

DOWN RANGE FIREARMS LLC's FCI
FCI-31585

07/22/2022 10:00 AM

IO: (b)(6) Kansas City VI (IO) Field Office

LICENSEE INFORMATION

Licensee Name	RDS Key	License/Permit Number	License Type
DOWN RANGE FIREARMS LLC	5-43-15484	5-43-075-01-2G-15484	01 - Dealer License

Business Type
Limited Liability Company (LLC)

Premises Address

Mailing Address

Premises Ownership Type
Leased/Rented

Same as Premises Address

Premises Location Type

(b)(6)

Address
5078 370TH STREET
Unit N/A
DARLINGTON, Missouri 64438
GENTRY United States

Phone Type	Phone Number	Remarks
Business	+1 816-596-0467	

Email Address	Email Remarks
(b)(6)	

RECOMMENDATIONS

Final Decision
Revocation
Date
04/21/2022

Details
FCI-31585
Lead IO: (b)(6)
Inspection Date: 1/5/2022

Summary: A compliance inspection was conducted for the above referenced licensee. Violations cited met the standard for revocation under the Comprehensive Strategy to Prevent and Reduce Gun Crime.

Licensee did not request a hearing. Final Notice of Revocation delivered 4/25/2022.

Recommendation: Revoked

Email to: (b)(6) forwarded to: (b)(6)

Out of Business Records and Inventory Management

Licensee Records

Licensee Inventory

✔ The records are not available
Records Unavailable Explanation
A special assignment will be issued to attempt records collection.

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

Details

Concur with FD proceeding with revocation.

Special Agent in Charge Frederic Winston's Recommendation

Based upon the DOJ's strategy, I concur.

Division Counsel: (b)(6) Review

Details

ACC (Central) and KC DC reviewed and agree that pursuing a revocation action is legally appropriate on this matter. Recommend only citing and focusing on the NICS violations. The other violations are minimal, are not repeats (this was a first inspection) and not compelling in themselves for a revocation action.

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

Details

Per the DOJ Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety, the inspection meets revocation standards based upon the FFL failing to wait 3 business days (with no NICS/POC response) to transfer a firearm on two instances.

In each instance, the transferee was initially delayed by the NICS. RP Donovan told the IOIs that he recalled each transferee waiting to pick up their respective firearms. However, he could not provide any documentation to support this claim.

The IOIs' comparison of the Forms 4473s against the A&D record showed both firearms were recorded as disposed to the respective transferees on the same date the licensee initiated the NICS check – not 3-business days later or on the 3-day clearance date provided by the NICS. Subsequent IOI background checks of the transferees were negative. Transferees are not prohibited.

Additional form violations would meet the standard for Warning Letter. No inventory violations were cited or identified.

Area Supervisor: (b)(6) Recommendation
Revocation

Details

The inspection meets the standard for **Revocation** per the President's June 2021 Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety

Violation1: Failure of the licensee to wait 3 business days or to receive a proceed response from the NICS prior to transferring a firearm where the NICS initially delayed the transaction - 2 instances. Transferees were not prohibited.

Additional form violations would meet the standard for Warning Letter.

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

Details

On 1/5/2022 IOI (b)(6) and IOI (b)(6) conducted an inspection. Justin Donovan, member, assisted with the inspection. Justin Donovan advised that (b)(6) did not assist with the business. He advised that he was contemplating removing him from the license.

Justin Donovan operates the part-time business (b)(6) Gentry County, MO. Justin Donovan works a rotating schedule (b)(6)

The licensee processes firearm transfers for Donovan's friends, family, and co-workers. The licensee does not sell firearms on the internet or at gun shows. The licensee does not repair firearms.

FLS should be changed to reflect that Justin Donovan and (b)(6)

The inspection period covered 1/5/2021 through 1/5/2022. This was the licensee's first inspection since obtaining a license in June 2017.

Prior to the inspection (b)(6) conducted a criminal history check and N-Force query on Donovan and (b)(6) no hits.

The VCAB report did not show any multiple sales or traces. The licensee did not have any unreported multiple sales.

The audit log reported 15 NICS transactions. IOI (b)(6) and IOI (b)(6) verified the NTNs to a corresponding ATF Form 4473 (b)(6) form showed an incorrect date in item 27d. The licensee did not have any NICS denials.

The inspection did not reveal any straw purchases or prohibited purchasers.

The licensee was cited for 5 violations. The licensee qualifies for revocation based on two instances of 27 CFR 478.102(a)(2)(ii). In both instances the ATF Form 4473 and A&D book entries indicated that the licensee transferred a firearm to a transferee who received a NICS delayed response. The records indicate that the licensee did not wait 3 business days before transferring the firearm to the buyer. Justin Donovan stated that his paperwork was all completed at the time the customer came to his business. Therefore, the records did not actually reflect when the customers received the firearms. Donovan recalled both customers had to wait to obtain the firearms. Donovan could not produce any documentation that confirmed when the customers received the firearms. IOI (b)(6) ran a criminal history check on both transferees (not prohibited). IOI (b)(6) also queried both purchasers in ATF Analytics (no hits).

Inspection Findings

Transfer of Firearm

- 2. Transfer of a firearm prior to receiving a final NICS response (or applicable State POC background check) and 3 business days have not elapsed since the FFL contacted the system.

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
DOWN RANGE FIREARMS LLC	Limited Liability Company (LLC)	Yes

Additional Findings

The LLC is registered with the MO Secretary of State. The Articles of Organization show the organizers as Justin Donovan (b)(6) and Leon Wiederholt (b)(6) is not identified as a responsible person for the license.

During the application inspection, Justin Donovan stated that he and Leon Wiederholt were the only members of the LLC. He advised that his wife is only an "organizer" on the State of MO filings.

Attachment(s):

Down Range Firearms LLC articles of organization.pdf

Property Ownership Verification

Premises Ownership Type Leased/Rented Premises Location Type (b)(6) Has the property ownership been verified? Yes

Address 5078 370TH STREET Unit N/A DARLINGTON, Missouri 64438 GENTRY United States

Additional Findings The property is owned by (b)(6) and Justin and (b)(6) Donovan (JTWROS).

During the inspection, Justin Donovan advised that he and his wife (b)(6) (b)(6) He also advised that (b)(6) had passed away.

Attachment(s): Down Range Firearms LLC property ownership verification.pdf

Rental/Lease Verification

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

Additional Findings Justin Donovan is a member of the LLC and is also the property owner. Donovan has not created a formal lease with the LLC. Donovan verbally authorized the LLC to operate at the premise.

Contact Information

Name Justin Donovan Date Contacted 01/05/2022 Organization property owner Job Title property owner

Table with 3 columns: Phone Type, Phone Number, Remarks. Row 1: Mobile, (b)(6)

Attachment(s):

Zoning Information Verification

Is the proposed business activity in compliance with zoning? Yes

Additional Findings There is not any zoning in Gentry County, MO. A merchant's license is required.

On 1/5/2022 IO (b)(6) advised Justin Donovan to contact the county regarding a merchant's license. He advised that he was told that he did not need a county license since he was only doing transfers.

Contact Information

Name (b)(6) Date Contacted 11/16/2021 Organization Gentry County Clerk Job Title county clerk

Table with 2 columns: Email Address, Email Remarks. Row 1: (b)(6)

Attachment(s):

APPOINTMENT DETAILS

Interview Date 01/05/2022 Address 5078 370TH STREET, Unit N/A, DARLINGTON, Missouri 64438

Responsible Attendee(s) JUSTIN JAMES DONOVAN LEON FRANCIS WIEDERHOLT Non-Responsible Person(s) No Items

RESPONSIBLE PERSON(S)

JUSTIN JAMES DONOVAN

Name JUSTIN JAMES DONOVAN	Gender Male	Race White	Ethnicity Not Hispanic or Not Latino
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Date of Birth (b)(6)	SSN (b)(6)	Job Title Member
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Physical Identifiers

Height	Weight	Hair Color	Eye Color
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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)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
11/18/2021

Criminal History Check Comments
The CHC and N-Force query was conducted by **(b)(6)**

LEON FRANCIS WIEDERHOLT

Name LEON FRANCIS WIEDERHOLT	Gender Male	Race White	Ethnicity Not Hispanic or Not Latino
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Date of Birth (b)(6)	SSN (b)(6)	Job Title Member
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Physical Identifiers

Height	Weight	Hair Color	Eye Color
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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)

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
11/18/2021

Criminal History Check Comments
The CHC and N-Force query was conducted by (b)(6)

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

The licensee is primary a transfer dealer. The licensee occasionally special orders firearms for customers. The licensee does not sell firearms on the internet or at gun shows. The licensee does not repair firearms.

Do they need an additional license or permit?

No

Who are their primary suppliers?

(b)(4)

Other State or Local Permits

Type	Number	Expiration
State Sales Tax	(b)(6)	

Business Activities

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping

Internet Sales/Transfers

Controlled Access to Keys

Retail

Internet Sales/Transfers Website

Davidsons

PREMISES INFORMATION

Inspection Area Description

The premise is Justin Donovan's residence located in rural Gentry County, MO (b)(6)

Primary Activity

Selected Physical Security Measures

Retail

(b)(6)

GPS Coordinates

Latitude

40.18467

Longitude

-094.43028

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

(b)(6)

Total Number of Open Dispositions in A & D Record

(b)(6)

Total Number of Firearms in Inventory

1

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](#)

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm</p> <p>ATF Forms 4473: 2 Number of Instances: 2</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>Ensure that the minimum time period of three business days (meaning days on which State offices are open).</p>	<p>NICS Violation, (b)(6) NICS Violation, (b)(6)</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: (b)(6) Number of Instances: (b)(6)</p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</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>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: (b)(6) Number of Instances: (b)(6)</p>	<p>Complete all forms as prescribed.</p> <p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</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>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required transferee/buyer</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

<p>ATF Forms 4473: [] Number of Instances: []</p>	<p>identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</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>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an 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>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
<p>27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm</p> <p>ATF Forms 4473: 2 Number of Instances: 2</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>Ensure that the minimum time period of three business days (meaning days on which State offices are open).</p>	<p>Donovan advised that he recalled both [](b)(6) waiting to pick up the firearms. However, he did not have any documentation to show when they actually acquired the firearms. Donovan stated that he signed the forms and recorded the disposition information into the A&D book on the same day that the buyers completed the ATF Forms 4473.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 01/05/2022</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>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Donovan acknowledged that the buyers were not correctly documenting the county of residence. Donovan did not have an explanation why [](b)(6) did not respond to questions 21f-21.1.1 on the ATF Form 4473.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 01/05/2022</p>
<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Complete all forms as prescribed.</p> <p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Donovan stated that buyers typically answer the race question but neglect to answer the ethnicity question.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 01/05/2022</p>
<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>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</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>Donovan stated that [](b)(6) provided a MO DL. Donovan acknowledged that he incorrectly recorded the expiration date from [](b)(6) DL.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 01/05/2022</p>
<p>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on</p>	<p>Donovan stated that he incorrectly recorded the date that he called NICS</p>	<p>Status Licensee Notified</p>

<p>an ATF F 4473</p> <p>ATF Forms 4473 Number of Instances</p>	<p>all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</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>for (b)(6). He stated that he called NICS the same day that (b)(6) certified the form.</p> <p>Donovan stated that the date in 27d was the date he transferred the firearm rather than the day he retrieved the NICS response.</p>	<p>Verified Method In Person</p> <p>Date Licensee Notified 01/05/2022</p>
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CLOSING CONFERENCE

Review Regulations conducted offline

(1/5/2022)

01/05/2022

Attachment(s)

Attendee(s)

JUSTIN JAMES DONOVAN

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 5-43-15484 Inspection Results
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
UpdateLicensingCenter	MCP 8c Down Range FCI-31585 (FINAL).pdf
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
Correspondence	Spartan Notification RE: 5-43-15484 Monitored Case
UpdateLicensingCenter	MCP 8c Down Range FCI-31585.docx
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
PropertyOwnershipVerification	Down Range Firearms LLC property ownership verification.pdf
BusinessVerification	Down Range Firearms LLC articles of organization.pdf

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

In the matter of License Number 5-43-075-01-2G-15484, as a/an A Dealer in Firearms Other Than Destructive Devices

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

Down Range Firearms LLC
5078 370th Street
Darlington, MO 64438

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 1251 NW Briarcliff Parkway, Suite 600 Kansas City MO 64116, in duplicate, for a hearing to review the revocation, suspension and/or fine of your license. The request must be received at the above address within 15 days of your receipt of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing; and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed. The hearing will be held as provided in 27 CFR Part 478.

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

- Please see included brochure

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
03/28/2022	William J. Miller Director, Industry Operations ATF Kansas City Field Division	(b)(6)

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

- Certified mail to the address shown below.
Tracking Number: 70201810 0000 5121 7234 Or
- Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
<u>3/29/22</u>	Administrative Assistant	(b)(6)
Print Name and Title of Person Served Down Range Firearms LLC		

Address Where Notice Served
5078 370th Street, Darlington, MO 64438

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 Down Range Firearms LLC (“Licensee”), a Dealer in Firearms Other Than Destructive Devices.

Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Kansas City 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 2019. At that time, the laws and regulations issued under the GCA were reviewed as part of the application inspection, and Licensee was provided resource materials and information.

Current Inspection

On January 5, 2022, ATF began a compliance inspection of Licensee’s premises that revealed the following:

Background Check Violations:

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

APPENDIX

NOTICE Paragraph 1 [27 C.F.R § 102(a) Background Check Violations]:

Transferee’s Name	Date	Discrepancy
(b)(6)	5/3/2021	Failure to wait 3 business days before transferring a firearm
(b)(6)	7/1/2021	Failure to wait 3 business days before transferring a firearm

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

In the matter of:

- The application for license as a/an _____, filed by:
or
 License Number 5-43-075-01-2G-15484 as a/an Dealer in Firearms Other than Destructive Devices

_____, issued to:

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

Down Range Firearms LLC
5078 370th Street
Darlington, Missouri 64438

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 upon notice receipt
 - 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 1251 NW Briarcliff Parkway Suite 600 Kansas City MO 64116, 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 04/20/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official William J. Miller Director, Industry Operations ATF Kansas City Field Division	Signature (b)(6)
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I certify that, on the date below, I served the above notice on the person identified below by:

- Certified mail to the address shown below.
Tracking Number: 7020 1290 0001 6240 ⁹⁵¹³ Or Delivering a copy of the notice to the address shown below.

Date Notice Served 4/20/27	Title of Person Serving Notice Administrative Assistant	Signature of Person Serving Notice (b)(6)
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Print Name and Title of Person Served Down Range Firearms LLC	Signature of Person Served (b)(6)
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Address Where Notice Served 5078 370th Street, Darlington, Missouri 64438
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Note: Previous Edition is Obsolete

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

Down Range Firearms LLC, 5078 370th Street, Darlington, Missouri 64438 (“Licensee”) holds Federal firearms license #5-43-075-01-2G-15484, a dealer in firearms other than destructive devices, which was 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 28, 2022, ATF issued a Notice to Revoke License, ATF Form 4500, to Licensee. This Notice was sent to Licensee’s known licensed business premises. Receipt of the Notice was certified and confirmed via USPS certified mail on April 1, 2022.

Said Notice alleged that Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. The Notice further specified that if Licensee wished to challenge the revocation, it may file a request with ATF for a hearing “within 15 days after receipt of this notice.” See 18 U.S.C. § 923(f)(2); 27 C.F.R. § 478.73(b). No request for hearing was filed with ATF in accordance with the provisions of the GCA.

For the reasons set forth in the Notice to Revoke License issued on March 28, 2022, the Federal firearms license held by Licensee, Down Range Firearms LLC, is hereby REVOKED.

Accordingly, the firearms business records for Licensee’s discontinued business must be sent to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, West Virginia 25401, pursuant to the requirements under 18 U.S.C. § 923(g)(4) and 27 C.F.R. § 478.127. The records shall be delivered within thirty (30) days following the business discontinuance.

For any questions regarding this matter, please contact the ATF area office at (816) 410-6000.

Dated this 20th day of April, 2022.

(b)(6)

William J. Miller

Director, Industry Operations

Kansas City Field Division

Bureau of Alcohol, Tobacco, Firearms and Explosives

United States Department of Justice



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington DC

www.atf.gov

IMPORTANT NOTICE

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

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

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

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

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

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

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

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

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

Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations