie Drive, Suite B,  
Asheboro, NC 27203

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  September 23, 2022  
 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 3600 Arco Corporate Drive, Suite 500, Attention - DIO Albro

Charlotte, NC 28273

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 7/20/22	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Stephen B. Albro	(b)(6)
-----------------	--	--------

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 2280 0001 0380 3541

Or

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

Date Notice Served 07/20/2022	Title of Person Serving Notice IA	(b)(6)
----------------------------------	--------------------------------------	--------

Print Name and Title of Person Served  
Lee Wayne Vantine

Address Where Notice Served  
22531 Torrence Chapel Road, Cornelius, NC 28031

Note: Previous Edition is Obsolete

**UNITED STATES DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**

In the Matter of Revocation of Federal	)	
Firearms License Under Chapter 44,	)	<b>CHARLOTTE</b>
Title 18, United States Code, As A Manufacturer	)	<b>FIELD DIVISION</b>
In Firearms	)	
	)	<b>FINDINGS AND</b>
Licensee:	)	<b>CONCLUSIONS</b>
Carolina Guns and Gear East, Inc.	)	
1223 East Dixie Drive, Suite B	)	
Asheboro, North Carolina 27203	)	
_____	)	

Carolina Guns and Gear East, Inc. (Licensee), 1223 East Dixie Drive, Suite B, North Carolina, 27203, a Dealer in Firearms Other Than Destructive Devices, holds Federal firearms license #1-56-03789 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 March 16, 2022, ATF issued a Notice of Revocation and/or Fines of License, ATF Form 4500, to the Licensee via certified mail. The Licensee timely requested a hearing to review that Notice. The hearing was scheduled for June 14, 2022, at the ATF Greensboro Field Office.

The hearing was conducted by ATF Director of Industry Operations (DIO) Stephen B. Albro, Charlotte Field Division. ATF was represented by Charlotte Division Counsel: (b)(6) and ATF Industry Operations Investigator: (b)(6) appeared as a witness on behalf of the Government. The President and Responsible Person for Licensee, Lee Wayne VanTine, II, appeared at the hearing. The hearing was observed by Area Supervisor: (b)(6) Assistant Special Agent in Charge, (b)(6) for the Charlotte Field Division, and Andy Perdas, Director of Industry Operations for the Washington Field Division. The hearing was recorded and transcribed by the Government through a court reporter service. The Government offered testimony and exhibits.

**Findings of Fact**

Having reviewed the record in this proceeding, I make the following findings:

1. At the hearing, ATF introduced evidence of a compliance inspection conducted in 2009 by Industry Operations Investigator: (b)(6) of the Licensee's prior business entity, Payday Jewelry and Loans, Inc., doing business as, Carolina Guns and Gold. Carolina Guns and Gold was cited by Investigator Reaves with violating firearms regulations. Investigator: (b)(6) testified that the corporate officers were Lee Wayne VanTine, II and his wife, Kristi VanTine. The Government introduced an

Acknowledgement of Federal Firearms Regulations signed on October 14, 2009. *See* Government Exhibit 9.

2. Investigator (b)(6) testified that during her review of Licensee's compliance history, she determined that Licensee was inspected by Industry Operations Investigator (b)(6) and cited for violations on July 19, 2011.
3. The Government introduced an Acknowledgment of Federal Firearms Regulations signed by Licensee on July 19, 2011. *See* Government Exhibit 8.
4. Investigator (b)(6) testified that Licensee was again inspected by Industry Operations Investigator (b)(6) and cited for violations on September 17, 2013. As a result of that inspection, ATF issued a Report of Violations citing Licensee with five (5) regulatory violations several of which were repeated violations from the 2009 and 2011 inspections. *See* Government Exhibit 6.
5. The Government introduced an Acknowledgment of Federal Firearms Regulations signed by Licensee on September 17, 2013. *See* Government Exhibit 7.
6. Investigator (b)(6) testified that she conducted a compliance inspection of Licensee's business premises on or about October 31, 2021. As a result of the inspection, Investigator (b)(6) cited Licensee with multiple violations of the GCA.
7. As set forth in paragraph 1 of the Notice of Revocation, Licensee willfully failed in three (3) instances to conduct a NICS background check or obtain a NICS alternative permit in violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a). The Government introduced testimony and documents to support the violation. *See* Government Exhibits 10A, 10B, and 10C. One instance involved the transfer of a firearm to a law enforcement officer and the others involved the Licensee adding firearms to previously completed Firearms Transaction Records, ATF Form 4473 (Form 4473) if the same purchaser returned to the Licensee within five (5) days to purchase additional firearms. Investigator (b)(6) testified that Licensee's Responsible Person and store manager, Timothy Kirsh, advised her that he did not believe the Licensee needed to conduct another NICS check or have a customer complete an additional Form 4473 if they returned to the store to purchase additional firearms within five (5) days of the first transfer and NICS background check.
8. On September 17, 2013, Licensee was cited for failing to properly conduct NICS background checks. *See* Government Exhibit 7.
9. As set forth in paragraph 2 of the Notice of Revocation, Licensee willfully failed in ( ) instances to execute an ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124a. During the hearing, the Government introduced testimony and documents to support the violation. *See* Government Exhibits 11A – 11H.

10. As set forth in paragraph 3 of the Notice of Revocation, Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances completely and/or accurately record identification information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i). The Government introduced testimony and documents to support each of the violations cited. *See* Government Exhibits 12A – 12P.
11. As set forth in paragraph 4 of the Notice of Revocation, Licensee willfully failed in (b)(3) instances to ensure that the transferee correctly recorded the required information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(c)(1). Using Appendix A of the Notice of Revocation and Forms 4473, the Government introduced testimony and documents to support each of the violations cited. *See* Government Exhibits 1 and 13A – 13I. Investigator (b)(6) also testified that the violation was a repeated violation as cited by Investigator (b)(6) in 2009, 2011, and 2013, respectively. Specifically, it was cited as violation on the Report of Violations issued on September 17, 2013. *See* Government Exhibit 6.
12. As set forth in paragraph 5 of the Notice of Revocation, Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) on (b)(3) (112 Public Law 55 125 Stat 552) forms to document NICS information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 124(c)((3)(iv). Using Appendix B of the Notice of Revocation and Forms 4473, the Government introduced testimony and (b)(3) (112 Public Law 55 125 Stat 552) of the (b)(3) (112 Public Law 55 125 Stat 552) forms supporting the violations cited in the Notice of Revocation. *See* Government Exhibits 1, 14A, 14B, 14C, 14D, and 14E.
13. As set forth in paragraph 6 of the Notice of Revocation, Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances on (b)(3) (112 Public Law 55 125 Stat 552) forms to ensure that the ATF Form 4473 was complete and accurate prior to transferring a firearm in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.21a. Using Appendix C of the Notice of Revocation and Forms 4473, the Government introduced testimony and (b)(3) (112 Public Law 55 125 Stat 552) forms to support the violation cited in the Notice of Revocation. *See* Government Exhibits 1, 15A, 15B, 15C, 15D, 15E, and 15F. Investigator (b)(6) also testified that the violation was a repeated violation as cited by Investigator (b)(6) in 2013. Specifically, it was cited on the Report of Violations issued on September 17, 2013. *See* Government Exhibit 6.
14. As set forth in paragraph 7 of the Notice of Revocation, Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances on (b)(3) (112 Public Law 55 125 Stat 552) forms to completely and/or accurately record the licensee information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. §§ 478.21 and 478.124(c). Using Appendix D of the Notice of Revocation and Forms 4473, the Government introduced testimony and five (5) forms to support the violation cited in the Notice of Revocation. *See* Government Exhibits 1, 16A, 16B, 16C, 16D, and 16E. Investigator (b)(6) also testified that the violation was a repeated violation as cited by Investigator (b)(6) in 2013. Specifically, it was cited as violation on the Report of Violations issued on September 17, 2013. *See* Government Exhibit 6.

15. As set forth in paragraph 8 of the Notice of Revocation, Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances on (b)(3) (112 Public Law 55 125 Stat 552) forms to properly record the firearm description (manufacturer, model, serial number type, and caliber) on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.124(c)(4). Using Appendix E of the Notice of Revocation and Forms 4473, the Government introduced testimony and (b)(3) (112 Public Law 55 125 Stat 552) forms to support the violation cited in the Notice of Revocation. *See* Government Exhibits 1, 17A, 17B, 17C, 17D, and 17E. Investigator (b)(6) also testified that the violation was a repeated violation as cited by Investigator (b)(6) in 2009, 2011, and 2013, respectively. Specifically, it was cited as violation on the Report of Violations issued on September 17, 2013. *See* Government Exhibit 6.
16. As set forth in paragraph 9 of the Notice of Revocation, Licensee willfully failed on (b)(3) (112 Public Law 55 125 Stat 552) occasions to maintain an accurate, complete, and timely acquisition and disposition record in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). Using Appendix F of the Notice of Revocation and Licensee's Acquisition and Disposition Record, the Government introduced testimony and documents to support the violation cited in the Notice of Revocation. *See* Government Exhibits 1 and 18A. Licensee also had a Glock 17 pistol in its physical inventory that was not recorded in its acquisition record. *See* Government Exhibits 1 and 19.<sup>1</sup>
17. Investigator (b)(6) testified that by the conclusion of the compliance inspection, she had provided Licensee sufficient time to reconcile firearms missing from inventory for which there was no record of a disposition. Investigator (b)(6) determined that Licensee was unable to account for (b)(3) (112 Public Law 55 125 Stat 552) firearms and instructed Licensee to complete a Federal Firearms Inventory Theft/Loss Report 3310.11 for the missing firearms. *See* Government Exhibit 18B.
17. As set forth in paragraph 10 of the Notice of Revocation, Licensee willfully [failed] to retain ATF Forms 4473 where NICS issued denials in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.129(b). The Government produced testimony to support the violation. Investigator (b)(6) also testified that Licensee's Responsible Person, Timothy Kirsh, acknowledged to her that Licensee did not retain Forms 4473 of NICS denials.
18. As set forth in paragraph 11 of the Notice of Revocation, Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances to report the multiple sales or other dispositions of pistols or revolvers in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. The Government produced testimony and documents to support the violation. *See* Government Exhibits 1 and 20A – 20M. Investigator (b)(6) also testified that the violation was a repeated violation as cited by Investigator (b)(6) in 2013. Specifically, it

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<sup>1</sup> Although the Notice of Revocation cites the Acquisition and Disposition violations a repeat violation, the Report of Violations issued on September 17, 2013 does not use the same regulatory citation. Therefore, the Notice of Revocation was amended to strike the reference to paragraph 9 as a repeat violation.

was cited as violation on the Report of Violations issued on September 17, 2013. *See* Government Exhibit 6.

## Conclusions of Law

Pursuant to the GCA, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license if the licensee has willfully violated any provision of the GCA or the regulations issued thereunder. 18 U.S.C. § 923(e); 27 C.F.R. § 478.73. For purposes of 18 U.S.C. § 923, a “willful” violation occurs when the Licensee had knowledge of the GCA and either purposefully disregards the requirements or is plainly indifferent to them. *American Arms, Int’l v. Herbert*, 563 F.3d 78, 85 (4<sup>th</sup> Cir. 2009); *CEW Props v. United States DOJ*, 979 F.3d 1271, 1279 (10<sup>th</sup> Cir. 2020); *Simpson v. AG United States*, 913 F.3d 110, 114 (3<sup>d</sup> Cir, 2019); *The General Store v. Van Loan*, 560 F.3d 920, 924 (9<sup>th</sup> Cir. 2009); *Armalite, Inc. v. Lambert*, 544 F.3d 644, 648 (6<sup>th</sup> Cir. 2008); *On Target Sporting Goods, Inc. v. Attorney General*, 472 F.3d 572 (8<sup>th</sup> Cir. 2007); *Article II Gun Shop, Inc. v. Gonzales*, 441 F.3d 492 (7<sup>th</sup> Cir. 2006); *Willingham Sports, Inc. v. BATF*, 415 F.3d 1274 (11<sup>th</sup> Cir. 2005). *See also*, *Bryan v. United States*, 524 U.S. 184, 197-198 (1998). In several instances, the courts have held that ATF may revoke a FFL based on a single willful GCA violation. *Fairmount Cash Mgmt., L.L.C. v. James*, 858 F. 3d 356, 362 (5<sup>th</sup> Cir, 2017); *American Arms, Int’l v. Herbert*, 563 F.3d at 86; *DiMartino v. Buckles*, 129 F. Supp. 2d 824, 827 (D. Md. 2001). It is not necessary that a licensee act with “bad purpose or evil motive.” *Article II Gun Shop, Inc. v. Gonzales*, 441 F.3d 492, 497-98 (7<sup>th</sup> Cir. 2006); *Prino v. Simon*, 606 F.2d 449, 451 (4<sup>th</sup> Cir. 1979) (“no showing of malicious intent is necessary” to show willfulness).

The documents and testimony support the contention that the Licensee understood the requirements that it must conduct NICS checks when required, timely and accurately record the acquisition and disposition of firearms in the A&D record, timely and accurately report the multiple sale of pistols and revolvers, accurately record required NICS information on the ATF Form 4473 and ensure that the ATF Form 4473 is accurately completed by the transferee and Licensee in all instances. There were instances wherein the Licensee complied with these provisions in the past, demonstrating that the Licensee understood its obligations under the Gun Control Act. The Licensee is a veteran FFL who has been in business for many years.

As indicated in the Notice of Revocation, ATF previously cited the Licensee for some of the same violations as the result of compliance inspections in 2009, 2011, and 2013. During each of the prior inspections, ATF reviewed the specific federal laws and regulations with the Licensee’s Responsible Person(s), with which the Licensee is required to comply as a holder of a federal firearms license. The review included the Responsible Person signing the acknowledgments certifying that all the information was explained to Licensee, any questions were answered, and Licensee received a copy of the forms.

At the conclusion of the Government’s presentation, Lee Wayne VanTine, II, stated that he has been in the gun business for over thirty (30) years. After Investigator (b)(6) inspection, he directed the manager of his store in Asheville: (b)(6), to provide training to his employees in the Asheboro location. Mr. VanTine also indicated that he was going to utilize new software to reduce mistakes.

Counsel for the Government questioned Lee VanTine about how often he would personally go to the store prior to the inspection. Mr. VanTine stated, “[n]ot often.” When Counsel for the Government asked Mr. VanTine if he would characterize himself as a hands-off owner, Mr. VanTine responded, “[o]bviously. I’m not an operator.” When asked whether he has taken a more active role in the operation of the store since the inspection, Mr. VanTine said, “[n]o. I have taken an active role in sending my qualified people there to retrain the staff...”.

A federal firearms licensee has a duty to be cognizant of the rules and regulations issued by ATF and to follow those mandates. It was apparent that the Licensee, who was a veteran firearms dealer, knew and understood his responsibilities, and was repeatedly advised of the responsibilities, and periodically complied with the GCA, yet was plainly indifferent to the firearms laws and regulations. *See CEW Props v. United States DOJ*, 979 F.3d at 1279-1281 (veteran FFL who had been trained by ATF regarding compliance with GCA and periodically complied with GCA was plainly indifferent to these responsibilities when he violated the GCA); *Simpson v. AG United States*, 913 F.3d at 114-15 (same).

I find that Licensee willfully violated 18 U.S.C. § 922(t)(1) and 27 CFR § 478.102(a) when it failed to conduct a NICS background check or obtain a NICS alternative permit.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(a) when it failed to execute an ATF Form 4473.

I find that Licensee willfully violated 18 U.S.C. § 922(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.124(c)(3)(i) when it failed to completely and/or accurately record identification information on the ATF Form 4473.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.123(c)(1) when it failed to ensure that the transferee correctly recorded the required information on the ATF Form 4473.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv) when it failed to document NICS information on the ATF Form 4473.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.21a when it failed to ensure that the ATF Form 4473 was complete and accurate prior to transferring a firearm.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. §§ 478.21 and 478.124(c) when it failed to completely and/or accurately record the licensee information on the ATF Form 4473.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§ 478.21 and 478.124(c)(4) when it failed to properly record the firearm description (manufacturer, model, serial number type, and caliber) on the ATF Form 4473.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e) when it failed to maintain an accurate, complete, and timely acquisition and disposition record.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.129(b) when it failed to retain ATF Forms 4473 where NICS issued denials.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a when it failed to report the multiple sales or other dispositions of pistols or revolvers

As such, I conclude that the Licensee willfully violated the provisions of the Gun Control Act, as amended, and the regulations issued thereunder. Accordingly, as provided by 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, the Federal firearms license held by Carolina Guns and Gear East, Inc., is hereby REVOKED.