

FROST, GEORGE AND ROSALYN's FCI
FCI-28284
05/26/2022 08:20 AM
IOI: (b)(6) (IO) FO

LICENSEE INFORMATION

Licensee Name	RDS Key	License/Permit Number	License Type
FROST, GEORGE AND ROSALYN	6-03-00151	6-03-019-01-1G-00151	01 - Dealer License

Business Type
General Partnership

Premises Address

Mailing Address

Premises Ownership Type
Owned

Same as Premises Address

Premises Location Type
Single Family Dwelling

Address
1607 BUZZELL RD
Unit N/A
NEWPORT CENTER, Vermont 05857
ORLEANS United States

Phone Type	Phone Number	Remarks
Business	+1 802-334-1726	

RECOMMENDATIONS

Final Decision
Revocation
Date
05/25/2022

Details
Name of Entity: George and Rosalyn Frost, d/b/a Six Shooter Gun Shop
Firearms Compliance Inspection: 6-03-00151
Lead IOI: (b)(6)
Last Onsite date: 07/12/2021
Results: Revocation of License effective 5/25/2022

The FFL transferred a pistol to (b)(6), (b)(6). After that (b)(6)
A subsequent inspection revealed (b)(6) of instances of failing to maintain records accurately, the FFL transferring a firearm to (b)(6)
(b)(6), and the falsification of that F 4473. BFD issued an NOR and the FFL did not respond within 15 days. The Final NOR was issued and the revocation is effective on 5/25/22.

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 James Ferguson's Recommendation

The Special Agent in Charge concurs with the recommendation to revoke the FFL. This FFL willingly and knowingly transferred a firearm to a prohibited person. This blatant disregard for the law and the responsibilities of the FFL puts the public at risk.

Senior Attorney's Review

Details

revocation is legally supportable

Director of Industry Operations Nicholas O'Leary's Recommendation
Revocation

Details

DIO concurs with revocation. The FFL knowingly transferred a firearm to (b)(6). The FFL also falsified a Form 4473 involving the transfer of the firearm to (b)(6). (b)(6) was subsequently (b)(6) and the FFL acknowledged to the S/A investigating the circumstances of (b)(6) acquisition of the firearm that she knew (b)(6). The A&D book contained hundreds of errors, and almost every entry had a discrepancy and/or missing required information. The FFL's standard operating procedures are inadequate and allowing the FFL to continue to operate poses a risk to public safety and the traceability of firearms.

Area Supervisor: (b)(6) Recommendation
Revocation

Details

The recommendation of Revocation of License is based on the licensee transferring a handgun to a prohibited person, which happened to be (b)(6) of the RPs. The firearm transferred (b)(6). Also on multiple occasions, the licensee fraudulently completed an ATF Form 4473 for that (b)(6). Additionally, numerous instances of incomplete A&D records were uncovered. This violation may impede the traceability of firearms transferred.

Industry Operations Investigator: (b)(6) Recommendation
Warning Conference

Details

A Recommendation of Revocation of George and Rosalyn Frost's Federal Firearms License is based on:

- Transfer of a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee is a prohibited person; and
- Licensee completing Section B of ATF Form 4473 constituting a false statement.

Licensee completed Section B of the Form 4473 on behalf of transferee and transferred a handgun to (b)(6) on April 2, 2021. The (b)(6) (112 Public Law 55 125 Stat 552) transferred by license to (b)(6) was recovered during (b)(6) on April 22, 2021.

An Alternate Recommendation of a Warning Conference is appropriate because:

The firearm was not used in the commission of a violent crime and public safety and traceability was not at risk;

No other unlawful transfer by licensee was identified during the inspection; and

Licensee has been educated about the importance of recognizing what qualifies as a prohibiting factor when considering transferring a firearm, and advised not to rely solely on a background check; FFLs are held to a higher standard and personal knowledge of individuals attempting to purchase firearms is relevant and should be considered. Licensee was also told that Section B of ATF 473 is required to be completed by the transferee.

Name of Entity: George and Rosalyn Frost, d/b/a Six Shooter Gun Shop
Firearms Compliance Inspection: FFL# 6-03-00151
Lead IOI: (b)(6)
Last Onsite date: 07/12/2021
Results: Alternate Recommendation of Warning Conference with Recall Inspection

Inspection Findings

Records and Forms

1. Failure to timely and/or correctly maintain records of receipt, manufacture, importation or other acquisition on 5 percent or more of the licensee's total acquisitions during the inspection period, with a minimum of (b)(6) instances.
2. Failure to timely and/or correctly maintain records of sales or other dispositions on 5 percent or more of the licensee's total dispositions during the inspection period, with a minimum of (b)(6) instances.
13. Falsify records required under the GCA or making a false or fictitious written statement in the FFL's required records or in applying for a firearms license.

Transfer of Firearm

4. Transfer of a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee is a prohibited person.

Firearms

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

Failure to Report

1. Failure to file Reports of Multiple Sale or Other Disposition of Pistols and Revolvers (F 3310.4) or Reports of Multiple Sales or Dispositions of Certain Rifles (F 3310.12) (Southwest Border states only) when legally required and with a minimum of (b)(6) instances.

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
FROST, GEORGE AND ROSALYN	General Partnership	Yes

Additional Findings

General Partnerships are not required by the Vermont Secretary of State to be registered. Partnerships may register the partnership as an Assumed Business Name, but it is also not required.

No unreported changes to ownership have occurred.

Hidden ownership is not suspected.

Contact Information

Name (b)(6) Date Contacted 05/10/2021

Organization Vermont Secretary of State

Job Title Secretary of State

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

Table with 3 columns: Online Presence Type, Online Presence URL, Remarks. Row 1: Website, https://sos.vermont.gov/corporations/

Attachment(s):

Property Ownership Verification

Premises Ownership Type Owned Premises Location Type Single Family Dwelling Has the property ownership been verified? Yes

Address 1607 BUZZELL RD Unit N/A NEWPORT CENTER, Vermont 05857 ORLEANS United States

Additional Findings The property located at 1607 Road is owned by George and Rosalyn Frost, verified by the Newport Town Clerk, (b)(6) (email attached).

Attachment(s): Property and Zoning Verification.pdf

Trade Name/DBA Verification

Trade Name/DBA SIX SHOOTER GUN SHOP Is the trade name/DBA registered? Yes

Additional Findings Six Shooter Gun Shop is properly registered with the Vermont Secretary of State (copy attached).

Contact Information

Name (b)(6) Date Contacted 05/10/2021

Organization Vermont Secretary of State

Job Title Secretary of State

Table with 3 columns: Phone Type, Phone Number, Remarks. Row 1: Business, +1 802-828-2386,

Table with 3 columns: Online Presence Type, Online Presence URL, Remarks. Row 1: Website, https://sos.vermont.gov/corporations/

Attachment(s): SOS.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning? Yes

Additional Findings The property located at 1607 Road is properly zoned, verified by the Newport Town Clerk, (b)(6) (email attached).

Attachment(s):

APPOINTMENT DETAILS

Interview Date
05/11/2021

Address
1607 BUZZELL RD, Unit N/A, NEWPORT CENTER, Vermont 05857

Remarks
No advance notification

Responsible Attendee(s)

Non-Responsible Person(s)

ROSALYN M FROST
GEORGE G FROST

No Items

RESPONSIBLE PERSON(S)

ROSALYN M FROST

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

Physical Identifiers

Height	Weight	Hair Color	Eye Color
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Place of Birth

Country	State	City
United States Of America	Vermont	

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Criminal History Check

Date Criminal History Check Conducted
05/10/2021

Criminal History Check Comments
Non-disqualifying hit (b)(6) DISMISSED (attached).

GEORGE G FROST

Name	Gender	Race	Ethnicity
GEORGE G FROST		(b)(6)	
Date of Birth	SSN	Job Title	
(b)(6)		PROPRIETOR	

Physical Identifiers

Height	Weight	Hair Color	Eye Color
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Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
05/10/2021

Criminal History Check Comments
No hits

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
Licensees have held their Type 01 FFL since June 2003.

They did not attend gun shows during the inspection period.

Licensees buy and sell new and used handguns and long guns with approximately (b)(4) breakdown of new and used firearms, of which approximately (b)(4) hand guns (b)(4) long guns, and (b)(4) receivers and other firearms.

FFL does not have a variance, and the need for one was not identified.

FFL utilized a paper A&D which was not in proper format at the start of the inspection. Acquisitions and dispositions were being logged on random, loose sheets of paper and included incomplete information on approximately 90% of the entries. By the conclusion of the inspection, the A&D record was complete in a bound book that is in compliance with regulation.

FFL facilitates transfers to and from other FFLs which were lawful; no law enforcement transfers.

FFL does not conduct NFA activities and does not manufacture or import firearms. Very limited gunsmithing is conducted.

Do they need an additional license or permit?
No

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

Business Activities

Retail

Selected Operational Security Measures

- Controlled Access to ATF Recordkeeping
- Controlled Access to Keys

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

If there is a security system, who has access to the security codes?
(b)(6)

Who has keys to the premises?
RPs George and Rosalyn Frost have keys to the premises.

Who has keys to locked inventory?
RPs George and Rosalyn Frost have keys to the locked inventory.

Who is operating the business on a day-to-day basis?
RPs George and Rosalyn Frost share in the day-to-day business operations. George Frosts works during the week and Rosalyn Frost mans the shop during the day while he is at work. Both make entries in the A&D, complete forms and transfers, and place orders for firearms.

Is financial backing provided by anyone that is not a responsible person on the license/permit?
Financial backing is not provided by anyone that is not a responsible person on the license.

Are any employees known to be prohibited?
George and Rosalyn Frost have no employees.

Are any employees associated with a previously denied/revoked/surrendered license/permit?
N/A

PREMISES INFORMATION

Inspection Area Description

(b)(6)

There is no other businesses onsite. FFL does not utilize offsite storage. No safety issues identified.

Primary Activity

Retail

GPS Coordinates

Latitude
44.97964

Longitude
-72.29656

Selected Physical Security Measures

(b)(6)

INTERVIEW NOTES

Licensees have held their Type 01 FFL since June 2003.

Licensees did not attend gun shows during the inspection period.

Licensees buy and sell new and used handguns and long guns with approximately (b)(4) breakdown of both new and used guns, of which approximately (b)(4) hand guns (b)(4) long guns, and (b)(4) receivers and other firearms.

Licensees do not have a variance, and the need for one was not identified.

FFL utilized a paper A&D which was not in proper format at the start of the inspection. Acquisitions and dispositions were being logged on random, loose sheets of paper and included incomplete information on approximately 90% of the entries. By the conclusion of the inspection, the A&D record was complete in a bound book that is in compliance with regulation.

FFL facilitates transfers to and from other FFLs which were lawful; no law enforcement transfers.

FFL does not conduct NFA activities and does not manufacture or import firearms. Very limited gunsmithing is conducted.

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

94

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation

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

IOI (b)(6) conducted an onsite compliance inspection following notification from ATF Special Agent (b)(6) (Burlington, Vermont Field Office) that licensee's (b)(6) had been (b)(6) and was in (b)(6). (Investigation Number 762050-21-0001) A trace of that firearm revealed that it was transferred to (b)(6) by licensee. (See Report of Investigation – ROI 2 attached). After further investigation by IOI (b)(6), it was determined that the licensee had reasonable cause to believe that person was prohibited when transferring the firearm. Licensee was cited for the unlawful sale or delivery of a firearm to a prohibited person. (ROV#1)

It was also determined that licensee likely completed Section B of the 4473 (Transferee information) and was also cited for false statement made by a licensee on any ATF record. (ROV #3)

(b)(6)

Onsite start date: 05/10/2021; onsite end date: 07/12/2021.

Trafficking issues were not identified. VCAB query resulted in [redacted] traces (resolved). There were no reported Multiple Sales on the report. IOI identified [redacted] unreported multiple sales involving [redacted] handguns during the inspection period. Licensee completed and submitted the Multiple Sales Reports and were cited for failure to file. (ROV #2)

All 35 handguns in inventory were run in NCIC with no hits.

35 used handguns disposed of in the A&D record were run in ETrace with [redacted] hit. (b)(3) (112 Public Law 55 125 Stat 552)

(b)(3) (112 Public Law 55 125 Stat 552), (b)(6), (b)(7)(C)

No other hits.

Licensee filed Form 4473s in individual file folders which contained a "transaction #", however that optional transaction number was not written on the actual forms. Prior to the close of the inspection, licensee had removed the forms from the file folders and is now placing the numeric transaction numbers on the form and will maintain the forms numerically per regulation.

IOI (b)(6) reviewed all forms (redacted) generated during the inspection period and discrepancies were identified. Licensee was cited for 4473 discrepancies at ROV #5 thru #10. IOI was able to verify all 55 NTN's listed on the audit log.

IOI (b)(6) found licensee's SOPs for recordkeeping, including maintenance of the A&D record, completion of F 4473, and requirement to file Multiple Sale Reports, to be inadequate. IOI discussed and assisted licensee in implementing procedures to ensure compliance with regulations.

IOI (b)(6) conducted a 100% inventory which included 94 firearms. Licensee's A&D record had [redacted] open entries after reconciliation. A Theft/Loss report was filed on 6/9/2021. (Attached) IOI found licensee's SOPs with respect to inventory to be sufficient, however, suggested a tagging system linking the firearms in inventory to the acquisition entries in the A&D record, which licensee implemented immediately.

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
1 27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person ATF Forms 4473: [redacted] Number of Instances: [redacted]	Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited. Cease and desist allowance of actual or constructive possession of all firearm inventory by employee who is prohibited and/or any employee having reasonable cause to believe is prohibited.	(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)
2 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473: [redacted] Number of Instances: [redacted]	Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.	(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)
3 27 CFR 478.128(c): False statement made by a licensee on any ATF record Number of Instances: [redacted]	Cease and desist engaging in activities not authorized by current license type. Cease and desist from engaging in deceptive practices.	(b)(3) (112 Public Law 55 125 Stat 552)
27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms Number of Instances: (b)(6)	Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm disposition information. Resume proper maintenance of required acquisition and disposition record. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.	(b)(3) (112 Public Law 55 125 Stat 552)

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

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

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.

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

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

ATF Forms 4473: [redacted]
Number of Instances: [redacted]

Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.
Ensure that all required NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.

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

5

6

		(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
7	<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/></p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>
8	<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: <input type="checkbox"/></p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Complete all forms as prescribed.</p> <p>Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions.</p> <p>Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions.</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>Ensure that the required transferor/seller printed name and title is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p> <p>Ensure that the most up-to-date version of the ATF Form 4473 is used for all future over-the-counter transactions.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>
9	<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/></p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>
10	<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/></p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>

THEFT/LOSS REPORT

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

LICENSEE RESPONSE REPORT

	Regulation	Corrective Actions	Licensee Response	Status Details
1	<p>27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person</p> <p>ATF Forms 4473 [] Number of Instances: []</p>	<p>Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited.</p> <p>Cease and desist allowance of actual or constructive possession of all firearm inventory by employee who is prohibited and/or any employee having reasonable cause to believe is prohibited.</p>	<p>Licensee Rosalyn Frost stated that she did not know [(b)(6)] was using drugs.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 07/12/2021</p>
2	<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) for all non-reported multiple sales identified as a result of this inspection.</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p>Licensee Rosalyn Frost stated that she did not know she was supposed to file Multiple Sale Reports.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 05/18/2021</p>
3	<p>27 CFR 478.128(c): False statement made by a licensee on any ATF record</p> <p>Number of Instances: []</p>	<p>Cease and desist engaging in activities not authorized by current license type.</p> <p>Cease and desist from engaging in deceptive practices.</p>	<p>Licensee Rosalyn Frost stated that she did not fill out Section B of the Form 4473 #474 for [(b)(6)]</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 07/12/2021</p>
4	<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.</p> <p>Accurately, completely & timely record all required future firearm disposition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm acquisition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm disposition information.</p> <p>Resume proper maintenance of required acquisition and disposition record.</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>Licensee Rosalyn Frost stated that she thought they were doing things correctly for the past 18 years; that there was enough information contained in their records.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 07/12/2021</p>
5	<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>Licensee Rosalyn Frost stated that she thought they were filling out the form correctly.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 07/12/2021</p>
6	<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 NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>Licensee Rosalyn Frost stated that she thought they were filling out the form correctly.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 07/12/2021</p>
	<p>27 CFR 478.124(c)(4): Failure to record firearm information on an 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 firearm identification information is obtained, validated and accurately recorded on all future ATF</p>	<p>Licensee Rosalyn Frost stated that she thought they were filling out the form correctly.</p>	<p>Status Correction Verified</p> <p>Verified Method</p>

7	ATF Forms 4473: [redacted] Number of Instances: [redacted]	Forms 4473, Section D.	In Person Date Correction Verified 07/12/2021
8	27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: [redacted] Number of Instances: [redacted]	Complete all forms as prescribed. Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions. Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions. Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. 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. Ensure that the required transferor/seller printed name and title is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D. Ensure that the most up-to-date version of the ATF Form 4473 is used for all future over-the-counter transactions. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	Licensee Rosalyn Frost stated that she thought they were filling out the form correctly. Status Correction Verified Verified Method In Person Date Correction Verified 07/12/2021
9	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, validated and accurately recorded on all future ATF Forms 4473, Section B.	Licensee Rosalyn Frost wasn't clear about what was acceptable identification but now she knows. Status Licensee Notified Verified Method In Person Date Licensee Notified 07/12/2021
10	27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473 ATF Forms 4473: [redacted] Number of Instances: [redacted]	Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.	Licensee Rosalyn Frost will make sure to sign all forms correctly and timely. Status Licensee Notified Verified Method In Person Date Licensee Notified 07/12/2021

CLOSING CONFERENCE

Review Regulations conducted offline

(7/12/2021)

07/12/2021

Closing Conference Additional Notes

On July 12, 2021, IOI (b)(6) held a closing conference with licensee, Rosalyn Frost at the business premises.

The Report of Violations was discussed. Extended, noteworthy, discussion occurred with Mrs. Frost regarding the following cited violations:

ROV #1: Unlawful sale or delivery of a firearm to a prohibited person.

Mrs. Frost stated that she did not know that (b)(6) was (b)(6). Mrs. Frost made a statement to ATF Special Agent (b)(6) on May 6, 2021, following (b)(6) while in possession of a pistol that was transferred to him by Rosalyn Frost on April 2, 2021, that she (b)(6).

Mrs. Frost maintained that she did not know (b)(6).

ROV #3: False Statement made by licensee on any ATF Record.

On May 6, 2021, ATF Special Agent (b)(6) asked about the handwriting on the form, Mrs. Frost stated she "did not fill out the form for (b)(6) and that (b)(6) had very neat handwriting."

Note: The 4473 was not signed by transferee at block 22 and 23 to which a violation was also cited; Mrs. Frost stated to SA (b)(6) that the reason he did not sign the form was that it was busy in the gunshop and that she failed to check the form for accuracy and missed the fact that he did not sign the form.

IOI (b)(6)'s non-expert opinion when comparing the Form 4473 at issue (#474, Section B) and a Form 4473 previously completed by (b)(6). Denied 4473 dated 05/29/2017, Section A) was that the two forms had different handwriting.

Mrs. Frost maintained that she did not fill out the form for (b)(6).

ROV #9: Failure to verify or record identification document on ATF F 4473.

IOI (b)(6) discussed several scenarios of transfers and examples of required identification documents. ATF Rul. 2001-5 was provided (email attached).

The remaining review of the Report of Violations of A&D, Multiple Sale, and 4473 violations, Mrs. Frost expressed acceptance for the errors, but stated that they thought they were doing things correctly.

During the closing conference, IOI (b)(6) confirmed that the bound book was in proper format and that the Form 4473 are being maintained according to regulation and that Mrs. Frost was clear about required Multiple Sale Reporting.

IOI (b)(6) also reviewed in detail the Acknowledgement of Federal Firearms Regulations with Mrs. Frost.

During the review of the Acknowledgment, expanded discussion occurred (once again) regarding acceptable forms of government issued, valid, identification documents as well as conduct of business at out-of-state gunshows (even though Mrs. Frost stated that they probably would not conduct business at gunshows). When discussing prohibited people, IOI (b)(6) stressed that as a Federal Firearms Licensee, it is her responsibility to not only rely on a background check to determine whether licensee could transfer a firearm (including straw purchase awareness), but must also rely on personal knowledge about, and demeanor of, customers, prior to transferring a firearm. Mrs. Frost acknowledged her understanding and further stated that both her and her husband George had "turned people away" because they had knowledge of drug use.

Prior to closing this inspection, on July 12, 2021 IOI (b)(6) emailed licensees a copy of the following:

- ATF Ruling 2001-5 regarding identification documents
- ATF Form 4473 FAQ (July 2021)
- Gunshow Guidelines (June 2021)

(Email attached)

A copy of the Report of Violations and a signed copy of the Acknowledgement of Federal Firearms Regulations (conducted offline) were provided to Mrs. Frost.

Attachment(s)

Attendee(s)

ROSALYN M FROST

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 6-03-00151 Inspection Results
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
OnSiteSummaryInformation	Ruger P95 (b)(6).pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
Correspondence	Spartan Notification RE: 6-03-00151 Monitored Case
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
Correspondence	
FirearmTheftLossList	Firearm Theft Loss List.pdf
ZoningVerification	Property and Zoning Verification.pdf
PropertyOwnershipVerification	Property and Zoning Verification.pdf
TradeNameVerification	SOS.pdf

License

Category	Attachment Name
Correspondence	Spartan Notification RE: 6-03-00151 Special Attention Flag (SAF)



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Boston Field Division
10 Causeway St., Suite 791
Boston, Massachusetts 02222
www.atf.gov

EXPLANATION LETTER re:
NOTICE OF REVOCATION

Certified Mail – Return Receipt Requested

March 24, 2022

Rosalyn and George Frost
dba Six Shooter Gun Shop
1607 Buzzell Road
Newport Center, Vermont 05857

Re: FFL # 6-03-019-01-4G-00151

Dear Mr. and Ms. Frost:

As you are aware, beginning in May 2021, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigators conducted an inspection of your licensed firearms business under the Gun Control Act of 1968, as amended (GCA), Title 18, United States Code, Chapter 44 and its implementing regulations, Title 27, Code of Federal Regulations, Part 478. As a result, ATF has made a determination to revoke your federal firearms license.

Courts have held that ATF may revoke a federal firearms license for willful violations of the GCA and its implementing regulations. “Willfulness,” as defined by the courts, means the purposeful disregard or plain indifference to a licensee’s known legal obligations. ATF is not required to prove you *intended* to violate the law, only that you knew your legal obligation as a licensee, and you purposefully disregarded or were plainly indifferent to this obligation.

Accordingly, enclosed is a Notice to Revoke your License, ATF Form 4500 (5300.4), citing willful violations of the GCA as the bases for the revocation of your federal firearms license.

Your Response to this Notice: As indicated on the enclosed form, you may request a hearing to contest the revocation by submitting a written request to me – the Director of Industry Operations (DIO) – within 15 days from your receipt of this Notice. *If you do not request a hearing within 15 days, the revocation of your license will become final at the end of those 15 days, and all of your firearms business activity must cease on that date.*

If you submit a letter requesting a hearing, ATF will begin to make arrangements for the hearing. Please let us know immediately if you will be represented at the hearing so that we can

Rosalyn and George Frost
dba Six Shooter Gun Shop
Re: FFL # 6-03-019-01-4G-00151

expeditiously schedule the hearing at a time mutually convenient to all parties involved, including your representative.¹ Once the date, time and place are set, ATF will notify you via certified mail. Under limited circumstances, the DIO may reschedule the hearing for good cause.

Before the Hearing (if one is requested): Prior to the hearing date you may request a meeting with the DIO to address the violations cited in the Notice. You may be represented by counsel at this meeting if you so desire. The purpose of the meeting will be to try to resolve this matter without conducting a hearing. While ATF is not obligated to grant such requests, if it does, at or before the meeting, you may submit mitigating facts, arguments, and proposals for settlement for review and consideration. Settlement proposals may include a business wind-down period. You may also submit offers of potential resolution to me after the hearing, however, the DIO will not entertain settlement offers at the hearing itself.

If you would like to schedule such a meeting, please contact the undersigned at (617) 557-1200, or have your attorney contact ATF Attorney [REDACTED] (b)(6) within 15 days of the receipt of this letter. If we do not receive a timely meeting request, we will schedule the hearing if you have requested one in writing.

What to Expect at the Hearing: *Under no circumstances may you, your representative, your witnesses, or anyone else, bring firearms or any other weapons to the hearing.* The hearing will not begin, or will cease, if it is determined that this policy has been violated.

The hearing itself is informal in nature and does not require adherence to civil court rules and formal courtroom procedures. An ATF-hired stenographer will be present to transcribe the hearing; however, there is no sworn testimony. The resulting transcript, along with the exhibits presented at the hearing, constitute the official record of the hearing. You may order a copy of the transcript at your own expense. You may also make an audio recording of the proceedings or have them recorded by an additional stenographer at your own expense, provided this recording is not disruptive to the proceedings. *ATF does not make a video recording of the hearing proceedings. You may not do so either.*

The DIO will preside over the hearing and ensure that it occurs in an orderly and professional manner. The primary purpose of the hearing is to give the DIO the opportunity to hear your explanation/argument in response to the proposed licensing action.

During the hearing, ATF, through an attorney, will enter in the official record all evidence establishing the violations cited in the enclosed Notice. The ATF attorney will generally ask the ATF investigator(s) who conducted the inspection, or other ATF employees who have relevant information concerning your case, to describe their findings. At the conclusion of the Government's presentation, you will have the opportunity to respond. As mentioned above, you may be represented by counsel at this hearing if you so desire. You are encouraged to state your case as clearly and factually as possible. You and/or your attorney should be willing and

¹ See 27 C.F.R. § 478.76 for information regarding who may represent you at the hearing.

Rosalyn and George Frost
dba Six Shooter Gun Shop
Re: FFL # 6-03-019-01-4G-00151

prepared to address each violation described in the Notice. You may also present relevant evidence, such as documents, pictures, or witness testimony that tends to show that the violations listed in the Notice did not occur in the manner described.

You will have the opportunity to ask questions about any of the evidence that ATF puts on the record, and to question any ATF witnesses about their findings. Similarly, ATF will have the opportunity to ask questions about your evidence, and of your witnesses. When the DIO is satisfied that all evidence and arguments have been fully presented, he will conclude the hearing.

After the Hearing: If after review of the entire record, the DIO concludes that willful violations occurred, the DIO may issue a Final Notice of Revocation of Firearms License, which will be sent to you via certified mail. Similarly, the DIO will notify you in writing if he decides to allow you to keep your current license. If you are not satisfied with the final decision, you may appeal the decision to federal district court within 60 days. The record of the hearing (including all presented evidence and testimony) may become part of the official court record.

If you have any questions, please contact, or have your attorney contact, ATF Counsel (b)(6)
(b)(6).

Sincerely,

(b)(6)

Nicholas E. O'Leary
Director of Industry Operations

Enclosures

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

In the matter of License Number 6-03-019-01-4G-00151, as a/an dealer of firearms

issued to:

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

George and Rosalyn Frost
dba Six Shooter Gun Shop
1607 Buzzell Road
Newport Center, Vermont 05857

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 10 Causeway Street, Suite 791, Boston, Massachusetts 02222, 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
03/24/2022	Nicholas E. O'Leary Director of Industry Operations, Boston 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: 7011 2970 0002 4766 2916 or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
03/24/2022	Director of Industry Operations	(b)(6)
Print Name and Title of Person Served Rosalyn and George Frost		Signature of Person Served

Address Where Notice Served
1607 Buzzell Road, Newport Center, Vermont 05857

ATF Form 4500 – Notice of Revocation of License

Under the provisions of 18 U.S.C. § 923(e) the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) may revoke a federal firearms license if the licensee has willfully violated the Gun Control Act or its regulatory provisions.

Pursuant to 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given of the proposed revocation of the Federal firearms license specified above. The Director of Industry Operations, Boston Field Division, ATF has reason to believe that Six Shooter Gun Shop (hereinafter the “licensee” or “Six Shooter”), a dealer of firearms, willfully violated the provision 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.

Six Shooter is owned by husband and wife George and Rosalyn Frost. They obtained the FFL in 2003, after a qualification inspection by ATF. Licensee engages in the retail sale of new and used handguns and long guns. Business is conducted in a shop adjacent to the residence.

GROUND FOR REVOCATION OF LICENSE
UNDER 18 U.S.C. § 923(e)

1. The licensee allowed an individual who is prohibited from possessing firearms, to acquire a firearm from Six Shooters. In doing so, the licensee willfully violated 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c), and has aided and abetted a prohibited person in their illegal possession of firearms, in willful violation of 18 U.S.C. §§ 2, and 922(g) and 27 C.F.R. § 478.32.

On April 2, 2021, Responsible Person Rosalyn Frost transferred (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) (b)(6) on April 22, 2021 with (b)(6) (b)(6). When an ATF Special Agent inquired with Ms. Frost as to why she transferred the firearm (b)(6) (b)(6), she said that she had known (b)(6) (b)(6).

See Appendix A, Appendix B, and Appendix D.

2. Licensee willfully violated of 18 U.S.C. §§ 922(m) and 924(a)(1)(A) and 27 C.F.R. § 478.128(c) by falsifying a Form 4473.

Section B (the transferee section) of the Form 4473 for the sale of (b)(6) (b)(6) in April 2021, appears to have been filled out by (b)(6) Rosalyn Frost.

See Appendix A, Appendix B, and Appendix E.

ATF Form 4500 – Notice of Revocation of License

3. In approximately [] instances, the licensee failed to accurately and timely maintain an acquisition and disposition (A&D) record in willful violation of 18 U.S.C. § 923(g)(1) and 27 C.F.R. § 478.125(e).

The regulation requires that the A&D records be a bound book which include “the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge of the firearm[;]... date of the sale or other disposition of each firearm, the name and address of the person to whom the firearm is transferred, or the name and license number of the person to whom transferred if such person is a licensee.” 27 C.F.R. § 478.125(e).

Licensee’s A&D records were several loose pieces of paper. The various pages had different columns. While no page had all the info required; there was no required data point that was absent everywhere.

See Appendix A, Appendix C, and Appendix D.

4. In approximately [] instances, the licensee failed to have the transferee accurately and completely fill out an ATF Form 4473 prior to transferring a firearm, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(1).
See Appendix D and Appendix E.

5. In approximately [] instances, the licensee failed to accurately and completely fill out its part of the ATF Form 4473 prior to transferring a firearm, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(3)(iv). The licensee failed to accurately and completely fill out the NICS information.

See Appendix D and Appendix E.

6. In approximately [] instances, the licensee failed to correctly document, on the Form 4473, the identification of the firearm(s) transferred, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(4).

See Appendix D and Appendix E.

7. In approximately [] instances, the licensee failed to accurately and completely fill out an ATF Form 4473 prior to transferring a firearm, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.21(a).

See Appendix D and Appendix E.

ATF Form 4500 – Notice of Revocation of License

8. In [] instance, licensee accepted a car registration and dealer bill of sale in lieu of government issued photo identification, prior to transferring a firearm, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(3)(i).

See Appendix D and Appendix E.

9. In approximately [] instances, the licensee failed to accurately and completely fill out its part of the ATF Form 4473 prior to transferring a firearm, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(5). The licensee failed to accurately sign and date the form, indicating there were no known reasons the transfer should not occur.

See Appendix D and Appendix E.

10. In approximately [] instances, licensee failed to file a multiple sales report after the sale of two or more handguns to the same individual, in willful violation of 18 U.S.C. § 923(g)(3), and 27 C.F.R. § 478.126a.

See Appendix D and Appendix F.

Accordingly, Six Shooter's federal firearms license is subject to revocation pursuant to 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73.



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

*Boston Field Division
10 Causeway St., Room 791
Boston, Massachusetts 02222*

www.atf.gov

May 3, 2022

Mr. George Frost & Ms. Rosalyn Frost
Six Shooter Gun Shop
1607 Buzzell Road
Newport Center VT 05857

FFL #: 6-03-019-01-4G-00151

Dear Mr. Frost and Ms. Frost,

Please be advised that the above Federal Firearms License issued to you, d/b/a Six Shooter Gun Shop, is hereby revoked. Accompanying this letter, please find an ATF Form 5300.13, Final Notice of Denial of Application and Revocation of Firearms Licenses. Additionally, please see the enclosed information sheet about the limitations on your ability to sell firearms after the effective date of the revocation of your license.

The effective date of revocation of your license is 15 days after receipt of this Notice.

If you have any questions concerning this matter, please contact me at (617) 557-1200 or call ATF Attorney (b)(6).

Sincerely,

(b)(6)

Nicholas E. O'Leary
Director of Industry Operations

Enclosures

**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 6-03-019-01-4G-00151 as a/an
dealer of firearms _____, issued to:

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

Rosalyn and George Frost
dba Six Shooter Gun Shop
1607 Buzzell Road
Newport Center, VT 05857

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 10 Causeway Street, Suite 791, Boston MA 02222

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 05/03/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Nicholas E. O'Leary, Director of Industry Operations	Signature (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: 7022 0410 0001 0715 6536

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

Date Notice Served 05/03/2022	Title of Person Serving Notice Director of Industry Operations	Signature of Person Serving Notice (b)(6)
----------------------------------	---	--

Print Name and Title of Person Served Rosalyn and George Frost, owners	Signature of Person Served
---	----------------------------

Address Where Notice Served
1607 Buzzell Road Newport Center, VT 05857

Note: Previous Edition is Obsolete

UNITED STATES OF AMERICA	:	Case Number FCI-28284
	:	
In the Matter of the Final Notice	:	
Of Revocation of Federal Firearms	:	
Licenses, as a Dealer in Firearms	:	
	:	
	:	BUREAU OF ALCOHOL, TOBACCO,
	:	FIREARMS AND EXPLOSIVES
Licensee,	:	
	:	
Mr. George Frost & Ms. Rosalyn Frost	:	BOSTON FIELD DIVISION
Six Shooter Gun Shop	:	
1607 Buzzell Road	:	
Newport Center, Vermont	:	
FFL #: 6-03-019-01-4G-00151	:	

PROCEDURAL HISTORY

Under the provisions of Section 923(e), Title 18, United States Code, and Section 478.73(a), Title 27, Code of Federal Regulations, the Attorney General may, after notice and opportunity for hearing, revoke a license if the holder of the license has willfully violated any provision of the Gun Control Act or regulations issued under the authority of the Gun Control Act.

Six Shooters Gun Shop is owned by husband-and-wife George and Rosalyn Frost. They obtained the license in 2003, after a qualification inspection by ATF. Licensee engages in the retail sale of new and used handguns and long guns. Business is conducted in a shop adjacent to their residence. In 2021, ATF conducted a compliance inspection and uncovered numerous violations of the Gun Control Act and its implementing regulations.

On March 24, 2022, the Director of Industry Operations (DIO), Boston Field Division, issued a Notice of Revocation of Federal Firearms License to George and Rosalyn Frost (“the licensee”), for Federal Firearms License Number 6-03-019-01-4G-00151 (a dealer in firearms), at 1607 Buzzell Road in Newport Center, Vermont. The proposed revocation of license was premised on willful violations of the Gun Control Act and its implementing regulations. This Notice set forth in detail ATF’s basis for revocation of the license. It was first attempted to be served via certified mail, and ultimately served on the licensee via Fedex on April 4, 2022.

The Post Office attempted delivery of the Notice on March 30, 2022, which was sent by ATF certified mail, and the licensee refused delivery. On April 1, 2022, ATF resent the Notice via Fedex, and it was received by the licensee on April 4, 2022.

Mr. George Frost & Ms. Rosalyn Frost

The Notice of Revocation advises that the licensee had 15 days from receipt of the Notice in which to request a hearing to contest the revocation. The Notice also advised that failure to request a hearing would result in the revocation of the license. Licensee received Notice of the revocation of their licenses by ATF more than 15 days ago. ATF has received no response to the Notice, or request for a hearing, from the licensee.

FINDINGS OF FACT

Having reviewed the entire record in this matter, I make the following findings with respect to the violations discovered during the inspection:

1. On or about April 2, 2021, licensee has willfully violated 18 U.S.C. §§ 2, 922(d), and 922(g), and 27 C.F.R. §§ 478.32 and 478.99(c). The licensee transferred a firearm to an individual who is prohibited from possessing firearms, thereby aiding in that person's illegal possession of firearms.
2. On or about April 2, 2021, licensee willfully violated of 18 U.S.C. §§ 922(m) and 924(a)(1)(A) and 27 C.F.R. § 478.128(c) by falsifying a Form 4473.
3. Licensee willfully violated 18 U.S.C. § 923(g)(1) and 27 C.F.R. § 478.125(e). In approximately [] instances, over the course of approximately three years, the licensee failed to accurately and timely maintain an acquisition and disposition (A&D) record.
4. Licensee willfully violated 18 U.S.C. §§ 922(m) and 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). In approximately [] instances in one year, the licensee failed to have the transferee accurately and completely fill out an ATF Form 4473 prior to transferring a firearm,
5. Licensee willfully violated willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(3)(iv). In approximately [] instances in one year, the licensee failed to accurately and completely fill out its part of the ATF Form 4473 prior to transferring a firearm.
6. Licensee willfully violated 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(4). In approximately [] instances in one year, the licensee failed to correctly document, on the Form 4473, the identification of the firearm(s) transferred
7. Licensee willfully violated 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.21(a). In approximately [] instances in one year, the licensee failed to accurately and completely fill out an ATF Form 4473 prior to transferring a firearm.

Mr. George Frost & Ms. Rosalyn Frost

8. Licensee willfully violated 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(3)(i). In [] instance, licensee accepted a car registration and dealer bill of sale in lieu of government issued photo identification, prior to transferring a firearm.
9. Licensee willfully violated 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. § 478.124(c)(5). In approximately [] instances in one year, the licensee failed to accurately and completely fill out its part of the ATF Form 4473 prior to transferring a firearm.
10. Licensee willfully violated 18 U.S.C. § 923(g)(3), and 27 C.F.R. § 478.126a. In approximately [] instances in one year, licensee failed to file a multiple sales report after the sale of two or more handguns to the same individual in a period of five business days.

CONCLUSIONS OF LAW

Under the provisions of Section 923(e), Title 18, United States Code, and Section 478.74, Title 27, Code of Federal Regulations, the Attorney General may, after notice and opportunity for hearing, revoke a license if the holder of the license has willfully violated any provision of the Gun Control Act (GCA) or regulations issued pursuant to the Act.

As explained below, I find that the violations cited in my specific findings (1) through (10), above, were committed willfully.

Where a federal firearms licensee, such as this Licensee, knows its legal obligations and purposefully disregards or is plainly indifferent to these obligations, such violations are committed willfully. *See American Arms Intl. v. Herbert*, 563 F.3d 78, 83 (4th Cir. 2008); *RSM Inc. v. Herbert*, 466 F.3d 316, 321-22 (4th Cir. 2006); *General Store v. Van Loan*, 560 F.3d 920, 924 (9th Cir. 2009); *Armalite Inc. v. Lambert*, 544 F.3d 644, 647-48 (6th Cir. 2008); *Willingham Sports v. ATF*, 415 F.3d 1274, 1277 (11th Cir. 2005); *Cucchiara v. Secretary of Treasury*, 652 F.2d 28, 30 (9th Cir. 1981); *Stein, Inc. v. Blumenthal*, 649 F.2d 463, 464 n.2 (7th Cir. 1980); *Prino v. Simon*, 606 F.2d 449, 451 (4th Cir. 1979); *Lewin v. Blumenthal*, 590 F.2d 268, 269 (8th Cir. 1979); *Weaver v. Harris*, 2012 U.S. App LEXIS 17758 (5th Cir. 2012).

ATF does not need to warn a licensee or provide notice of prior similar violations for a record keeping violation to be considered a willful violation establishing the basis for a revocation. *See Nat'l Lending Group LLC v. Mukasey*, 2008 U.S. Dist. LEXIS 107566 (D. Ariz. Dec. 19, 2008), *aff'd sub nom Nat'l Lending Group, LLC v. Holder*, 365 F. Appx. 747 (9th Cir. 2010); *Francis v. ATF*, 2006 U. S. Dist. LEXIS 26451 (E.D. Okla. April 20, 2006); *Manuele v. Acting Dir. Industry Operations*, 2008 U.S. Dist. LEXIS 41366 (C.D. Ill. May 22, 2008) (revocations upheld based on "first" set of violations).

"However onerous the GCA's regulatory regime for federal firearms dealers may seem, violations create a very real potential for dangerous consequences." *American Arms v. Herbert*, 563 F.3d 78 (4th Cir. 2009). ATF may, therefore,

insist on total compliance as a condition of retaining the privilege of dealing in firearms. Indeed, the Supreme Court has noted that one purpose of the Gun Control Act is "to keep

Mr. George Frost & Ms. Rosalyn Frost

firearms away from the persons Congress classified as potentially irresponsible and dangerous." *Barrett v. United States*, 423 U.S. 212, 218, 96 S. Ct. 498, 46 L. Ed. 2d 450 (1976).

Willingham Sports v. ATF, 348 F. Supp. 2d 1299 (S.D. Ala. 2004) *aff'd* 415 F. 3d 1274 (11th Cir. 2005).

Accordingly, as the record has demonstrated willful violations of the GCA, and as provided by 18 U.S.C. § 923(e) and 27 C.F.R. § 478.78, the Licensee's federal firearms license is hereby **REVOKED** effective 15 days from receipt of this notice.

Dated:
May 3, 2022

(b)(6)

Nicholas E. O'Leary
Director of Industry Operations
Boston Field Division



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
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Date: 2022.04.04
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Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations