

CHARLES G BROWN INC's FCI
FCI-8343
09/23/2022 10:48 AM
IOI (b)(6) Knoxville (IO) Satellite Office

GENERAL INFORMATION

IOI Hours Spent on Inspection
135.0
Due Date
9/30/21 12:00 AM

LICENSEE INFORMATION

Licensee Name	RDS Key	License/Permit Number	License Type
CHARLES G BROWN INC	1-62-37768	1-62-163-02-9G-37768	02 - Pawnbroker License
Business Type	Premises Address		
Corporation	New Location		
Premises Ownership Type	Premises Location Type Required		
Leased/Rented	<input type="text" value="Store Front"/>		

RECOMMENDATIONS

Final Decision Date
Revocation 07/21/2022

Details

A Hearing was held on 5/17/2022. The Final Notice of Revocation was sent on 7/21/2022. IOI (b)(6) met with the licensee to collect the records and license on 8/11/2022. IOI (b)(6) forwarded the records to the OOB Records Center. The shipping labels are attached in Spartan. Inventory was transferred to Jonesborough Armory 1-62-09484.

Out of Business Records and Inventory Management

Licensee Records

Licensee Inventory

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

Details

Concur with Field Division proceeding with revocation.

Special Agent in Charge 's Recommendation

SAC French concurs with revocation

Division Counsel 's Review

Details

Review completed.

Director Industry Operations Mickey French's Recommendation
Revocation

Details

The violations cited during the inspection warrant Revocation due to the licensee failing to conduct a background check. Licensee failed to initiate a new TICS (state POC) check when a transaction was not completed within the 30-day period from the date TICS was initially contacted (initial TICS check April 30, 2021, transfer date June 2, 2021). This is a repeat violation from the previous inspection. Additionally, the licensee attaches approved TICS checks with all ATF F 4473's. The TICS overturned approval supplied document for the transaction on June 2, 2021 was for a previously denied transaction in December 2020 for the purchasing individual. The investigating IOI contacted TICS and verified both transactions in December 2020 and the transaction on April 30, 2021 were overturned on May 31, 2021. The overturned verification documents were emailed to the licensee by TICS approximately 15 minutes apart on May 31, 2021. It should be noted that within the verification documentation, the licensee is reminded by TICS to conduct a follow-up background check if the appeal process takes longer than 30-days. DIO agrees with the recommendation of revocation.
There have been three firearm traces attributable to this licensee in the past 12 months. There was no missing inventory.

Details

Onsite End Date: 10/14/2021

IO (b)(6) conducted a recall compliance investigation of the licensee. Nine violations were found. The results of the inspection warrant Revocation due to the licensee failing to conduct a background check. The licensee failed to conduct a new TICS check when a transaction was not completed within 30 days from the date TICS was initially contacted. This was an overturned transaction (initially denied then appealed). The letter from TICS giving the "overturned" response states "If the appeal of denial took over the 30 days allowed; the dealer will have to run a new TICS background check." and this is a repeat violation from the previous inspection.

During this recall inspection, the licensee was cited for nine violations. All nine were repeat violations. The licensee has been the subject of two previous inspections. One resulted in a Warning Conference being held and one resulted in a ROV only.

Details

Onsite Begin Date: September 21, 2021

Onsite End Date: October 14, 2021

IO (b)(6) conducted a Recall firearms compliance inspection of the licensee.

Violations Found: Nine

The violations cited during the inspection warrant Revocation due to the Failure to initiate a new NICS check when a transaction is not completed within the 30-day period from the date NICS was initially contacted. Licensee failed to initiate a new NICS check after 30 days which is a repeat violation from the previous inspection. All ATF F 4473 violations were repeated with all but one violation having more instances or errors than the previous inspection. The violation 27 CFR 478.125(e) was improved in total instances due to the licensee not having any missing firearms, however the previous inspection showed (b)(6) firearms not logged in/out correctly while this inspection showed (b)(6). Additionally, licensee demonstrated an attitude of indifference, and in some instances hostility, toward Federal Firearms Regulations when talking with IO (b)(6) about violations and corrective measures.

Relevant Inspection History:

February 6, 2018, 776070-2018-0138, Eleven violations found.

November 29, 2007, 776070-2008-0070, one violation found.

Inspection Findings

NICS

- 5. Failure to initiate a new NICS check when a transaction is not completed within the 30-day period from the date NICS was initially contacted.

FFL History

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

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
CHARLES G BROWN INC	Corporation	Yes

Additional Findings

Charles G. Brown is a corporation organized in the State of Tennessee. Records obtained from the Tennessee Secretary of State Business Services Division indicated this business entity was formed in 1994 and is in good standing.

Attachment(s):

brown_fc-8343_tnsos-20190607.pdf

Property Ownership Verification

Premises Ownership Type	Premises Location Type	Has the property ownership been verified?
Leased/Rented	Store Front	Yes

Address

No data available

Additional Findings

Investigator (b)(6) queried the Tennessee Comptroller's Property Viewer website (<https://tnmap.tn.gov/assessment/>) and retrieved data that indicates that Cheryl A. Brown, responsible person, owns the property indicated on the license. Investigator (b)(6) attached property information obtained from the Comptroller's office to this report.

Attachment(s):

brown_fc-8343_property-20190607.pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
UNCLE SAMS LOAN OFFICE	Yes

Additional Findings

Charles G. Brown is a corporation organized in the State of Tennessee. Records obtained by Investigator (b)(6) from the Tennessee Secretary of State Business Services Division indicated that this business entity was formed in 1994 and is in good standings. Furthermore, there is no evidence recorded with the Tennessee Secretary of State that the corporation filed a notice with the Secretary of an assumed business name. IO (b)(6) followed up with the licensee who registered the trade name with the Tennessee Secretary of State upon notification by IO (b)(6)

Attachment(s):
FCI 8343 FilingInfo with trade name.pdf

Rental/Lease Verification

Is the proposed business activity permitted by the property owner?
Yes

Additional Findings
This property is owned by Cheryl Ann Brown who is an RP and the owner of Charles G Brown Inc.

Attachment(s):
FCI 8343 Lease.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings
This licensee is in the B-2 Central Business district. From the Bristol TN zoning website: "The B-2 district is the designation assigned to the downtown business area and is intended for uses which benefit from a central location, and which provide goods and services used by the entire community and its surrounding area." There are no restrictions for retail sales in the area.

Attachment(s):
FCI 8343 Zoning Map.pdf

APPOINTMENT DETAILS

Interview Date
09/20/2021
Address

Responsible Attendee(s)

Non-Responsible Person(s)

CHERYL ANN B BROWN
(b)(6) (Deactivated)

No Items

JACOB HIRAM STUFFLESTREET
(b)(6) (Deactivated)

RESPONSIBLE PERSON(S)

CHERYL ANN B BROWN

Name	Gender	Race	Ethnicity
Ms. CHERYL ANN B BROWN	Female	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	VICE PRESIDENT	

Physical Identifiers

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

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

Criminal History Check

Date Criminal History Check Conducted
09/01/2021

Criminal History Check Comments
No identifiable info found.

CHARLOTTE A BROWN

(Deactivated)

Name (b)(6)	Gender Female	Race White	Ethnicity Not Hispanic or Not Latino
Date of Birth (b)(6)	SSN (b)(6)	Job Title TREASURER	

Physical Identifiers

Height	Weight	Hair Color	Eye Color
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Place of Birth

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

(b)(6)

Additional Names

Citizenship

United States

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

Criminal History Check

Date Criminal History Check Conducted
09/01/2021

Criminal History Check Comments
DLN - deceased

JACOB HIRAM STUFFLESTREET

Name Mr. JACOB HIRAM STUFFLESTREET	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) lbs.	Hair Color (b)(6)	Eye Color (b)(6)
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Place of Birth

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

(b)(6)

(b)(6)

United States

Additional Names

Citizenship

United States

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

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

Criminal History Check

Date Criminal History Check Conducted
09/01/2021

Criminal History Check Comments
No identifiable info found.

(b)(6)

(Deactivated)

Name	Gender	Race	Ethnicity
(b)(6)			
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	SALES CLERK	

Physical Identifiers

Height	Weight	Hair Color	Eye Color

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)	

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
Pawn brokering of Jewelry is the primary item the licensee sells, but other items such as electronics, instruments, tools, knives, and guns are pawned and sold.

Do they need an additional license or permit?
No

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

Business Activities

Selected Operational Security Measures
Controlled Access to ATF Recordkeeping

Wholesale
Pawnbroker

SECURITY WALKTHROUGH

Inspection Area Description

The premises is a storefront on state street with the Tennessee/Virginia state line along the road. Inside the storefront is a pawn shop with a cafe leasing a small area of the store from Mrs. Brown, who is an RP on this license. The firearms are behind the counter in the back left of the store.

Primary Activity
Retail

Selected Physical Security Measures

- Alarm Monitoring (with Cellular Back-Up)
- Deadbolts
- Floodlights
- Glass Breakage Detection
- Local Audible Alarm
- Motion Sensors
- Safe(s)/Vault(s)
- Security Cameras

GPS Coordinates

Latitude
36.59483

Longitude
082.18391

INTERVIEW NOTES

IOI (b)(6) conducted multiple forward traces due to irregularities on ATF F 4473's and the licensee's A&D book indicating possible illegal transfers. No trafficking information or illegal transfers were discovered. However, one customer did complain about the licensee receiving one of his firearms on pawn and the licensee selling it before the pawn date was expired. IOI (b)(6) was unable to verify this information in the licensee's A&D book or 4473's due to the individual being unable to give adequate firearm identification. In another instance a backward trace was conducted to verify a serial number and shipping date. The licensee who shipped the firearm to Charles G Brown Inc stated he was unlikely to do business with Charles G Brown Inc again due to the circumstances surrounding his transfer and subsequent re-acquisition of the firearm.

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

Total Number of Open Dispositions in A & D Record

Total Number of Firearms in Inventory
74

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation
0

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

Onsite End Date

Number of Reported Lost/Stolen Firearms During Inspection Period

Total Number of Traces During Inspection Review Period

Total Number of Those Traces That Were Unresolved

Inspection Period Start Date

Inspection Period End Date

Number Of Traces Resolved By IOI

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

Additional Comments

Inspection Period: September 21, 2020 through September 20, 2021

License/Permit Issue Date: This license was issued in June 1995, however the licensee has been in business since the early 1900's.

Type of Record: MANUAL. Licensee stated he will never use computer A&D books.

Inventory Frequency: Yearly

SOP: Licensee does not have any SOP's. He complained about not being able to keep good help and stated he is the main person who reviews the ATF F 4473's and, in addition to himself, has other employees help keep the A&D book.

Number of Traces in past 12 months: Completed [] Resolved [] Unresolved 0

NICS/TICS Verified: Each 4473 had the TICS printout with the ATF F 4473.

Between IOI (b)(6) conducting the onsite inventory/ATF F 4473 review and the closing conference (approximately 2-3 weeks) Mr. Stufflestreet lost all of his employees. He did not state why they left but rather complained he couldn't get and keep good help. He and his wife were the only individuals working the store during the closing conference.

During the inspection, Mr. Stufflestreet was constantly in and out of the building stating he was taking a smoke break, dropping off money at the bank, or picking up his kids.

Mr. Stufflestreet made multiple mentions of not wanting or knowing why he had to follow ATF regulations. This was stated while talking about multiple handgun sales forms but he also referenced other regulations such as background checks, ATF F 4473's, and A&D books.

Mr. Stufflestreet had a policy to not open boxes that had been shipped to him until the person who ordered the box shipped was there to verify the contents. These boxes may not be opened for days or weeks. Most of the items that are shipped to the licensee are firearms. IOI (b)(6) discussed the need to log firearms into the A&D book in the specified time and the licensee stated he will start opening boxes as soon as they come in.

Mr. Stufflestreet kept old records in a room in the back or upstairs in storage. IOI (b)(6) recommends that area be viewed immediately at the beginning of any future inspections for

possible firearms not logged in the A&D book.

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>1</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>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>2</p> <p>27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Execute and accurately record (on an ATF Form 4473) a new NICS/POC background check, after any 30-day expiration of a previously conducted NICS/POC check, on all future over-the-counter firearm transactions.</p>	<p>NICS Violation (b)(6)</p>
<p>3</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>Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>4</p> <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>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>ATF Forms 4473 Number of Instances</p>	<p>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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

5			(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
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: 6	Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
7	27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473 ATF Forms 4473 Number of Instances: 7	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)
8	27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473 ATF Forms 4473 Number of Instances: 8	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)
9	27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473 ATF Forms 4473 Number of Instances: 9	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)

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473 Number of Instances: 1	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.	Licensee stated "Yeah, we didn't have any missing firearms right?" He also stated he didn't notice they failed to send in the 3310.4's until IO (b)(6) brought it to their attention.	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/14/2021
27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check ATF Forms 4473: 1 Number of Instances: 1	Execute and accurately record (on an ATF Form 4473) a new NICS/POC background check, after any 30-day expiration of a previously conducted NICS/POC check, on all future over-the-counter firearm transactions.	Licensee took this opportunity to complain that if a person is denied they only have 30 total days to get it straightened out, he further pointed out in frustration that TICS could take 29 days and the person may have a job and can't come pick up the firearm the next day. He also complained people don't know why they were denied.	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/14/2021

<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>3 Number of Instances: []</p>	<p>Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information.</p>	<p>Licensee stated they started putting firearms in the A&D book within seven days of getting them. Referring to a firearm IOI [] found in the inventory that was still in the shipping box and was not logged in.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>4 ATF Forms 4473: [] Number of Instances: []</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Licensee complained he just lost all of his help and doesn't have enough trained people but he will try to do better. This was the general response for all violations pertaining to the ATF F 4473.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>
<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>5 ATF Forms 4473: [] Number of Instances: []</p>	<p>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>Licensee complained he just lost all of his help and doesn't have enough trained people but he will try to do better. This was the general response for all violations pertaining to the ATF F 4473.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>
<p>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473</p> <p>6 ATF Forms 4473: [] Number of Instances: []</p>	<p>Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>Licensee complained he just lost all of his help and doesn't have enough trained people but he will try to do better. This was the general response for all violations pertaining to the ATF F 4473.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>
<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>7 ATF Forms 4473: [] Number of Instances: []</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Licensee complained he just lost all of his help and doesn't have enough trained people but he will try to do better. This was the general response for all violations pertaining to the ATF F 4473.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>
<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>8 ATF Forms 4473: [] Number of Instances: []</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Licensee complained he just lost all of his help and doesn't have enough trained people but he will try to do better. This was the general response for all violations pertaining to the ATF F 4473.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</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: []</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Licensee complained he just lost all of his help and doesn't have enough trained people but he will try to do better. This was the general response for all</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p>

9 Number of Instances [REDACTED]		violations pertaining to the ATF F 4473.	Date Licensee Notified 10/14/2021
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RECORD(S) OF CONVERSATION

Name	When Contacted 09/22/2021	Method of Contact In-Person
Phone	Location Contacted 612 Pennsylvania Ave, Bristol, Tennessee 37620	
Investigative Participant(s)	Narrative While conducting a compliance inspection on the FFL Charles G Brown Inc. IOI [REDACTED] discovered the licensee failed to complete and submit a multiple handgun sale form. When IOI [REDACTED] brought this to Responsible Person and Store Manager Mr. Jacob Stufflestreets attention, Mr. Stufflestreet became openly hostile during the conversation regarding gun laws, asking why he had to send in a multiple handgun sale form and decrying the purpose behind the Brady Handgun Act implying it was a conspiracy. IOI [REDACTED] noticed the licensee was reading a book titled "Disarming Americans!" by Ammon Jones as Mr. Stufflestreet was verbally venting his frustration. IOI [REDACTED] diffused the conversation by pointing out the criminal aspect of trafficking guns is the focus of the MHGSF and not the general collector or frequent purchaser that Mr. Stufflestreet was referring to. Additionally a customer came to the counter and took Mr. Stufflestreets attention away.	

CLOSING CONFERENCE

Review Regulations conducted offline
(10/14/2021)
10/14/2021

Closing Conference Additional Notes
The acknowledgement was conducted online however the signature was corrupted when saved. A paper copy of the acknowledgement was obtained by IOI [REDACTED] at a later date.

Attachment(s)

Attendee(s)

JACOB HIRAM STUFFLESTREET

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 1-62-37768 Inspection Results
FinalDecision	16237768 Charles Brown_Final Notice of Revocation FCI-8343.pdf
Correspondence	Spartan Notification RE: 1-62-37768 Monitored Case
Correspondence	Spartan Notification RE: 1-62-37768 Monitored Case
Correspondence	Spartan Notification RE: 1-62-37768 Monitored Case
Correspondence	Spartan Notification RE: 1-62-37768 Monitored Case
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Correspondence	Spartan Notification RE: 1-62-37768 Monitored Case
Correspondence	Spartan Notification RE: 1-62-37768 Monitored Case
Correspondence	Spartan Notification RE: 1-62-37768 Monitored Case
TradeNameVerification	FCI 8343 FilingInfo with trade name.pdf
Correspondence	Information Concerning Your Federal License/Permit
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	Information Concerning Your Federal License/Permit
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ClosingConferenceSummary	Acknowledgment of Regulations.pdf

ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationsPDF	Report of Violations.pdf
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
RentalLeaseVerification	FCI 8343 Lease.pdf
ZoningVerification	FCI 8343 Zoning Map.pdf
PropertyOwnershipVerification	brown_fc-8343_property-20190607.pdf
BusinessVerification	brown_fc-8343_tnsos-20190607.pdf

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

In the matter of License Number 1-62-163-02-2G-37768, as a/an

Dealer in Firearms, Including Pawnbroker, Other than Destructive Devices issued to:

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

Charles G. Brown, Inc.
DBA Uncle Sam's Loan Office
614-616 State Street
Bristol, TN 37620

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 302 Innovation Drive, Suite 300, Franklin, TN 37067, 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)(6)
02/28/2022	Steven A. Kolb, Director, Industry Operations	

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: 7017268000082170205 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
02/28/2022	Executive Assistant	(b)(6)

Print Name and Title of Person Served	(b)(6) (ble)
Jacob Hiram Stuffelstreet	

Address Where Notice Served
614-616 State Street, Bristol, TN 37620

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

Compliance History

ATF first issued a Federal firearms license to Licensee in 1995. The laws and regulations issued under the GCA were reviewed as part of the application inspection. Subsequently, ATF conducted compliance inspections of Licensee in 2007 and 2018. As a result of the 2018 inspection, Licensee (specifically, Responsible Person Jacob Stuffelstreet) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. Following the warning conference, ATF sent a letter stating "any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license."

Current Inspection

On September 21, 2021, ATF began a compliance inspection of Licensee's premises that revealed the following:

Background Check Violations:

1. On one occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System ("NICS") and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix ¶ 1.

ATF Form 4473 Violations:

2. On occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted NICS, any response provided by the system and/or any identification number provided by the system on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix ¶ 2.
3. On occasions, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a). See Appendix ¶ 3.

Appendix

Background Check Violations

1.

Transferee's Name	Transfer Date	Discrepancy
(b)(6)	06/02/21	Failure to initiate a new NICS check after 30-day lapse of initial check.

ATF Form 4473 Violations:

2.

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

ATF Form 4473 Violations:

3.

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

(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 1-62-163-02-2G-37768 as a/an

Dealer in Firearms, Including Pawnbroker, Other than Destructive Devices, issued to:

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

Charles G. Brown, Inc.
DBA Uncle Sam's Loan Office
614-616 State Street
Bristol, TN 37620

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 302 Innovation Drive, Suite 300, Franklin, TN 37067

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.

(b)(6)

Date 07/21/2022 Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Steven A. Kolb, Director, Industry Operations

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: 7017268000082170540

Or

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

Date Notice Served 07/21/2022	Title of Person Serving Notice Executive Assistant	Signature of Person Serving Notice (b)(6)
Print Name and Title of Person Served Jacob Hiram Stuffstreet		Signature of Person Served
Address Where Notice Served 614-616 State Street, Bristol, TN 37620		

Note: Previous Edition is Obsolete

Background

Charles G. Brown Inc. doing business as Uncle Sam's Loan Office, located at 614-616 State Street, Bristol, Tennessee 37620 (hereinafter, the "Licensee"), holds Federal firearms license number 1-62-163-02-2G-37768, as a dealer, including pawnbroker, in firearms other than destructive devices issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On September 21, 2021, ATF conducted a compliance inspection at Licensee's premises. As a result of that inspection, on February 28, 2022, ATF issued a Notice to Revoke or Suspend License and/ or Impose a Civil Fine, ATF Form 4500, to Licensee. By letter dated March 4, 2022, Licensee timely requested a hearing to review that Notice.

The hearing was held on May 17, 2022, at the ATF Field Office in Knoxville, Tennessee. The hearing was conducted by ATF Director of Industry Operations (DIO) Steven Kolb. ATF was represented by ATF Attorney (b)(6) ATF Industry Operations Investigator (IOI) (b)(6) (b)(6) appeared as a witness on behalf of the Government. Licensee's responsible persons (b)(6) Stuffelstreet and Cheryl Brown were present at the hearing and represented Charles G. Brown Inc. doing business as Uncle Sam's Loan Office. The hearing was recorded and transcribed by the Government through a court reporter service. Both sides offered testimony. The Government offered 42 exhibits. The testimony, transcript, and exhibits introduced at the hearing constitute the complete administrative record in this proceeding.

Findings of Fact

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

1. ATF first issued a Federal firearms license to Licensee in 1995.
2. In 2007, an ATF IOI conducted a compliance investigation of Licensee and cited Licensee with failure to comply with requirements related to ATF Form 4473 in violation of 27 C.F.R. § 478.124(c)(1). The ATF IOI also reviewed relevant Federal firearms laws with Licensee. Among the items covered by the IOI were the requirements related to ATF Form 4473 and background checks. Licensee signed an Acknowledgment of Federal Firearms Regulations form indicating that ATF explained the information listed on the form related to firearms law and regulations. (See Government Exhibits 9-10).
3. In 2018, ATF IOI (b)(6) conducted another compliance inspection of Licensee and cited Licensee with 11 regulatory violations, with multiple instances of each violation, including violations related to ATF Form 4473 and background checks. As a result of the 2018 inspection, Licensee (specifically, Responsible Person Jacob Stuffelstreet) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. Following the warning conference, ATF sent a letter stating "any future violations, either repeat or otherwise, could be viewed as willful and may result in

revocation of [its] license.” Additionally, the letter included the following language related to the background check violation:

Violation of 27 CFR § 478.102(c): Failure to initiate a new NICS/ TICS [National Instant Criminal Background Check System/ Tennessee Instance Criminal Background Check System] check when transaction was not completed within the 30-day period.

In response to this violation, Mr. Stufflestreet stated that he did not realize this had happen[ed] and did not know why it happened. IOI (b)(6) reiterated that there is a limit of 30 calendar days between when the customer attempts to purchase a firearm and the last day they can take possession of it.

(See Government Exhibit 13).

IOI (b)(6) also reviewed relevant Federal firearms laws with Licensee. Among the items covered by IOI (b)(6) were the requirements related to ATF Form 4473 and background checks. Licensee signed another Acknowledgment of Federal Firearms Regulations form indicating that ATF explained the information listed on the form related to firearms law and regulations. (See Government Exhibit 12).

4. On September 21, 2021, ATF initiated a compliance inspection of Licensee’s business premises. The compliance inspection resulted in the issuance of a Report of Violations, which identified nine regulatory violations, with multiple instances of each violation. Three of those regulatory violations were included in the Notice of Revocation issued to Charles G. Brown Inc. doing business as Uncle Sam’s Loan Office. After presiding over the hearing and reviewing the record in this matter, I find that the facts set forth in the Notice of Revocation occurred.
5. The evidence in the record establishes that Licensee committed the following willful violations:
 - a. Violation 1: On one occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System (“NICS”) and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix ¶ 1.

This violation was established by the admitted exhibits and hearing testimony. IOI (b)(6) identified documentary evidence showing that Licensee willfully failed to comply with 27 C.F.R. § 478.102 on one occasion. Specifically, the initial background check of (b)(6) (b)(6) was conducted on April 30, 2021, and Licensee received a “denied” response from the Tennessee Instant Background Check System (TICS). A denied response means that the background check showed some type of prohibiting information for the purchaser and the firearm could not be transferred. Subsequently, TICS overturned the denial on May 31, 2022. An overturned response from TICS means that it determined the individual was

not prohibited from purchasing the firearm. The written documentation from TICS notifying Licensee of the overturned response included the following caveat for Licensee regarding the 30-day time limitation for a background check: “If the appeal of denial took over the 30 days allowed; the dealer will have to run a new TICS background check.” Licensee then transferred the firearm to (b)(6) on June 2, 2021, without initiating a new TICS check. The transfer of this firearm occurred more than 30-days after the initial TICS check was conducted, and Licensee failed to initiate a new TICS check prior to completion of the transfer.

IOI (b)(6) testimony established that Licensee's failure to comply with 27 C.F.R. § 478.102 was willful because Licensee was aware of the duty to conduct the requisite background checks before allowing a firearms transfer. During previous inspections, Licensee acknowledged the applicable federal firearms regulations governing licensees, including 27 C.F.R. § 478.102. (See Government Exhibits 10 and 12). Licensee was previously cited with violating 27 C.F.R. § 478.102 during the 2018 compliance inspection. (See Government Exhibit 11). As a result of the 2018 inspection, Licensee attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. Additionally, as set forth above, Licensee was specifically counseled about the 30-day time limitation set forth in 27 C.F.R. § 478.102 during the 2018 warning conference. Following the warning conference, ATF sent a letter stating “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.” (See Government Exhibit 13).

Further, when IOI (b)(6) asked Mr. Stufflestreet about the violation of 27 C.F.R. § 478.102, Mr. Stufflestreet expressed frustration with the 30-day time limitation because “if a person is denied they only have 30 total days to get it straightened out.” IOI (b)(6) testified that Mr. Stufflestreet’s statements indicated that he was aware of the requirement that he could not transfer the firearm after the 30-day time period had lapsed and he was frustrated with the government’s regulation on this issue. (See Government Exhibit 16). During the hearing, Ms. Brown stated that (b)(6) and “[t]he people don’t look at it. They say, oh, it’s (b)(6). He gets a gun. They give it to him.” Ms. Brown’s statement shows Licensee by and through its employees purposefully disregarded and/ or was plainly indifferent to the requirements in the regulation because Licensee’s employees were personally familiar with (b)(6).

- b. Violation 2: On () occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date Licensee contacted NICS, any response provided by the system and/or any identification number provided by the system on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix ¶ 2.

This violation was established by the admitted exhibits and hearing testimony. IOI (b)(6) identified documentary evidence showing that Licensee willfully failed to comply with 27 C.F.R. § 478.124(c)(3)(iv) on () occasions. Specifically, Licensee willfully failed to record the date Licensee contacted NICS/ TICS, any response provided by the system and/or any identification number provided by the system on the Firearms Transaction

Record, ATF Form 4473 on the following [redacted] different over-the-counter transactions with non-licensees:

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

IOI (b)(6) testimony established that Licensee's failures to comply with 27 C.F.R. § 478.124(c)(3)(iv) were willful because Licensee was aware of the requirements in the regulation. During previous inspections, Licensee acknowledged the applicable federal firearms regulations for licensees, including 27 C.F.R. § 478.124. (See Government Exhibits 10 and 12). Licensee was previously cited with violating 27 C.F.R. § 478.124(c)(3)(iv) during the 2018 compliance inspection. (See Government Exhibit 11). As a result of the 2018 inspection, Licensee attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. Additionally, Licensee was specifically counseled about the requirements set forth in 27 C.F.R. § 478.124(c)(3)(iv) during the 2018 warning conference. In response to this violation back in 2018, Mr. Stuffstreet stated that he "knows they need to do a better job in reviewing the form (ATF Form 4473)." The ATF Area Supervisor at the time advised Mr. Stuffstreet to review the ATF Form 4473 prior to the customer leaving the store to verify that everything was completed properly. Following the 2018 warning conference, ATF sent a letter stating, "any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license." (See Government Exhibit 13). IOI (b)(6) also noted that Licensee correctly recorded NICS information on some ATF Forms 4473 which also shows that Licensee was aware of the requirements in the regulation. During the hearing, Licensee failed to offer any explanation regarding this violation other than to just say that it was a "mistake."

- c. On [redacted] occasions, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a). See Appendix ¶ 3.

This violation was established by the admitted exhibits and hearing testimony. IOI (b)(6) identified documentary evidence showing that Licensee willfully failed to comply with 27 C.F.R. § 478.21(a) on [redacted] occasions. Specifically, the evidence demonstrated that Licensee willfully failed to obtain and execute the ATF Form 4473 as indicated by the headings and instructions on the form on the following [redacted] different transactions:

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

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

IOI (b)(6) testimony established that Licensee's failures to comply with the requirements related to 27 C.F.R. § 478.21(a) were willful because Licensee was aware of the requirements in the regulation. During previous inspections, Licensee acknowledged the applicable federal firearms regulations for licensees. (See Government Exhibits 10 and 12). Licensee was previously cited with violating 27 C.F.R. § 478.21(a) during the 2018 compliance inspection. (See Government Exhibit 11). As set forth above, Licensee attended a 2018 warning conference with ATF in which violations and proposed corrective actions were reviewed. Additionally, Licensee was specifically counseled about the requirements of 27 C.F.R. § 478.21(a) during the same warning conference. In his 2018 response to these violations, Mr. Stufflestreet stated he “knows they need to do a better job in reviewing the form (ATF Form 4473).” The ATF Area Supervisor advised Mr. Stufflestreet to review the ATF Form 4473 prior to the customer leaving the store to verify that everything was completed properly. Following the 2018 warning conference, ATF sent a letter stating, “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.” (See Government Exhibit 13). IOI (b)(6) also noted that Licensee correctly completed some ATF Forms 4473 in compliance with 27 C.F.R. § 478.21(a) which shows that Licensee was aware of the requirements in the regulation. During the hearing, Licensee failed to offer any explanation regarding this violation other than to just say that it was a “mistake.”

Conclusions of Law

Pursuant to the GCA, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license if 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 - 478.74.

For purposes of the regulatory provisions of the GCA, a “willful” violation is committed when Licensee knows of [his/her/its] legal obligations and purposefully disregarded or was plainly indifferent to those requirements. *Armalite v. Lambert*, 544 F.3d 644 (6th Cir. 2008), *Article II Gun Shop, Inc. v. Gonzales*, 441 F.3d 492 (7th Cir. 2006); *Appalachian Resources Development*

Corporation v. McCabe, 387 F.3d 461 (6th Cir. 2004); *Procaccio v. Lambert*, 233 Fed. App'x. 554 (6th Cir. 2007); *3 Bridges, Inc. v. United States*, 216 F. Supp. 2d 655, 660 (E.D. Ky. 2002).

The Sixth Circuit has held the term “willfully” within the GCA does not require a showing of a bad purpose. *Appalachian Resources Dev. Corp.*, 387 F.3d 461, 464 (6th Cir. 2004); *Procaccio*, 233 Fed. App'x. 554, 558 (6th Cir. 2007).

“Improper recordkeeping is a serious violation. When the Act was enacted, Congress was concerned with the widespread traffic in firearms and with their general availability to those whose possession thereof was contrary to the public interest.” *Fin & Feather Sport Shop, Inc. v. U.S. Treasury Dept.*, 481 F.Supp. 800 (Neb. 1979). Therefore, record keeping requirements are a critical basis for the regulation of the firearms industry, and indifference to those requirements can result in revocation. Furthermore, “[a] single willful violation of the GCA is enough to deny a federal firearms license application or revoke a federal firearms dealer's license.” *Shaffer v. Holder*, No. 1:09-0030, 2010 WL 1408829, at *10 (M.D. Tenn. Mar. 30, 2010) (citing *Appalachian Resources Dev. Com. v. McCabe*, 387 F.3d 461,464 (6th Cir.2004)).

Arguing that errors were the result of human mistakes or harmless misunderstandings of clearly documented regulatory requirements is irrelevant to the standard of willfulness. “The recordkeeping requirements imposed by the GCA are, by their very nature, highly technical. Compliance therefore requires extreme vigilance.” *Gamer v. Lambert*, 558 F.Supp.2d 794, 804 (N.D. Ohio 2008).

After consideration of all relevant facts and circumstances presented by Licensee and the Government, I find that Licensee willfully violated the GCA.

During the hearing, Licensee did not dispute ATF’s determination that Licensee violated the GCA. Licensee asserted that the violations were not willful violations and stated the violations were “clerical errors” and “mistakes.” With regard to the background check violation of 27 C.F.R. § 478.102, Licensee acknowledged that the background check for (b)(6) should have been run again. However, Licensee attempted to minimize the violation by asserting that (b)(6) had been their customer for years and had never been denied before this transaction. Although Licensee asserted “[I]f you were going to willfully mess up a 4473, you wouldn’t put the TICS paper right behind it,” the willfulness standard does not require evidence of concealment or even intent. Licensee’s repeated disregard of its legal obligation more than qualifies.

Therefore, despite Licensee's assertions, I find that there is ample evidence that the violations were committed willfully. During previous inspections, Licensee acknowledged the applicable federal firearms regulations for licensees. As for the violations, similar violations had been cited after the 2018 compliance inspection. As a result of the 2018 inspection, Licensee attended a warning conference with ATF in which further, violations and proposed corrective actions were reviewed. Additionally, as set forth above, Licensee was specifically counseled about the 30-day time limitation set forth in 27 C.F.R. § 478.102 as well as the requirements in the regulations related to ATF Form 4473s during the 2018 warning conference. Following the warning conference, ATF sent a letter stating “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.”

Despite ATF's attempts to educate Licensee, impress upon it the importance of compliance, and instruct on the need for accurate record keeping, Licensee has continued to be indifferent to its legal obligations under the GCA. This resulted in the public safety risks associated with the transfer of a firearm in violation of NICS requirements and the failure to properly complete ATF Forms 4473. Licensee's history of failing to comply with regulations clearly meets the legal standard for plain indifference of the record keeping requirements necessary to revoke the license.

As such, I conclude that Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. Accordingly, as provided by 18 U.S.C. § 923(e) and 27 C.F.R. § 478.74, the Federal firearms license held by Charles G. Brown Inc. doing business as Uncle Sam's Loan Office is hereby REVOKED.

Dated this 21st day of July 2022.

(b)(6)

Steven A. Kolb
Director, Industry Operations
Nashville Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
United States Department of Justice