

GARY WILLIAM GIBBS 's FCI
 FCI-24948
 12/17/2022 06:58 AM
 IOI (b)(6), Little Rock II (IO) Field Office

LICENSEE INFORMATION

Applicant Name
 GARY WILLIAM GIBBS
 (Sole Proprietor)

RDS Key
 5-71-04829

License/Permit Number
 5-71-031-01-1K-04829

License Type
 01 - Dealer License

Business Type
 Sole Proprietorship

Premises Ownership Type
 Leased/Rented Premises Address
 2414 E MATTHEWS STE D, Unit N/A,
 JONESBORO, Arkansas 72401

Premises Location Type Required
 Store Front

Address
 2414 E MATTHEWS STE D
 Unit N/A
 JONESBORO, Arkansas 72401
 CRAIGHEAD
 United States

Address
 2414 E MATTHEWS STE D
 Unit N/A
 JONESBORO, Arkansas 72401
 CRAIGHEAD
 United States

Phone Type	Phone Number	Remarks
Business	+1 870-273-5237	

Email Address	Email Remarks
(b)(6)	

Online Presence Type	Online Presence URL	Remarks
Website	www.americanstatearmory.com	

RECOMMENDATIONS

Final Decision Date
 Revocation 05/10/2022

Details

A Revocation Hearing was conducted on 4/6/2022. A Final Notice of Revocation was issued on 5/10/2022. The license was revoked pursuant to 18 USC 923(e), 922 (t)(5) or 924(p) with an effective date of 6/1/2022. All records associated with this license were acquired by ATF's Little Rock Area Office on 11/28/2022 and will be shipped to ATF's OOBRC as soon as possible. Recommend License Revoked.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to an ATF Employee

ATF Employee Name
 (b)(6)

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

Details

Concur with DIO.

Special Agent in Charge Kurt Thielhorn's Recommendation

Licensee Inventory

✔ Inventory transferred to self

I concur with DIO and DC for revocation of license.

Division Counsel (b)(6) Review

Details

Acting Division Counsel (b)(6) and Associate Chief Counsel (b)(6) have reviewed this violation report and believe the elements are met and there are no legal barriers to proceeding forward with revocation in this matter.

Director, Industry Operations Valentina Close's Recommendation
Revocation

Details

DIO has reviewed the Recall inspection report and concurs with the IO/AS's proposed REVOCATION recommendation.

The inspection disclosed numerous violations that merit revocation, to include violations of 27 CFR 478.99(c), 478.102(a), and 478.102(a)(2)(ii). Additionally, the investigation disclosed several similar, repeated violations that had been cited during the prior inspection and resulted in a Warning Conference. The repeat violations cited include: 27CFR 478.102(a), 478.21(a), 478.124(c)(1), 478.124(c)(3)(i), 478.124(c)(3)(iv), 478.124(c)(4), 478.124(c)(5), 478.125(e), and 478.126a. Of note, several violations have significant impact on public safety, such as sales/transfers to prohibited people and at least (b)(6) firearms missing from inventory after reconciliation.

DIO recommends REVOCATION.

Area Supervisor (b)(6) Recommendation
Revocation

Details

Beginning on 12/20/20, a firearms recall inspection was conducted. The previous inspection resulted in a Warning Conference. Violations discovered during the current inspection warrant revocation based on a history of similar, repeat violations; Specifically, 27 CFR 478.21(a), 27 CFR 478.102(a), 27 CFR 478.124(c)(1), 27 CFR 478.124(c)(3)(i), 27 CFR 478.124(c)(3)(iv), 27 CFR 478.124(c)(4), 27 CFR 478.124(c)(5), 27 CFR 478.125(e), and 27 CFR 478.126a.

The following violations discovered during the current inspection, directly impact the public:

27 CFR 478.99(c): on (b)(6) occasions, firearms were transferred to prohibited individuals.

27 CFR 478.102(a): on eight occasions, firearms were transferred without a NICS check being conducted (nor alternate obtained) - Repeat violation

27 CFR 478.102(a)(2)(ii); on (b)(6) occasions, firearms were transferred before obtaining a final resolution from NICS or waiting three business days.

27 CFR 478.125(e); on (b)(6) occasions, firearms listed in the A&D could not be accounted for. - Repeat violation of increased frequency.

Acting Area Supervisor (b)(6) concurs with the recommendation of revocation.

Industry Operations Investigator (b)(6) Recommendation
Revocation

Details

On 7 December 2020, Industry Operations Investigator, (b)(6) was conducting an unscheduled type 01 FFL disposition emphasis compliance inspection. This was the third compliance inspection for Gary William Gibbs, DBA The Gun Shop, license 5-71-04829. The license was issued on 25 August 2015. The first FFL compliance inspection took place on 16 November 2016 and the second one on 9 February 2019. The most recent inspection resulted in a Warning Conference. The licensee operates a gun shop and performs gunsmithing activities at, The Gun Store, on 2414 E. Matthews Avenue, Suite D, Jonesboro, Arkansas 72401.

Throughout the compliance inspection, the licensee and his staff were provided with additional training and the following resources to ensure future compliance: NICS resource packet (6 items total – including the delay/deny letter), ATF and Other Important Phone Numbers (7.6.2020), ATF P 5380.1 – Loss Prevention for Firearms Retailers, ATF P 5300.15 - Federal Firearms licensee Quick Reference and Best Practices Guide, ATF I 5300.23A – Important Notice to Dealers and Other Participants at this Gun Show, ATF Ruling 2016-1 – Electronic Record Keeping, How to Properly Destroy Firearms Infographic, ATF P 5310.2 Do I need a license to buy and sell firearms, ATF P 5380.2 How to Conduct a Firearms Inventory, ATF P 3312.8 – Personal Firearms Record, Types of Federal Firearms Licenses Infographic, ATF P 3312.10 – National Tracing Center Division and "Don't Lie for the Other Guy" counter mat and starter packet of resources.

The results of the investigation warrant revocation based on numerous findings to include the sale / transfer of a firearm to prohibited individuals on several occasions. There were (b)(6) firearms recorded missing after investigative reconciliation was completed. There were firearms in inventory that were not recorded as well as additional firearms acquired from other dealers that were also not recorded. There were firearms transferred that were not recorded as disposed also. Additionally, there were instances where a previously sold firearm would be reacquired and then transferred a second time as a used firearm and only documented on the 4473 form, not in the acquisition & disposition records. Similarly, there were used firearms acquired and sold / transferred that also were only documented on the 4473 form, not in the acquisition & disposition records. All of these activities listed above are evidence of trafficking and impact firearms traceability and public safety. Lastly, there were numerous duplicate entries throughout the bound and electronic records which added to the inaccuracy of the acquisition and disposition entries. The licensee stated that he has never conducted an inventory since his FFL was issued.

There were (b)(6) total 4473 records reviewed within the scope of the inspection. This was a high number of forms compared to previous business years; nevertheless, the (b)(6) threshold was met for the findings documented. The transition to the updated 4473 was done in a timely manner and there were not any instances of using an obsolete version of the form 4473. It is the recommendation of IOI (b)(6) to proceed with a Revocation for the findings of this inspection based upon the factors explained above.

Inspection Findings

Records and Forms

1. Failure to timely and/or correctly maintain records of receipt, manufacture, importation or other acquisition of (b)(6) 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 of (b)(6) percent or more of the licensee's total dispositions during the inspection period, with a

minimum of [redacted] instances.

- 3. Failure by the licensee to obtain complete and accurate information for any item(s) on Forms 4473, questions 11 & 12, or the buyer fails to sign and date the Form 4473 (to include failing to have the buyer recertify their answers if the transfer takes place on a different date than the original signature) in Section A on [redacted] percent or more of the Forms 4473 examined.
- 4. Failure to record valid and complete transferee identification (ID) on [redacted] percent or more of the Forms 4473 examined.
- 6. Failure to execute a Form 4473 for the return of a firearm that was consigned to the licensee; if the transferee is NOT prohibited.
- 9. Failure to execute a Form 4473 (Exception: Select findings 6, 7, and 8 above for consignment sales, transfers to law enforcement officers for personal use, and FFL responsible persons; if the transferee is NOT prohibited).
- 11. Failure to retain required GCA records for transferred firearms for period of time specified by regulation.

Transfer of Firearm

- 1. Transfer of a Rifle / Shotgun to a resident of another State that violates State law.
- 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 and the purchaser is NOT prohibited.
- 4. Transfer of a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee is a prohibited person.
- 5. 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 and the purchaser is prohibited.

Firearms

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

License Type

- 2. Conducting business at locations not authorized as an extension of the licensed business premises.

NICS

- 1. Failure to conduct a NICS check or obtain alternative permit for the return of firearm that was consigned to the licensee; if the transferee is NOT prohibited.
- 4. Failure to conduct a NICS check or obtain an alternate permit (Exception: Select findings 1, 2, and 3 above for consignment sales, transfers to law enforcement officers for personal use, and FFL responsible persons if the transferee is NOT prohibited).
- 5. Failure to retrieve a NICS (or equivalent State background check system) e-check response prior to the transfer of a firearm, and the transferee is NOT prohibited.
- 8. Failure to conduct a NICS check or obtain alternative permit or fail to retrieve a NICS (or equivalent State Point of Contact background check system) response prior to the transfer of a firearm and the purchaser is prohibited.

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 [redacted] instances.

FFL History

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

ELIGIBILITY VERIFICATION

Business Information Verification

Property Ownership Verification

Premises Ownership Type Leased/Rented	Premises Location Type Store Front	Has the property ownership been verified? Yes
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Address
2414 E MATTHEWS STE D
Unit N/A

JONESBORO, Arkansas 72401
CRAIGHEAD
United States

Additional Findings

According to the Craighead County Assessor's Office, the premises at 2414 E. Matthews Avenue, Suite D, Jonesboro, AR 72401 is owned by (b)(4). The Arkansas Secretary of State identifies both (b)(6) as Partners for (b)(4) and the business was verified to be in good standing on 12.03.2020. A property use statement was signed by (b)(6) on 12.14.2021 and is attached for reference.

Contact Information

Name (b)(6) Date Contacted 12/03/2020

Organization
Craighead County Arkansas

Job Title
County Assessor

Phone Type	Phone Number	Remarks
Business	+1 870-933-4570	
Fax	+1 870-933-4522	

Email Address	Email Remarks
(b)(6)	

Online Presence Type	Online Presence URL	Remarks
Website	http://craigheadassessor.com/index.asp	

Contact Remarks
511 Union Street, #130
Jonesboro, AR 72401

Attachment(s):
Property Use Statement - (b)(6) - Signed 12.14.2020.pdf
Arkansas Secretary of State (b)(4) Good Standing Status 12.03.2020.pdf
Craighead County Property Ownership - 2414 E Matthews Jonesboro AR 72401 12.03.2020.png

Trade Name/DBA Verification

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

Additional Findings

On 12.04.2020, the Craighead County Clerk was not able to locate any record of either the trade name, The Gun Shop, or the applicant, Gary William Gibbs, being recorded in the county records. On 12.15.2020, the trade name, The Gun Shop, was registered in book 5 page 158 with the Craighead County Clerk. The certificate of registration is attached for reference.

Contact Information

Name (b)(6) Date Contacted 12/03/2020

Organization
Craighead County Arkansas

Job Title
County Clerk

Phone Type	Phone Number	Remarks
Business	+1 870-933-4520	

Email Address	Email Remarks
(b)(6)	

Online Presence Type	Online Presence URL	Remarks
Website	https://www.craigheadcounty.org/government/elected-officials	

Attachment(s):
DBA trade name registration 12.15.2020.pdf
Email RE_Verification for federal firearms license - 5-71-04829 Doing business under assumed name 12.04.2020.pdf

Rental/Lease Verification

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

Additional Findings

The initial property lease for the premises at 2414 E. Matthews Avenue, Suite D, Jonesboro, AR 72401 has a month to month clause which is the current rental agreement with all the terms of the initial lease remaining in place. The rental agreement added 2414 E. Matthews Avenue, Suite F, Jonesboro, AR 72401 back in March 2019. A property use statement was signed by both (b)(6) as Partners for (b)(4) and is attached for reference.

Contact Information

Name (b)(6) Date Contacted 12/11/2020
Organization (b)(4)
Job Title Partner

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

Contact Remarks
Met in person on 12/11/2020 when he came to the store to pick up the rent for December 2020.

Attachment(s):
Property Use Statement (b)(4) Signed 12.14.2020.pdf
Month to Month terms of use 12.11.2020.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings
According to the City of Jonesboro planning department, the premises at 2414 E. Matthews Avenue, Suite D, Jonesboro, AR 72401 is currently zoned Limited Industrial District, I-1. There is a conditional use for retail sales approval required within this zoning designation. Initially, the city planning department was considering waiving this requirement since The Gun Shop had been at the same location for five years; however, they came to the premises and completed this inspection on 12.18.2020.

Contact Information

Name (b)(6) Date Contacted 12/03/2020
Organization City of Jonesboro Arkansas
Job Title City Planner

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

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

Table with 3 columns: Online Presence Type, Online Presence URL, Remarks. Row 1: Website, https://www.jonesboro.org/168/Planning-Zoning

Attachment(s):
Certificate of Occupancy 12.18.2020.pdf
Email RE_Zoning Verification for Federal Firearms Licenses 5-71-04829 - Conditional Use Waved Due to Time at Location - 12.09.2020.pdf
Email RE_Zoning Verification for Federal Firearms Licenses 5-71-04829 - Conditional Use needed - 12.04.2020.pdf
Jonesboro Zoning Map - 2414 E Matthews Avenue.png

APPOINTMENT DETAILS

Interview Date 12/16/2020
Address 2414 E MATTHEWS STE D, Unit N/A, JONESBORO, Arkansas 72401

Responsible Attendee(s) Non-Responsible Person(s)
GARY WILLIAM GIBBS (Deactivated)

RESPONSIBLE PERSON(S)

GARY WILLIAM GIBBS

Name Mr. GARY WILLIAM GIBBS Gender Male Race White Ethnicity Not Hispanic or Not Latino
Date of Birth SSN Job Title

(b)(6)

OWNER

Physical Identifiers

Height Weight Hair Color Eye Color

(b)(6)

Place of Birth

Country United States Of America

State City (b)(6)

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted 12/16/2020

Criminal History Check Comments IOI (b)(6) ran QWI query in JWIN on 12.16.20 with no hits, no warrants, no negative findings and no prohibitive indicators.

NON-RESPONSIBLE PERSON(S)

Name	Date of Birth	Job Title
		Clerk

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

The business activity at this location is a high volume of gunsmithing, frequent attendance at gun shows and the sale and transfer of both new and secondary market firearms as well as ammunition. On the weekends that Mr. Gibbs is in attendance of a gun show, the retail premises is closed and all business activity occurs at the gun show location.

Do they need an additional license or permit?

No

Who are their primary suppliers?

The primary supplier is (b)(4). There are occasional acquisitions from (b)(4).

Other State or Local Permits

Type	Number	Expiration
Other	(b)(3)(26 USC § 6103)	
State Sales Tax	(b)(3)(26 USC § 6103)	
State/Local Business License	000000004153	12/31/21

Business Activities

- Retail
- Gunsmith
- Gun Show Participant

Selected Operational Security Measures

- Controlled Access to Keys
- Controlled Access to ATF Recordkeeping

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

If there is a security system, who has access to the security codes?
Gary Gibbs and one of the landlords, (b)(6), have the security codes

Who has keys to the premises?
Both Gary Gibbs and (b)(6) have keys to the premises.

Who has keys to locked inventory?
Gary Gibbs (b)(6) and an employee, (b)(6) all have the codes to the gun safes.

Who is operating the business on a day-to-day basis?
Gary Gibbs is the only one who operates the business on a day-to-day basis. Some of the gunsmithing is completed by an employee named (b)(6); however, when Gary has to do the gunsmithing, (b)(6) is left running the retail store.

Is financial backing provided by anyone that is not a responsible person on the license/permit?
There was not any financial backing from anyone.

Are any employees known to be prohibited?
There are not any official employees. According to Gary Gibbs, the individuals (b)(6) do not officially work as employees and merely spend time assisting him at the business.

Are any employees associated with a previously denied/revoked/surrendered license/permit?
According to Gary Gibbs, there are not any employees.

SECURITY WALKTHROUGH

Inspection Area Description
The premises is located in a business district of Jonesboro, AR in a small strip mall. There is only one door to enter the premise and one small window in the very rear of Suite D at this location. The retail store is located in the front of Suite D and the back area is designated for both office use and gunsmithing activities. From the office area in the rear, there is a small hole cut out of the pegboard display on the retail side that allows someone to be able to see into the retail side if they are in the office area. The hole is very well disguised around hanging gun parts displayed on the retail side and would go unnoticed if you were not aware of it. There is both a small gun safe in the front of the retail area and a large gun safe in the back office area. The security camera only captures the activities at the front door and the long display cases with handguns and the long gun racks on the side wall. The small display case closest to the office and the rear of the store are not within the view of the camera. There are no known safety concerns at this location.

Primary Activity
Retail

GPS Coordinates

Latitude
35.83479

Longitude
-90.67505

Selected Physical Security Measures

- Alarm Monitoring (with Cellular Back-Up)
- Alarm Monitoring/Other Signage
- Concrete Balusters or Other Barrier in front of location
- Deadbolts
- Floodlights
- Glass Breakage Detection
- Local Audible Alarm
- Lockable Display Rack(s)/Case(s)
- Motion Sensors
- Safe(s)/Vault(s)
- Security Cameras

INTERVIEW NOTES

At the time of the interview, the city privilege license was last issued in 2015. When Mr. Gibbs got the privilege license for 2021, the city required him to pay for all back years that his business operated without a city privilege license (2016-2020)

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

(b)(6)

Total Number of Open Dispositions in A & D Record

(b)(6)

Total Number of Firearms in Inventory

248

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation

(b)(6)

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

Number Of Traces Resolved By IOI

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

Additional Comments

Inspection was conducted on 12/07/2020 thru 04/12/2021.
 Inventory was conducted on 12/07/2020 thru 12/09/2020.
 Closing conference was conducted on 04/12/2021.
 Inspection period: 12/06/2019 through 12/07/2020.
 Business: retail, gunsmithing and consignment sales. Gun show participation is frequent throughout the year.
 Used firearms make up of the inventory vs new firearms.
 A&D Records: Hard copy and Electronic Records.
 The use of a software program, Simply The Best – FFL Tools by Lewis Tactical, commenced September 15, 2020
 ATF Forms 4473 are filed by serialized number and denied / no transfer forms are kept separately.
 Forward traces for all acquisitions were completed for the following suppliers: (b)(4)
 Forward trace for all dispositions (b)(3) (112 Public Law 55 125 Stat 552) was completed.
 multiple sales involving handguns.
 denied forms were audited with missing and possible transfer.
 123 NICS checks audited with 22 not verified to a 4473 form.
 traces were perfected during the inspection period.
 87 firearms were queried in NCIC via JWIN, no discrepancies were discovered.
 Firearm with an obliterated SN was self-reported as acquired during the compliance inspection and a SAR was submitted.
 additional SARs were submitted during the inspection period.

Number of Transferee Background Checks
9

Attachment(s)

- Report of Violations.pdf
- Report of Violations.pdf
- Report of Violations.pdf
- Report of Violations.pdf
- Licensee Response to Violations Report.pdf
- Licensee Response to Violations Report.pdf

PERFECTED TRACES

Number of Perfected Traces: 0

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
27 CFR 478.129(c): Failure to retain Multiple Sale or Theft/Loss reports Number of Instances: 0 1	A file for theft / loss reports was created. Ensure that required records are retained at the licensed premises for prescribed 5-year retention period.	(b)(3) (112 Public Law 55 125 Stat 552)
27 CFR 478.58: Unlawful conference of rights and privileges under State or other law Number of Instances: 1 2	All required city and zoning inspections are current. Comply with State or other laws.	The Jonesboro City Planner required a certificate of occupancy after a conditional use inspection has been completed for retail sales at this location. This certification had not been obtained since licensing in 2015. The trade name, "The Gun Shop" was not registered with the Craighead County Clerk until 12.15.2020. The city of Jonesboro requires a privilege license for all businesses within the city limits. The privilege license for The Gun Shop was last issued in 2015.
27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms Number of Instances: 0	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.	(b)(3) (112 Public Law 55 125 Stat 552)

Amend/Update electronic A&D record to conform with conditions set forth under ATF Ruling 2016-1.

Create A&D Record from all available sources of record (i.e. invoices, work/claim tags, receipts, etc).

Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.

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

27 CFR 478.50: Locations covered by license

Number of Instances: 1

Cease and desist conducting business away from licensed premises (or other locations authorized as an extension of the licensed premises).
Cease and desist engaging in activities not authorized by current license type.
Complete and submit a new ATF Form 7 (5310.12 - Application for Federal Firearms License) to properly address current/proposed non-licensed business activity.

The current FFL 5-71-04829 covers the premises at 2414 E. Matthews Avenue, Suite D. During the compliance inspection, it was determined that 2414 E. Matthews Avenue, Suite F is being used for gunsmithing activities, not a separate warehouse used by the licensee solely for storage of firearms or ammunition.

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

ATF Forms 4473:
Number of Instances:

Identify and separately retain all denied (completed and future) ATF Forms 4473, for a period not less than 5 years.
Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order where NICS was contacted, but no firearm transfer took place, for a period not less than 5 years.
Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.

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

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

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

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

ATF Forms 4473:
Number of Instances:

6

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

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

27 CFR 478.102(a): Failure to complete a NICS/POC background check

ATF Forms 4473: **8**
Number of Instances: **8**

7

Execute a required NICS/POC background check for all future over-the-counter firearm transactions.
Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.

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

27 CFR 478.124(b): Failure to retain ATF Forms 4473 in alphabetical, numerical or chronological order

ATF Forms 4473:
Number of Instances:

8

Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order.

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

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

27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers

ATF Forms 4473:
Number of Instances:

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)

9

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:
Number of Instances:

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).

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

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

ATF Forms 4473:
Number of Instances:

Ensure that all required ATF Form 4473 Section 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)

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

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

ATF Forms 4473:
Number of Instances:

Complete all forms as prescribed.
Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions.
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.
Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.

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

		<p style="text-align: center;">(b)(6)</p> <p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>13 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>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</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 style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>14 27 CFR 478.100(c): Failure to properly document firearm transfers when conducted at alternate locations</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 style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

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

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

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

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

ATF Forms 4473:
Number of Instances:

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)

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

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

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

ATF Forms 4473
Number of Instances:

Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.

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

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

		<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
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<p>27 CFR 478.131(a)(2): Failure to record on an ATF Form 4473 (or affix a copy of) NICS alternative permit info</p> <p>18 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that a qualifying NICS alternative permit is properly obtained, validated, verified, and documented for all applicable future over-the-counter firearm transactions.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
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<p>27 CFR 124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>19 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Transferee signature will be obtained.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
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<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. 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>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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

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

THEFT/LOSS REPORT

Acquisition Date Category Type Manufacturer Importer Model Caliber/Gauge Serial Number

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

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

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
<p>27 CFR 478.129(c): Failure to retain Multiple Sale or Theft/Loss reports</p> <p>Number of Instances: <input type="text"/></p>	<p>A file for theft / loss reports was created. Ensure that required records are retained at the licensed premises for prescribed 5-year retention period.</p>	<p>There is a file for them now.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 04/12/2021</p>
<p>27 CFR 478.58: Unlawful conference of rights and privileges under State or other law</p> <p>Number of Instances: 1</p>	<p>All required city and zoning inspections are current. Comply with State or other laws.</p>	<p>This has been corrected and is current.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 04/12/2021</p>

3	<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: <input type="text"/></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>Amend/Update electronic A&D record to conform with conditions set forth under ATF Ruling 2016-1.</p> <p>Create A&D Record from all available sources of record (i.e. invoices, work/claim tags, receipts, etc).</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>An electronic record keeping system has been implemented</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 04/12/2021</p>
4	<p>27 CFR 478.50: Locations covered by license</p> <p>Number of Instances: 1</p>	<p>Cease and desist conducting business away from licensed premises (or other locations authorized as an extension of the licensed premises).</p> <p>Cease and desist engaging in activities not authorized by current license type.</p> <p>Complete and submit a new ATF Form 7 (5310.12 - Application for Federal Firearms License) to properly address current/proposed non-licensed business activity.</p>	<p>Suite F will be used for storage only.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/12/2021</p>
5	<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Identify and separately retain all denied (completed and future) ATF Forms 4473, for a period not less than 5 years.</p> <p>Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order where NICS was contacted, but no firearm transfer took place, for a period not less than 5 years.</p> <p>Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.</p>	<p>There is no explanation for the missing forms. A new forms system has been put in place to audit the forms throughout the process.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/12/2021</p>
6	<p>27 CFR 478.124(a): Failure to execute an ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Firearms will not be added to forms. It was misunderstood that firearms could be added while the form was still valid</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/12/2021</p>
7	<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 8 Number of Instances: 8</p>	<p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p>	<p>Firearms will not be added to forms. It was misunderstood that firearms could be added while the form was still valid. A new form and background check will be done.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/12/2021</p>
8	<p>27 CFR 478.124(b): Failure to retain ATF Forms 4473 in alphabetical, numerical or chronological order</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order.</p>	<p>A new software system is being used and it issues the serial number automatically</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/12/2021</p>
	<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of</p>	<p>Complete and submit ATF Form 3310.4 (Report of Multiple</p>	<p>A new software system is being used that generates the form automatically</p>	<p>Status Correction Verified</p>

9	<p>pistols and revolvers</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p>and a scanning app is now used for timely submissions.</p>	<p>Verified Method In Person</p> <p>Date Correction Verified 04/12/2021</p>
10	<p>27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm</p> <p>ATF Forms 4473: 5 Number of Instances: 5</p>	<p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions. Ensure that the minimum time period of three business days (meaning days on which State offices are open).</p>	<p>There will be more attention paid to the dates documented on the forms</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/12/2021</p>
11	<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>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.</p>	<p>There is now a review system in place with each form getting checked 3x</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 04/12/2021</p>
12	<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Complete all forms as prescribed. Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions. 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. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>There is now a review system in place with each form getting checked 3x</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 04/12/2021</p>
13	<p>27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited.</p>	<p>There is now a review system in place with each form getting checked 3x. There are now resources on site to help with non US citizen identifications</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/12/2021</p>
14	<p>27 CFR 478.100(c): Failure to properly document firearm transfers when conducted at alternate locations</p> <p>ATF Forms 4473: <input type="checkbox"/> 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>This was a mistake.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/12/2021</p>
	<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/></p>	<p>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, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>There is no excuse for these. They are being checked now.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p>

15	Number of Instances: <input type="text"/>			Date Licensee Notified 04/12/2021
16	27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	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.	There is now a review system in place with each form getting checked 3x	Status Licensee Notified Verified Method In Person Date Licensee Notified 04/12/2021
17	27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.	The software being used will help correct this problem	Status Licensee Notified Verified Method In Person Date Licensee Notified 04/12/2021
18	27 CFR 478.131(a)(2): Failure to record on an ATF Form 4473 (or affix a copy of) NICS alternative permit info ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that a qualifying NICS alternative permit is properly obtained, validated, verified, and documented for all applicable future over-the-counter firearm transactions.	The software will require this information.	Status Licensee Notified Verified Method In Person Date Licensee Notified 04/12/2021
19	27 CFR 124(c)(1): Failure to obtain a completed ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Transferee signature will be obtained.	The delayed forms are being organized in a separate folder to correct this.	Status Licensee Notified Verified Method In Person Date Licensee Notified 04/12/2021
20	27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. 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.	There is now a review system in place with each form getting checked 3x	Status Correction Verified Verified Method In Person Date Correction Verified 04/12/2021

REFERRAL(S)

ID	Status	Agency	Outcome
R-10	Referral Approved	DDTC	Referral sent
R-100	Unfounded (Closed)		
R-1000	Referral Denied	ATF Detroit CGIC	
R-1001	Referral Denied	ATF&E	
R-1004	Referral Denied	Mobile Police Department	

R-1007	Referral Denied	Houston CGIC	
R-1013	Referral Approved	Michigan State Police, Firearms Records Unit	Referral sent
R-1014	Referral Denied	ATF	
R-1015	Referral Approved	Berlin Township	Referral sent
R-1017	Referral Approved	ATF	Referral sent
R-1018	Referral Approved	Bureau of ATF - St. Paul III CGIC	Referral sent
R-1019	Referral Approved	ATF	Referral sent
R-102	Referral Approved	ATF	Referral sent
R-1020	Referral Approved	NYS Department of Labor	Referral sent
R-1024	Referral Approved	ATF	Referral sent
R-1025	Referral Approved	ATF	Referral sent
R-1026	Referral Approved	ATF	Referral sent
R-1027	Referral Approved	ATF	Referral sent
R-1028	Referral Approved	ATF	Referral sent
R-1029	Referral Approved	ATF	Referral sent
R-103	Referral Approved	CGIC	Referral sent
R-1030	Referral Approved	ATF	
R-1031	Referral Approved	ATF	Referral sent
R-1032	Referral Approved	ATF	Referral sent
R-1033	Referral Approved	ATF	Referral sent
R-1034	Referral Approved	ATF	Referral sent
R-1035	Referral Denied	Frederick County Maryland	
R-1037	Referral Denied	ATF	
R-1038	Referral Approved	Frederick County Maryland	Referral sent
R-1039	Referral Approved	Bureau of Alcohol Tobacco Firearms and Explosives	Referral sent
R-104	Referral Approved	California Department of Justice, Bureau of Firearms	Referral sent
R-1040	Referral Approved	Bureau of Alcohol Tobacco Firearms and Explosives	Referral sent
R-1042	Referral Approved	Harris County Sheriff's Office	Referral sent
R-1043	Referral Approved	U.S. Department of Justice, Bureau of ATF	Referral sent
R-1045	Referral Approved	California Bureau of Firearms	Referral sent
R-1046	Referral Approved	Indianapolis Department of Business and Neighborhood Services	Referral sent
R-1047	Referral Approved	Prince George's County Permitting Enforcement	Referral sent
R-1049	Unfounded (Closed)		
R-1050	Unfounded (Closed)		
R-1053	Referral Approved	Dawson County, Nebraska	Referral sent
R-1056	Referral Approved	Miami Dade Police Department	Referral sent
R-1057	Referral Approved	ATF	Referral sent
R-1063	Referral Approved	ATF, St. Paul III Intell/St. Paul Division	Referral sent
R-1064	Referral Approved	ATF, St. Paul Division Group I	Referral sent
R-1067	Referral Denied	ATF	
R-1068	Referral Approved	Michigan State Police Records Unit	Referral sent
R-1069	Referral Approved	Bureau of ATF	Referral sent
R-107	Referral Approved	ATF	Referral sent
R-1070	Referral Denied	Seneca County Office Building	
R-1072	Referral Denied	ATF -- Created in Error	
R-1073	Referral Denied	ATF-Atlanta CGIC	
R-1074	Referral Approved	Federal Motor Carrier Safety Administration (DOT)	Referral sent

R-1075	Referral Approved	Lowndes County Probate Court	Referral sent
R-108	Referral Approved	Colorado Bureau of Investigation	Referral sent
R-1082	Referral Approved	Bureau of Alcohol Tobacco Firearms and Explosives	Referral sent
R-1086	Referral Approved	Prince George's County Permitting Enforcement	Referral sent
R-1087	Referral Approved	ATF	Referral sent
R-1088	Referral Approved	ATF	Referral sent
R-1089	Referral Denied	Lake County Sheriff's Office	
R-1091	Referral Approved	Coffee County Sheriff's Office	Referral sent
R-1092	Referral Approved	ATF	Referral sent
R-1093	Referral Denied	ATF - Ft. Pierce CE	
R-1094	Referral Denied	Bureau of Alcohol, Tobacco, Firearms and Explosives	
R-1095	Referral Approved	Bureau of Alcohol, Tobacco, Firearms & Explosives	Referral sent
R-1097	Referral Approved	Lake County Sheriff's Office	Referral sent
R-1098	Referral Approved	BATFE	Referral sent
R-1099	Referral Approved	Michigan State Police Firearms Records Unit	Referral sent
R-11	Referral Approved	Alcohol and Tobacco Tax and Trade Bureau	Referral sent
R-1103	Unfounded (Closed)		
R-1105	Referral Approved	Michigan State Police	Referral sent
R-1109	Referral Approved	The Commonwealth of Massachusetts Office of Attorney General	Referral sent
R-111	Referral Approved	Bureau of ATF - KCFD	Referral sent
R-1110	Referral Approved	The Commonwealth of Massachusetts Office of Attorney General	Referral sent
R-1111	Referral Approved	The Commonwealth of Massachusetts Office of Attorney General	Referral sent
R-1116	Referral Approved	ATF	Referral sent
R-1117	Referral Approved	Customs and Border Protection	Referral sent
R-1119	Referral Denied	Customs and Border Protection	
R-1120	Unfounded (Closed)		
R-1122	Referral Denied	Customs and Border Protection	
R-1124	Referral Approved	Riley County Police Department	Referral sent
R-1127	Referral Denied	Customs and Border Protection	
R-1129	Referral Approved	Minnesota State Fire Marshal Division	Referral sent
R-113	Referral Approved	ATF	Referral sent
R-1134	Referral Approved	Michigan State Police - Firearms Records Unit	Referral sent
R-114	Referral Approved	ATF	Referral sent
R-1145	Referral Approved	Bureau of Alcohol, Tobacco, Firearms, and Explosives	Referral sent
R-1146	Referral Approved	ATF	Referral sent
R-1150	Referral Approved	Oklahoma Tax Commission	Referral sent
R-1151	Unfounded (Closed)		
R-1153	Referral Approved	ATF-NY Group 7 (CGIC)	Referral sent
R-1156	Referral Approved	Bureau of Alcohol, Tobacco, Firearms, and Explosives	Referral sent
R-1157	Referral Approved	ATF	Referral sent
R-1159	Referral Approved	Bernalillo County Zoning	Referral sent
R-1161	Referral Approved	Bureau Of Alcohol, Tobacco, Firearms and Explosives	Referral sent
R-1165	Referral Approved	ATF- Richmond II, Field Office	Referral sent
R-1168	Referral Approved	ATF	Referral sent
R-1170	Unfounded (Closed)		
R-1178	Referral Denied	ATF	
R-118	Referral Approved	Bureau of Alcohol, Tobacco, Firearms and Explosives	Referral sent

RECORD(S) OF CONVERSATION

Name	When Contacted 12/23/2020	Method of Contact Phone
Phone +1 870-273-5237		Location Contacted
Investigative Participant(s) No items	Narrative I contacted Mr. Gibbs to check on the submission of the theft/loss list from the unreconciled firearms recorded at the completion of the inspection inventory. His response was that he has been busy today and did not get any more reviewed. He stated that his helper, (b)(6), had taken some of the list home to try to work on but he was sick today and did not come into work. Mr. Gibbs expressed his concern about reporting firearms lost that he believes he has and I reassured him that any erroneously reported firearms on the list could be corrected at a later date. I emphasized that the report must be submitted tonight and that I will check for its submission tomorrow.	

CLOSING CONFERENCE

(4/12/2021)
04/12/2021

Closing Conference Additional Notes

Mr. Gibbs had been informed on December 9, 2020 that his gunsmithing activities in Suite F were not covered by FFL 5-71-04829 for Suite D and that all gunsmithing needed to occur inside Suite D only. On Friday, April 9, 2021 gunsmithing activities continued to take place in Suite F.

Due to the vast amount of violations determined early in the inspection, a complete review of the acknowledgement of regulations was explained to Mr. Gibbs on 12/15/2020 in an effort to prevent future additional violations during the completion of the compliance inspection and increase public safety.

At the conclusion of the closing conference, Mr. Gibbs indicated his intention to apply for a new FFL using his new LLC, The Gun Shop at Black Iron LLC if this license is revoked. Regardless of the status of this FFL, he intends to be applying for a new FFL for his new additional premises location at 622 N. Holman, Brookland, AR in the upcoming months.

Attachment(s)

Attendee(s)

GARY WILLIAM GIBBS

EXHIBITS**Inspection**

Category	Attachment Name
Correspondence	Spartan Notification RE: 5-71-04829 Inspection Results
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 National Licensing Center
UpdateLicensingCenter	FNR-Gary Gibbs (mailed 5-10-22).pdf
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 Special Attention Flag (SAF)
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
UpdateLicensingCenter	Notice of Hearing (Rev) In Person - vc signed 3-4-22.pdf
UpdateLicensingCenter	Gibbs request for hearing, mailed 2-24-22 (received by ATF on 3-3-22).pdf
Correspondence	Spartan Notification RE: 5-71-04829 Special Attention Flag (SAF)
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
UpdateLicensingCenter	Gibbs NOR (002).pdf
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
UpdateLicensingCenter	Exhibit 8c (Final) - Gary William Gibbs.pdf
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
UpdateLicensingCenter	Exhibit 8c (Initial) - Gary William Gibbs.pdf
Correspondence	Spartan Notification RE: 5-71-04829 Monitored Case
Correspondence	Information Concerning Your Federal License/Permit
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	Report of Violations - amended 9.23.21 - signed 9.24.21.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	Information Concerning Your Federal License/Permit

Correspondence
ViolationsPDF
ZoningVerification
Correspondence
LicenseeResponseToViolationsPDF
ClosingConferenceSummary
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Correspondence
ViolationsPDF
PerfectedTraceAttachment
PerfectedTraceAttachment
PerfectedTraceAttachment

Report of Violations.pdf
Certificate of Occupancy 12.18.2020.pdf
Information Concerning Your Federal License/Permit
Licensee Response to Violations Report.pdf
Acknowledgment of Regulations.pdf
Information Concerning Your Federal License/Permit
Information Concerning Your Federal License/Permit
Report of Violations.pdf
Report of Violations.pdf
Subject: National Tracing Center Update: IO Completed Traces
Information Concerning Your Federal License/Permit
Information Concerning Your Federal License/Permit
Report of Violations.pdf

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

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

In the matter of License Number 5-71-031-01-4K-04829, as a/an
firearms dealer issued to:

Name and Address of Licensee (Show number, street, city, State and ZIP Code)
Gary Williams Gibbs
d/b/a The Gun Shop
2414 E. Matthews Suite D
Jonesboro, Arkansas 72401

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 1 Galleria Boulevard, Suite 1700, Metairie, LA 70001, 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
01/31/2022	Valentina Close, Director, Industry Operations, New Orleans Field Division	VALENTINA CLOSE <small>Digitally signed by VALENTINA CLOSE Date: 2022.01.31 14:13:00 -0600</small>

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: 7020 1290 0000 6958 5723
- Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
01/31/2022	Senior Operations Officer	(b)(6)

Print Name and Title of Person Served	Signature of Person Served (if applicable)
Gary William Gibbs, d/b/a The Gun Shop	

Address Where Notice Served
2414 E. Matthews Suite D Jonesboro, Arkansas 72401

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given that that the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) intends to revoke the Federal firearms license held by Gary William Gibbs, d/b/a The Gun Shop (“Licensee”), a Dealer in Firearms Other Than Destructive Devices. Specifically, the Director, Industry Operations, United States Department of Justice, ATF, New Orleans 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. Subsequently, ATF conducted compliance inspections of Licensee in 2016 and 2019. As a result of the 2019 inspection, Licensee, through Responsible Person Gary William Gibbs, received a warning letter from ATF in which violations and proposed corrective actions were reviewed. In the warning letter, ATF stated “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.”

Current Inspection

On December 7, 2020, ATF began a compliance inspection of Licensee’s premises that revealed the following:

1. On occasions, Licensee willfully sold or disposed of a firearm to a person who Licensee knew or had reasonable cause to believe was subject to Federal firearms disabilities, in violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c). See Appendix ¶ 1.
2. On occasions, Licensee willfully failed to timely and/or accurately record the disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 2.
3. On 12 occasions, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System (“NICS”) and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix ¶ 3.
4. On occasions, Licensee willfully failed to timely and/or accurately report the sale or other disposition of two or more pistols and/or revolvers during any five consecutive business days to an unlicensed person, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. See Appendix ¶ 4.

Gary William Gibbs
d/b/a The Gun Shop
FFL #5-71-031-01-4K-04829

ATF Form 5300.4 (4500)
Page 4

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

Gary William Gibbs
d/b/a The Gun Shop
FFL #5-71-031-01-4K-04829

ATF Form 5300.4 (4500)
Page 6

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

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

Appendix 5

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

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

Appendix 6

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

Appendix 7

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

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

Appendix 8

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

Appendix 9

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

In the matter of:

- The application for license as a/an _____, filed by:
or
 License Number 5-71-031-01-4K-04829 as a/an
dealer in firearms other than destructive devices issued to:

Name and Address of Applicant or Licensee (Show number, street, city, state and Zip Code)
Gary William Gibbs
doing business as The Gun Shop
2414 East Matthews, Suite D
Jonesboro, Arkansas 72401

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 June 1, 2022.
 license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
 licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at One Galleria Boulevard, Suite 1700, Metairie, Louisiana 70001

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	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
05/10/2022	Valentina Close, Director, Industry Operations, New Orleans Field Division	VALENTINA CLOSE <small>Digitally signed by VALENTINA CLOSE Date: 2022.05.10 11:00:16 -0500</small>

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: 7018 0680 0002 69544081 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
05/10/2022	Senior Operations Officer	(b)(6)

Print Name and Title of Person Served	Signature of Person Served
Gary William Gibbs doing business as The Gun Shop	

Address Where Notice Served
2414 East Matthews, Suite D Jonesboro, Arkansas 72401

Note: Previous Edition is Obsolete

Background

Gary William Gibbs, doing business as The Gun Shop ("Licensee") holds a Federal firearms license #5-71-031-01-1K-04829 as a dealer in firearms other than destructive devices issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") pursuant to the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively "GCA").

On January 31, 2022, ATF issued a Notice to Revoke or Suspend License and/or Impose Civil Fine, ATF Form 5300.4, to Licensee. By an undated letter, ATF timely received Licensee's request for a hearing to review that Notice.

A hearing was held on April 6, 2022, at the ATF Little Rock Field Office. The hearing was conducted by Valentina Close, Director, Industry Operations for the New Orleans Field Division. ATF was represented by Division Counsel [REDACTED] (b)(6). ATF Industry Operations Investigator (IOI) [REDACTED] (b)(6) appeared as a witness on behalf of the Government. Gary William Gibbs appeared as the sole witness as the Licensee. ATF New Orleans Field Division Area Supervisor [REDACTED] (b)(6) attended, and IOI [REDACTED] (b)(6) assisted in electronic presentation of evidence. The hearing was recorded and transcribed. The Government and Licensee offered testimony and the Government offered exhibits. The testimony and exhibits introduced at the hearing constitute the record in this proceeding.

Findings of Fact

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

During the hearing, the wording of the Notice was amended. The Notice, as amended at hearing, alleged the following violations:

1. On [REDACTED] occasions, Licensee willfully sold or disposed of a firearm to a person who Licensee knew or had reasonable cause to believe was subject to Federal firearms disabilities, in violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c). See Appendix ¶ 1.
2. On [REDACTED] occasions, Licensee willfully failed to timely and/or accurately record the disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 2.
3. On 12 occasions, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System ("NICS") and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix ¶ 3.

4. On occasions, Licensee willfully failed to timely and/or accurately report the sale or other disposition of two or more pistols and/or revolvers during any five consecutive business days to an unlicensed person, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. See Appendix ¶ 4.
5. On occasions, Licensee willfully failed to retain each Firearms Transaction Record, ATF Form 4473 for a period of not less than 20 years after the date of sale or disposition, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.129(b). See Appendix ¶ 5.
6. On occasions, Licensee willfully sold or otherwise disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. §§ 922(b)(5); 923(g)(1)(A) and 27 C.F.R. § 478.124(a). See Appendix ¶ 6.
7. On occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the National Instant Criminal Background Check System ("NICS"), any response provided by the system and/or any identification number provided by the system information 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 ¶ 7.
8. On occasions, Licensee willfully failed to record National Instant Criminal Background Check System ("NICS") alternative permit/license information as described in 27 C.F.R. § 478.024(d)(1) on the Firearms Transaction Record, ATF Form 4473, or maintain a copy of the permit/license, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.131(a)(2). See Appendix ¶ 8.
9. On occasions, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a). See Appendix ¶ 9.

Licensee did not object to the amendments.

After review of the record in this matter, I find that the facts as set forth in the Notice to Revoke or Suspend License and/or Impose Civil Fine as amended at the time of hearing occurred.

Conclusions of Law

1. Pursuant to the GCA and as found at 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license when a licensee willfully violates the GCA, and regulations promulgated thereunder.
2. Licensees are responsible for knowing the rules and regulations of the GCA and have a duty to follow the law and regulations while applying for, and conducting, regulated business activities. See *Trader Vic's v. O'Neill*, 169 F.Supp.2d 957 (N. D. Ind. 2001).

3. For purposes of the regulatory provisions of the GCA, a "willful" violation is committed when a known legal obligation is purposefully disregarded or not fulfilled because of a plain indifference to the requirements. See *Stein's Inc. v. Blumenthal*, 649 F. 2d 463 (7th Cir.1980). Courts have held that willful violations can occur as the result of a reckless disregard of the statutory requirements. See *Goodman v. Benson*, 286 F. 2d 896 (7th Cir. 1961). Willful violations have been defined as those demonstrating an applicant/licensee's awareness of the proper requirements coupled with acts in contravention of those requirements. Willful violations can include violations committed by a careless disregard for the statutory requirements. See *Trader Vic's v. O'Neill*, supra, citing *Stein's Inc. v. Blumenthal*, 649 F.2d 463 (7th Cir. 1980), *Perri v. Department of Treasury*, 637 F.2d 1332 (9th Cir. 1981), *Goodman v. Benson*, 286 F.2d 896 (7th Cir. 1961).

4. There is no necessity that the government establish a licensee committed the violation willfully as the result of a bad purpose or evil motive. See *Cucciara v. Secretary of Treasury*, 652 F. 2d 28 (9th Cir. 1981); *Stein's Inc. v. Blumenthal*, 649 F. 2d 463 (7th Cir.1980); *Lewin v. Blumenthal*, 590 F. 2d 268 (8th Cir. 1979); *Cisewski v. Department of the Treasury*, 773 F. Supp. 148 (E.D. Wis. 1991); *Shyda v. Bureau of Alcohol, Tobacco and Firearms*, 448 F. Supp. 409 (M.D. Pa. 1977).

5. Having established Licensee violated the GCA and the regulations issued thereunder, it must be determined whether such violations were willfully committed. For the reasons stated below, I conclude Licensee's conduct was willful.

6. The record reveals Licensee understood the law and regulations as related to the violations cited. In this regard, Gary William Gibbs, doing business as The Gun Shop, has held a Federal firearms license since September 9, 2015. Prior to being licensed, the law and regulations were reviewed with Licensee and the licensee acknowledged participating in that review on August 25, 2015.

7. After receiving a Federal firearms license authorizing Mr. Gibbs to engage in the business of dealing firearms other than destructive devices, ATF conducted compliance inspections in 2016 and 2019. As a result of the 2016 compliance inspection a Report of Violations was issued on December 15, 2016. Licensee received a copy of that report. At the close of the 2016 compliance inspection ATF conducted a second review of the Federal firearms laws and regulations which was acknowledged by Mr. Gibbs on that same date. After this, and as a follow up to the 2016 inspection, ATF issued a Warning Letter to Licensee advising that any violations, repeat or otherwise would result in revocation of the license.

8. In 2019, ATF conducted a second compliance inspection. As a result of that inspection, a (final/amended) Report of Violations was issued on May 6, 2019. Licensee received a copy of that report. At the close of the 2019 compliance inspection ATF again conducted a third review of the Federal firearms laws and regulations which was acknowledged by Mr. Gibbs on March 18, 2019.

After this, and as a follow up, on June 20, 2019, ATF held a Warning Conference in which Mr. Gibbs participated in person and reviewed the violations, law and regulations. On July 23, 2019, ATF issued a letter documenting the discussions at the Warning Conference and advising that future violations could result in revocation of the Federal firearm license held by Mr. Gibbs.

9. In 2021, ATF conducted a third compliance inspection. As a result of that inspection, a Report of Violations was issued September 23, 2021. After this, the instant Notice to Revoke was issued, a hearing was requested, scheduled and held.

10. Licensee did not dispute that on [] occasions, he sold or disposed of a firearm to a person who Licensee knew or had reasonable cause to believe was subject to Federal firearms disabilities, in violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c). Licensee stated, "I am not denying this occurred." (TR P44, L24). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. I find these violations were committed willfully.

11. Licensee did not dispute that on [] occasions, he failed to timely and/or accurately record the disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). Licensee advised that he purchased software to track information and assist in keeping his required reports timely. (TR P 60, L1-6). Prior to these violations being cited, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. In 2016, Licensee was cited for similar violations and received a Warning Letter discussing the violation and the law and regulations. In addition, in 2019, Licensee was cited for similar violations and attended a Warning Conference discussing the law and regulations related to this requirement as well as received a follow up letter detailing the discussions at the conference. I find these violations were committed willfully.

12. Testimony and evidence revealed that Licensee, his employees or assigns, altered ATF Forms 4473 to avoid conducting required NICS checks which resulted in the violations cited in Section 3 of the Notice which reads as follows: On 12 occasions, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System ("NICS") and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. Licensee both admitted and denied the violations contained in this section and gave conflicting accounts of the fact of, and then the reason for, the alterations found on some of the ATF Forms 4473 related to this violation. Licensee ultimately stated- "I take responsibility for that" when referring to [] ATF Forms 4473 that were altered. (TR p. 79, L4) After the government presented evidence of this particular violation being repeated in prior inspections, Licensee went on to state "I am trying to make improvements." (TR P 91, L16-17). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the

2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. In 2016, Licensee was cited for similar violations and received a Warning Letter discussing the violation and the law and regulations. In addition, in 2019, Licensee was cited for similar violations and attended a Warning Conference discussing the law and regulations related to this requirement as well as received a follow up letter detailing the discussions at the conference. I find these violations were committed willfully.

13. Licensee admitted that on [] occasions, he failed to timely and/or accurately report the sale or other disposition of two or more pistols and/or revolvers during any five consecutive business days to an unlicensed person, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. Licensee stated, when referring to IOI [(b)(6)] citing the violation, "I am not disputing what she done" (TR P 121, L 25). It is clear from Licensee's testimony that he knew he had not sent the required reports to the correct email address because he did not receive a reply on some occasions. He admitted receiving replies when he sent the reports to the proper address on other occasions. (TR P 121, L 1-6). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. In 2016, Licensee was cited for similar violations and received a Warning Letter discussing the violation and the law and regulations. In addition, in 2019, Licensee was cited for similar violations and attended a Warning Conference discussing the law and regulations related to this requirement as well as receiving a follow up letter detailing the discussions at the conference. I find these violations were committed willfully.

14. Licensee admitted that on [] occasions, he failed to retain each Firearms Transaction Record, ATF Form 4473 for a period of not less than 20 years after the date of sale or disposition, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.129(b). Licensee stated, "I am not disputing it". (TR P 123, L13). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. I find these violations were committed willfully.

15. Licensee admitted that on [] occasions, he sold or otherwise disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. §§ 922(b)(5); 923(g)(1)(A) and 27 C.F.R. § 478.124(a). Licensee stated that he believed NICS checks were good for 30 days and he could add firearms to a form after completing a transfer. (TR P 137, L 2-24). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. In addition, in 2019, Licensee was cited for similar violations and attended a Warning Conference discussing the law and regulations related to this requirement as well as received a follow up letter detailing the discussions at the conference. I find these violations were committed willfully.

16. Licensee did not dispute that on [] occasions, he transferred a firearm to a non-licensee without recording the date the Licensee contacted the National Instant Criminal Background Check System ("NICS"), any response provided by the system and/or any identification number provided by the system information 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). Licensee said he had additional employee review to avoid these violations in the future. (TR P 152, L 15 -18). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. In 2016, Licensee was cited for similar violations and received a Warning Letter discussing the violation and the law and regulations. In addition, in 2019, Licensee was cited for similar violations and attended a Warning Conference discussing the law and regulations related to this requirement as well as received a follow up letter detailing the discussions at the conference. I find these violations were committed willfully.

17. Licensee did not dispute that on [] occasions, he transferred a firearm to a non-licensee without recording the date the Licensee contacted the National Instant Criminal Background Check System ("NICS"), any response provided by the system and/or any identification number provided by the system information 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). Licensee stated he purchased new software to avoid this in the in future. (TR P 158, L 21). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. In 2016, Licensee was cited for similar violations and received a Warning Letter discussing the violation and the law and regulations. I find these violations were committed willfully.

18. Licensee did not dispute that on [] occasions, he failed to record National Instant Criminal Background Check System ("NICS") alternative permit/license information as described in 27 C.F.R. § 478.024(d)(1) on the Firearms Transaction Record, ATF Form 4473, or maintain a copy of the permit/license, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.131(a)(2). In response to the evidence and testimony presented by the Government, Licensee stated "he'll never get another gun from me" when referring to one of the individuals to whom he had unlawfully transferred a firearm as cited in the Notice. (TR p 166, L5-6). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including during the 2015, 2016 and 2019 reviews conducted by ATF of the law and regulations which included this requirement. In 2016, Licensee was cited for similar violations and received a Warning Letter discussing the violation and the law and regulations. In addition, in 2019, Licensee was cited for similar violations and attended a Warning Conference discussing the law

and regulations related to this requirement as well as received a follow up letter detailing the discussions at the conference. I find these violations were committed willfully.

19. At the close of the hearing, Licensee admitted to all the violations stating that "It's my fault, I am not offering any excuses". (TR. P 173, L 3-4).

20. After consideration of the record, which includes the facts, evidence, testimony, and as provided by 18 U.S.C. § 923(d) and 27 C.F.R. § 478.73, the Federal firearms license held by Gary William Gibbs, doing business as The Gun Shop is hereby REVOKED.

Dated this 10th day of May 2021.

Digitally signed by
VALENTINA CLOSE
Date: 2022.05.10
11:03:49 -05'00'

Valentina Close
Director, Industry Operations
New Orleans Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives