

F D HODGES INC's FCI  
FCL-19326  
01/12/2023 02:51 PM  
IOI (b)(6), Huntsville (IO) Satellite Office

**LICENSEE INFORMATION**

Licensee Name F D HODGES INC	RDS Key 1-63-06028	License/Permit Number 1-63-089-02-1D-06028	License Type 02 - Pawnbroker License
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Business Type  
Corporation

Premises Ownership Type Owned	Premises Address 2002 13TH ST, Unit N/A, HUNTSVILLE, Alabama 35805
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Premises Location Type Required

Address  
2002 13TH ST  
Unit N/A  
HUNTSVILLE, Alabama 35805  
MADISON  
United States

Address  
2002 13TH ST  
Unit N/A  
HUNTSVILLE, Alabama 35805  
MADISON  
United States

Phone Type	Phone Number	Remarks
Business	+1 256-533-6754	
Fax	+1 256-533-6762	

**RECOMMENDATIONS**

Final Decision Date  
Revocation 08/15/2022

Details

On 4/12/2022, a Notice of Revocation was sent via certified mail to licensee at 2002 13th Street, Huntsville, AL 35805. On 6/07/2022, a second copy of the Notice of Revocation was sent via certified mail to Licensee's Responsible Person, Bryan Keith Hodges (b)(6). The Notice of Revocation was delivered to an individual at this address on 6/11/2022.

A request for hearing, pursuant to 18 USC 923(f)(2) and 27 CFR 478.73(b), was NOT timely received by 6/26/2022.

The Federal Firearms License held by F.D. Hodges, Inc. 2002 13th Street, Huntsville, AL 35805, license number 1-63-089-02-1D-06028 is subject to revocation for the reasons set forth in the Notice of Revocation of License issued 4/12/2002, and such license is revoked effective 8/15/2022.

LICENSE REVOKED

**Out of Business Records and Inventory Management**

**Licensee Records**

✔ The records are not available  
Records Unavailable Explanation  
1 RP deceased, 2nd RP not responsive

**Licensee Inventory**

✔ Inventory sold to non-licensee or non-permittee

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

Details

Concur with FD proceeding with revocation.

Special Agent in Charge Mickey French's Recommendation

SAC French concurs with revocation

Division Counsel (b)(6) Review

Details

Review completed.

Details

The results of the investigation warrant revocation based on the failure to wait 3 business days (with no NICS/POC response) to transfer a firearm to an unlicensed individual in one instance in violation of 27 CFR 478.102(a)(2)(ii). The unlicensed individual involved in the subject transaction was not ultimately prohibited. Specifically, the FFL initiated the NICS check on 07/28/21. NICS delayed the transaction and provided a permitted transfer date of 08/03/21. The FFL transferred the firearm on 07/30/21. NICS provided a proceed response on 08/02/21. The licensee stated the release of the firearms prior to the 3 days was an oversight. The licensee had also advised that he was in the process of liquidating inventory to close the business. FFL further stated he intended to deliver the records to ATF in West Virginia. The current inspection is the first compliance inspection since the license was issued on 03/02/15. The FFL was issued a Report of Violations citing five violations and except for 27 CFR 478.102(a)(2)(ii), the remaining four violations warrant no action beyond the Report of Violations. There were no missing firearms and no inventory discrepancies. Of the [redacted] forms reviewed, only 8 disclosed violations and 2 of the 8 had multiple violations. ATF Investigator identified no potential traffickers, straw purchasers, or other suspicious purchasers as part of the inspection.

There are indicators that the FFL has in fact gone out of business. The FFL's Facebook page reflects a post that the FFL would be ceasing operations on November 1, 2021. An October 31, 2021 a Facebook post claims it's the business' last day. A subsequent February 10, 2022 post indicates the licensee is still wanting to liquidate all property within the building including display shelving and fixtures. In response to a 01/25/22 NTC request for assistance with firearms traces, an IOI attempted to telephonically contact the FFL with no success followed by a subsequent visit the FFL premises which found the building locked, and the windows obscured. Attempts to contact and locate the FFL continued in order to complete the traces and obtain the records. The attempts were unsuccessful. Even though indications exist that the licensee is no longer in business, DIO will proceed with issuing a formal Notice of Revocation.

A warning letter was previously issued to the FFL on 09/22/21 as the recommended action in accordance with ATF O 5370.1D in effect at the time.

Area Supervisor [redacted] Recommendation  
Warning Letter

Details

The results of the investigation warrant Revocation based on the failure to wait 3 business days (with no NICS/POC response) to transfer a firearm to an unlicensed individual in one instance in violation of 27 CFR 478.102(a)(2)(ii). However, an alternate recommendation of Warning Letter is being offered for the following reasons.

The unlicensed individual involved in the subject transaction was not prohibited. Specifically, the FFL initiated the NICS check on 07/28/21. NICS delayed the transaction and provided a permitted transfer date of 08/03/21. The FFL transferred the firearm on 07/30/21. NICS provided a proceed response on 08/02/21. The stated the release of the firearms prior to the 3-days was an oversight. FFL told the ATF Investigator that he was in process of liquidating inventory to close business. FFL further told the ATF Investigator that he intended to deliver the records to ATF in West Virginia

The current inspection is the first compliance inspection since the license was issued on 03/02/15.

The FFL was issued a Report of Violations citing five violations and except for 27 CFR 478.102(a)(2)(ii), the remaining four violations warrant no action beyond the Report of Violations. There were no missing firearms and no inventory discrepancies. Of the [redacted] forms reviewed, only 8 disclosed violations and 2 of the 8 had multiple violations. ATF Investigator identified no potential traffickers, straw purchasers, or other suspicious purchasers as part of the inspection.

A warning letter was previously issued to the FFL on 09/22/21 as the recommended action in accordance with ATF O 5370.1D in effect at the time.

There are indicators the FFL is out of business. The FFL's Facebook.com reflects posts that the FFL would be ceasing operations on November 1, 2021. In response to a 01/25/22 NTC request for assistance with firearms traces, an IOI attempted to telephonically contact the FFL with no success followed by a subsequent visit the FFL premises which found the building locked, and the windows obscured. Attempts to contact and locate the FFL continue to complete the traces and obtain records.

Industry Operations Investigator [redacted] Recommendation  
Warning Letter

Details

Recommend Alternate Administrative Action based upon the following:

This compliance inspection was the first for this FFL since receiving their FFL in 2015 and the person receiving the firearm prior to the 3 business day was not prohibited.

**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  
F D HODGES INC

Business Type  
Corporation

Is the business valid?  
Yes

Additional Findings

The business information has been verified through the State of Alabama Secretary of State website which revealed the business exists as documented under Entity ID Number 240-683 as a Domestic Corporation.

Attachment(s):  
Secretary of State.pdf

**Property Ownership Verification**

Premises Ownership Type Owned	Premises Location Type Store Front	Has the property ownership been verified? Yes
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Address  
2002 13TH ST  
Unit N/A  
HUNTSVILLE, Alabama 35805  
MADISON  
United States

Additional Findings

Property ownership verification has been established through a review of the Madison County Alabama Tax Assessor's website which revealed the property is owned by F. D. Hodges Inc.

Attachment(s):  
Madison County Assessor.htm

**Zoning Information Verification**

Is the proposed business activity in compliance with zoning?  
Yes

Additional Findings

There were no zoning restrictions disclosed during the course of this inspection which would preclude the applicant from operating the proposed licensed business from the proposed licensed business premises.

**Contact Information**

Name (b)(6)	Date Contacted 08/12/2021
Organization Huntsville Zoning Office	
Job Title Zoning Officer	

Phone Type	Phone Number	Remarks
Business	(b)(6)	8am-5pm

Attachment(s):

**APPOINTMENT DETAILS**

Interview Date  
08/23/2021  
Address  
2002 13TH ST, Unit N/A, HUNTSVILLE, Alabama 35805

**Responsible Attendee(s)**

**Non-Responsible Person(s)**

(b)(6) (Deactivated)  
BRYAN KEITH HODGES

No Items

**RESPONSIBLE PERSON(S)**

(b)(6)  
(Deactivated)

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

**Physical Identifiers**

Height	Weight	Hair Color	Eye Color
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**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)	

**Criminal History Check**

Date Criminal History Check Conducted  
08/04/2021

Criminal History Check Comments  
No Record

**BRYAN KEITH HODGES**

Name	Gender	Race	Ethnicity
BRYAN KEITH HODGES	Male	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	MANAGER	

**Physical Identifiers**

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

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

**Criminal History Check**

Date Criminal History Check Conducted  
08/04/2021

Criminal History Check Comments  
No Record

**INTERVIEW QUESTIONNAIRE**

What is the proposed business activity?

The primary business activity is operation of their Pawn Shop that buys and sells firearms.

Do they need an additional license or permit?

No

Who are their primary suppliers?

The primary suppliers of firearms are (b)(4) and their customers who pawn firearms.

**Business Activities**

- Pawnbroker
- Retail
- Gun Show Participant

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping

**SECURITY WALKTHROUGH**

Inspection Area Description

The inspection was conducted within the entire store area of the premises. The premises are identified as a one story commercial building located within a commercial area of Huntsville, AL.

Primary Activity

Retail

Selected Physical Security Measures

Alarm Monitoring (with Cellular Back-Up)

Alarm Monitoring/Other Signage

Bulletproof Glass

Bars on Windows

Deadbolts

Safe(s)/Vault(s)

Security Cameras

**GPS Coordinates**

Latitude

34.43117

Longitude

-86.37065

**INTERVIEW NOTES**

A review of the Firearms Tracing History revealed (b)(3) traces documented under Trace Numbers (b)(3) (112 Public Law 55 125 Stat 552) had not been completed. IOI (b)(6) obtained the ATF Forms 4473 and they were forwarded to the Tracing Center for action deemed appropriate. See attached e-mail and supporting documentation. Mr. Franklin Delano Hodges is deceased and confirmed by his son Bryan Keith Hodges during the interview. A copy of the obituary is attached to his report. Mr. Franklin Hodges needs to be removed as a Responsible person. Inspection Profile: The period of inspection was 4 August 2000 through 4 August 2021. IOI (b)(6) was the only participant. There were no other Federal, State or Local law enforcement personnel involved in the inspection process. Prior to the inspection, the IOIs also acquired pre-inspection data from ATF Violent Crimes Analysis Branch (VCAB), FBI NICS, ATF National Firearms Act Branch (NFA) and ATF Manufacturers data (AMFER). There were no illegal firearms or firearms with obliterated serial numbers revealed during the inspection. A&D Inventory: There were no theft/loss reports generated during the inspection; (b)(3) firearm identified as (b)(3) (112 Public Law 55 125 Stat 552) (b)(3) (112 Public Law 55 125 Stat 552) missing from their inventory. The licensee provided a receipt for the firearm. The firearm was confiscated by the Huntsville Police Department as a stolen firearm after it was pawned to F.D. Hodges. The licensee believe he had to leave the A&D entry open as he was going to receive the firearm back after a court adjudication. The firearm has been logged out of their inventory. The licensee standard operating procedure relevant to the A&D record and inventory is to log the received firearms in after they are received and within the first 24 hours. They also log the firearm out of their A&D record upon sale or return of pawned firearm. The licensee was aware they had to log the firearms in before the close of the next business day and log the firearm out before 7 days. The licensee transfers firearms to other licensees and the transfers were conducted properly. There were no firearms sales to law enforcement personnel and no memo's present. A review of the FFL audit log revealed there were (b)(3) traces requested during the inspection period identified as 4 August 2000 through 4 August 2021; of which IOI (b)(6) obtained the ATF Forms 4473 and sent them to the Tracing Center. The Licensee advised he sent the requested forms to the Tracing Center and did not know why they were not completed. The licensee standard operating procedures relevant to ATF Forms 4473 completion and other dispositions. The licensee completes the 4473 and another employee reviews the completed 4473 for thoroughness. There were no multiple sales of handguns during the inspection period. There were no potential traffickers, straw purchasers or any other suspicious purchasers identified as part of this inspection. IOI (b)(6) processed four (20) firearms through on-Line-lead and Open fox with no negative results. No violations cited or noted. F.D. Hodges LLC is not involved in the importation or collection of firearms. F.D. Hodges does not deal in NFA firearms and does not have a Special Occupational Tax Stamp, nor do they manufacture firearms. Trigger locks were available in the business. A Youth Handgun Safety Act poster was posted, and handouts were available. Furthermore, F.D. Hodges LLC is aware of, understands, and complies with the provisions of the Child Safety Lock Act of 2005. Information relating to NICS transactions, the proper execution of ATF Forms 4473, the execution of multiple handgun sales reports, and other firearms regulations were discussed with Mr. Hodges. At that time, questions received were discussed and answered. There were no referrals generated as part of this inspection.

**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

133

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

Traces were completed and sent to the Tracing Center. See attached e-mail and ATF Forms 4473. F.D. Hodges released a firearm to (b)(6) on 7/30/2021 before receiving a Proceed from NICS and before the 3 day waiting period. An NCIC Check was conducted on (b)(6) which revealed hit (b)(6) with no disposition available.

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Licensee Response to Violations Report.pdf

**REPORT OF VIOLATIONS**

Regulation	Corrective Actions	Instance Details
1 27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm  ATF Forms 4473: 1 Number of Instances: 1	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.  Ensure that the minimum time period of three business days (meaning days on which State offices are open).	NICS Violation, (b)(6)
2 27 CFR 478.21(a): Failure to complete forms as prescribed  ATF Forms 4473: [redacted] Number of Instances: [redacted]	Complete all forms as prescribed.  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)
3 27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473  ATF Forms 4473: [redacted] Number of Instances: [redacted]	Ensure that all required transferee/buyer identification 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)
4 27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473  ATF Forms 4473: [redacted] Number of Instances: [redacted]	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.  Ensure that all required transferee/buyer identification 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)
5 27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473  ATF Forms 4473: [redacted] Number of Instances: [redacted]	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.  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.  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
1 27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm  ATF Forms 4473: 1 Number of Instances: 1	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. Ensure that the minimum time period of three business days (meaning days on which State offices are open).	The licensee advised his release of the firearm prior to the 3 days was an over site	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 09/15/2021
2 27 CFR 478.21(a): Failure to complete forms as prescribed  ATF Forms 4473: 1 Number of Instances: 1	Complete all forms as prescribed. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	The licensee stated he missed the No answers for questions 11a and 21a.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 09/15/2021
3 27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473  ATF Forms 4473: 1 Number of Instances: 1	Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	The licensee advised he just missed documenting the DL number for the purchaser of the firearm.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 09/15/2021
4 27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473  ATF Forms 4473: 1 Number of Instances: 1	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	The licensee stated he missed filling in block 27d after a delay notification from NICS and will try harder in the future.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 09/15/2021
5 27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473  ATF Forms 4473: 1 Number of Instances: 1	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. 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. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	The licensee stated he knows better and should have documented the re-certification.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 09/15/2021

#### CLOSING CONFERENCE

Review Regulations conducted offline

( 9/14/2021 )

09/14/2021

Attachment(s)

Attendee(s)

BRYAN KEITH HODGES

#### EXHIBITS

Inspection



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

In the matter of License Number 1-63-089-02-1D-06028, 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)

F D Hodges, Inc.  
2002 13th Street  
Huntsville, AL 35805

### 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

(b)(6)

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official
06/07/2022	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: 7017268000082170465 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
06/07/2022	Executive Assistant	(b)(6)
Print Name and Title of Person Served		Signature of Person Served (if applicable)
Bryan Keith Hodges		
Address Where Notice Served		
255 Trojan Drive, Hazel Green, AL 35750		

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 F D Hodges, Inc. (“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 2015. The laws and regulations issued under the GCA were reviewed as part of the application inspection.

### **Current Inspection**

On September 15, 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 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 a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix ¶ 3.

#### **Failure to Respond to Trace Request:**

4. On  occasions, Licensee willfully failed to respond within 24 hours to a request from the National Tracing Center for information regarding the disposition of firearms relative to a criminal investigation, in violation of 18 U.S.C. § 923(g)(7) and 27 C.F.R. 478.25a. See Appendix ¶ 4.

Failure to Provide Notice of Discontinuance of Business and Turn in Licensee Records:

5. On or about November of 2021, Licensee willfully failed to furnish the Federal Firearms Licensing Center notification of the discontinuance of business and failed deliver the licensee business records to the ATF Out-of-Business Records Center within 30 days following the business discontinuance, in violation of 18 U.S.C. § 923(g)(4) and 27 C.F.R. §§ 478.57(a) and 478.127.

Appendix

Background Check Violations:

1.

Transferee's Name	Date	Discrepancy
(b)(6)	07/30/2021	Failure to wait three business days after receiving a delay response from NICS.

ATF Form 4473 Violations:

2.

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

3.

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

Failure to Respond to Trace Request:

4.

Transferee's Name	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 1-63-089-02-ID-06028 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)  
F D Hodges, Inc.  
2002 13th Street  
Huntsville, AL 35805

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  August 15, 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).
- 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.

Date  
08/15/2022

Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official  
Steven A. Kolb, Director, Industry Operations

(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: 7017 2680 0000 8217 0649

Or

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

Date Notice Served  
08/15/2022

Title of Person Serving Notice  
*Administrative Support Assistant*

Print Name and Title of Person Served  
Bryan Keith Hodges

(b)(6)

Address Where Notice Served

(b)(6)

Note: Previous Edition is Obsolete

UNITED STATES OF AMERICA

DEPARTMENT OF JUSTICE

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

IN THE MATTER OF THE:

NOTICE OF REVOCATION OF  
LICENSE ISSUED TO:  
F.D. HODGES, INC.  
2002 13<sup>th</sup> STREET  
HUNTSVILLE, AL 35805  
LICENSE NO: 1-63-089-02-1D-06028

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\*  
\* NASHVILLE FIELD DIVISION  
\* DEPARTMENT OF JUSTICE  
\* BUREAU OF ALCOHOL, TOBACCO  
\* FIREARMS AND EXPLOSIVES  
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SUMMARY OF FINDINGS AND CONCLUSIONS

On April 12, 2022, the Director of Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, Nashville Field Division, issued to F.D. Hodges, Inc., 2002 13<sup>th</sup> Street, Huntsville, Alabama, 35805, a Notice to Revoke or Suspend License and/ or Impose a Civil Fine, ATF Form 4500, with reasons therefor attached, as to its license as a dealer including pawnbroker in firearms other than destructive devices, license number 1-63-089-02-1D-06028.

FINDINGS

1. F.D. Hodges, Inc. (Licensee) holds a Federal Firearms License, license number 1-63-089-02-1D-06028, as a dealer including pawnbroker in firearms other than destructive devices.
2. The Director of Industry Operations has reason to believe and does believe that F.D. Hodges, Inc. has 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 set forth in the Notice of Revocation, ATF Form 4500 issued as to the license on April 12, 2022.

3. The Notice of Revocation further specified that if Licensee wished to have a hearing to review the revocation, it must file a request with ATF for a hearing "within 15 days of [its] receipt of this notice." See 18 U.S.C. § 923(f)(2); 27 C.F.R. § 478.73(b).
4. The Notice of Revocation was sent via certified mail to Licensee, 2002 13<sup>th</sup> Street, Huntsville, Alabama, 35805, on April 12, 2022.
5. A second copy of the Notice of Revocation of License was sent via certified mail to Licensee's Responsible Person, Bryan Keith Hodges, (b)(6) (b)(6) on June 7, 2022. The Notice of Revocation was delivered to an individual at this address on June 11, 2022.
6. A request for hearing, pursuant to 18 U.S.C. § 923(f)(2) and 27 C.F.R. § 478.73(b), was NOT timely received by June 26, 2022.

#### CONCLUSIONS

7. The Federal Firearms License held by F.D. Hodges, Inc., 2002 13<sup>th</sup> Street, Huntsville, Alabama, 35805, license number 1-63-089-02-1D-06028 is subject to revocation for the reasons set forth in the Notice of Revocation of License issued April 12, 2022, and such license is hereby revoked effective August 15, 2022.

**(b)(6)**

Steven A. Kolb  
Director of Industry Operations  
Nashville Field Division



**U.S. Department of Justice**

**Bureau of Alcohol, Tobacco,  
Firearms and Explosives**

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*Washington DC*

[www.atf.gov](http://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