

JESSE JAMES GUN SHOP LLC's FCI
 FCI-23869
 12/27/2021 10:09 AM
 IOI (b)(6), Kansas City III (IO) Field Office

LICENSEE INFORMATION

Licensee Name JESSE JAMES GUN SHOP LLC	RDS Key 5-48-04053	License/Permit Number 5-48-181-01-2E-04053	License Type 01 - Dealer License
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Business Type
Limited Liability Company (LLC)

Premises Address

Mailing Address

Premises Ownership Type
Owned

Same as Premises Address

Premises Location Type
Single Family Dwelling

Address
 3145 RD 70
 Unit N/A
 EDSON, Kansas 67733
 SHERMAN United States

Phone Type	Phone Number	Remarks
Business	+1 785-656-3653	

Email Address	Email Remarks
(b)(6)	

RECOMMENDATIONS

Final Decision
 Revocation
 Date
 10/14/2021

Details

Notice of Revocation served on 8/30/21. FFL did not request a Revocation hearing.

Final Notice of Revocation received 9/26/21, effective date of Revocation 10/14/21.

60 day window for De Novo Hearing was 12/13/21. FFL did not request a De Novo Hearing.

FFL advised that his remaining inventory was transferred to a non-licensee. FFL advised that he submitted his required records to the ATF OOBRC on 12/23/21 via UPS Tracking # 1Z4Z8T7JA800000416 (signed for 12/23/21 by (b)(6).?)

This license is revoked. Copies of all revocation documentation is attached below.

Out of Business Records and Inventory Management

Licensee Records

Licensee Inventory

✔ Submitted to an ATF Employee
 ATF Employee Name
 ATF OOBRC

✔ Inventory sold to non-licensee or non-permittee

Deputy Assistant Director Megan Bennett's Recommendation
 Revocation

Details

i concur with the recommendation of revocation. The licensee had (b)(6) firearms that weren't in inventory with no disposition in the A&D book. This is a repeat violation.

Special Agent in Charge (b)(6)'s Recommendation

Concur with revocation due to willful violations

Division Counsel (b)(6)'s Review

Details

Discussed possible revocable violations with Division Counsel and Associate Chief Counsel, Central, and recommend proceeding on provable, willful violations.

Industry Operations Investigator (b)(6) Recommendation

Revocation

Details

Concur with recommendation for Revocation: The licensee appears unwilling or unable to achieve voluntary compliance. The licensee's actions, and inactions, have made it nearly impossible to complete trace request on (b)(6) firearms. In fact, the licensee is currently unable to complete a firearms trace request - allegedly as a result of a flood and the subsequent burning of the ATF F 4473s, despite being told by ATF not to destroy the forms. Notwithstanding the Industry Operations Investigator giving an exceptional amount of time for the licensee locate the firearms and/or their dispositions, the licensee located only (b)(6) of the original (b)(7)(E) missing firearms. As noted by the IOI conducting the inspection: In summary, the quantity of unaccounted for, untraceable firearms disclosed during the inspection demonstrates a plain indifference and reckless disregard for the legal obligation of the Gun Control Act.

Area Supervisor: (b)(6)'s Recommendation
Revocation

Details

FCI-23869

Lead IOI: (b)(6)

Inspection Date: 4/28/21

Summary: A compliance inspection was conducted for the above referenced licensee. All violations were discussed with the licensee prior to closing. No further field action required.

Recommendation: Violations – REVOCATION

Industry Operations Investigator Agent(System-Queue-ServiceLevel.ProcessEvent)'s Recommendation
Revocation

Details

An in-person compliance inspection was conducted on 4/28/2021 by ATF IOI (b)(6).

At the time of the inspection, (b)(6) firearms were not inventory and a disposition of the firearms could not be determined. The licensee was provided considerable time to determine the disposition of the missing firearms. At the time of the closing conference, on 6/29/2021, the licensee had determined the disposition of (b)(6) of the missing firearms (6%). A Theft/Loss Report describing the remaining (b)(6) unreconciled, missing firearms was filed on 7/1/2021.

The inspection meets the standard for **Revocation** under the current Administrative Action Policy, ATF O 5370.1C (10/2/2019). The licensee was cited in **Violation #1** - Failure to account for acquired firearms which records indicate were in inventory within the previous 5 years after reconciliation for which disposition could not be accounted for in required GCA records (e.g. acquisition and disposition record, Form 4473) and is a repeat violation of increased frequency (Sec. 7.e(5)(e)).

In summary, the quantity of unaccounted for, untraceable firearms disclosed during the inspection demonstrates a plain indifference and reckless disregard for the legal obligations of The Gun Control Act.

NOTE: None of the missing (b)(6) firearms had been traced, or reported stolen as of 7/20/2021.

Inspection Findings

Records and Forms

- 11. Failure to retain required GCA records for transferred firearms for period of time specified by regulation.
- 12. Failure to account for acquired firearms which records indicate were in inventory within the previous 5 years after reconciliation for which disposition could not be accounted for in required GCA records (e.g. acquisition and disposition record, F 4473) and is a repeat violation of increased frequency.

Firearms

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

FFL History

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

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
JESSE JAMES GUN SHOP LLC	Limited Liability Company (LLC)	No

Additional Findings

The licensee is a Limited Liability Company (LLC) formed in Kansas in 2016. A query of the KS Secretary of States web-site on 4/20/21 disclosed that it was in delinquent status.

The licensee was made aware of the delinquent status and took the necessary steps to bring the company back into "Active and Good Standing" status.

Attachment(s):

SOS2 (b)(6) FCI-23869.pdf

SOS (b)(6) FCI-23869.pdf

Property Ownership Verification

Premises Ownership Type	Premises Location Type	Has the property ownership been verified?
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Address
3145 RD 70
Unit N/A
EDSON, Kansas 67733
SHERMAN United States

Additional Findings
The property is owned by Member – Jesus GUAJARDO and (b)(6).

Attachment(s):
PROPERTY_JJAMES_FCI-23869.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings
The property is zoned "RESIDENTIAL". See Attached Kansas Statute 12-16,124 – "No city or county shall adopt or enforce any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the requirement of fees, licenses or permits for, the commerce in or the sale, purchase, transfer, ownership, storage, carrying, transporting or taxation of firearms or ammunition, or any component or combination thereof."

Attachment(s):
Kansas State Statute-Firearm Sales-Zoning (2015).pdf

APPOINTMENT DETAILS

Interview Date
04/28/2021
Address
3145 RD 70, Unit N/A, EDSON, Kansas 67733

Responsible Attendee(s)	Non-Responsible Person(s)
JESUS JAMIE GUAJARDO Jr.	No Items

RESPONSIBLE PERSON(S)

JESUS JAMIE GUAJARDO Jr.

Name	Gender	Race	Ethnicity
JESUS JAMIE GUAJARDO Jr.	Male	White	Hispanic or Latino
Date of Birth	SSN	Job Title	
(b)(6)		OWNER	

Physical Identifiers

Height	Weight	Hair Color	Eye Color

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

ID Type	Country	State	ID Number
Driver's License	United States	Kansas	(b)(6)
Phone Type	Phone Number	Remarks	
Mobile	(b)(6)		

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
04/22/2021

Criminal History Check Comments
(b)(6)

Queries of NForce conducted on 4/22/2021 disclosed no open or closed investigations involving Jesus GUAJARDO or the licensee.

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

The licensee operates a part-time retail firearms business from the home of Managing Member – Jesus (“Jessie”) GUAJARDO. No other business is conducted from the premise. GUAJARDO operates the business on a day-to-day basis with some assistance from (b)(6). There are no other employees.

The licensee has held this Type 01 License since 2016. The license appears to be proper for the current activities.

The licensee buys, sells and transfers new (b)(4) - estimate) and used (b)(4) handguns (b)(4)%, long guns (b)(4) and receivers (b)(4). A vast majority of the firearms are acquired through firearm wholesalers.

The licensee promotes the business predominately through social media (e.g. Snapchat, Instagram and Facebook), business cards and word-of-mouth referrals.

The licensee did not engage in gunsmithing, manufacturing, importing, NFA or gunshow/event activities during the inspection period.

The licensee does sell ammunition and reloading components, not including black powder or armor piercing.

Do they need an additional license or permit?
No

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

Business Activities

Selected Operational Security Measures
No items

Internet Sales/Transfers
Retail

Internet Sales/Transfers Website

Gun Broker

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

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

Who has keys to the premises?
Jesus and (b)(6) GUARJARDO

Who has keys to locked inventory?
Jesus and (b)(6) GUARJARDO

Who is operating the business on a day-to-day basis?
Jesus and (b)(6) GUARJARDO

Is financial backing provided by anyone that is not a responsible person on the license/permit?
None disclosed.

Are any employees known to be prohibited?
There are no employees

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

PREMISES INFORMATION

Inspection Area Description

(b)(6)

The importance of taking steps to minimize the threat of theft/loss were discussed with the licensee and they were provided a copy of ATF P 5380.1.

The premise is not located in a "School Zone" as defined by 18 U.S.C. 921(a)(25).

NOTE: The premise is located in a very remote area of Sherman County. To get to the premise involves approximately six miles of travel on primitive gravel roads which may be inaccessible during wet/snowy weather.

Primary Activity
Retail

Selected Physical Security Measures

(b)(6)

GPS Coordinates

Latitude
39.42507

Longitude
-101.49294

(b)(6)

ONSITE SUMMARY

Total # of ATF F 4473 Reviewed

(b)(4)

Total # of Open Dispositions in A & D Record

(b)(4)

Total # of Firearms in Inventory

142

Total # of Firearms Missing after Reconciliation

(b)(4)

Total # of Acquisitions in the Last 12 Months

(b)(4)

Total # of Dispositions in the Last 12 Months

(b)(4)

Additional Comments

ATF IOI (b)(6) conducted an on-site firearm compliance inspection on 4/28/2021. The scope of the inspection was one year, from 4/29/2020 to 4/28/2021. Advanced notification of the inspection was provided for scheduling and travel purposes. Multiple changes to the scheduling of the inspection were made and requested by the licensee due to changes to his work schedule.

COMPLIANCE HISTORY:

2019: Compliance inspection – 8 Violations cited: WARNING LETTER (FCI-15588).

1. 27 CFR 478.102(a): Failure to complete a NICS background check (5 instances)
2. 27 CR 478.126a: Failure to submit ATF F 3310.4 (4 instances)
3. 27 CFR 478.102(d)(1): Failure to obtain valid alternative permit in lieu of NICS (4 instances)
4. 27 CFR 478.99(a): Transfer of a receiver to an out-of-state resident (1 instance)
5. 27 CFR 478.102(a)(2)(ii): Failure to wait three days (with no NICS response) to transfer firearm (3 instances)
6. 27 CFR 478.124(c)(1): Failure to properly execute ATF F 4473 (1 instance)
7. 27 CFR 478.124(c)(5): Failure by transferor to sign and/or date ATF F 4473 (1 instances)
8. 27 CFR 478.21(a): Failure to complete ATF F 4473 as prescribed (1 instances)

2016: Application inspection – License issued (779025-2016-0287)

The licensee keeps a hand-written commercial A & D Record (Book Factory). There is no cross-reference between the Record and the firearm in inventory. The licensee executes handwritten ATF Forms 4473 and files the Forms chronologically.

INVENTORY: A complete firearms inventory was taken on 4/28/21. The inventory of (b)(6) did not agree with the Acquisition and Disposition Records (See Violation #1). All firearms examined were properly marked according to 27 CFR 478.92 and were accurately described in the Record.

NICS: The licensee conducted four (4) NICS checks in the 60 days prior to 4/7/2021. They have not had a NICS denial since receiving their license (See Attachment – NICS (b)(6) FCI-23869).

TRACES: The licensee was contacted once during the inspection to trace a firearm (b)(6). The licensee reported that the records related to the firearm being traced were destroyed in a flooded basement that occurred on 10/30/2019 (See Attachment – VCAH (b)(6) FCI-23869). The license was cited for a violation of 27 CFR 478.25a (Violation #3).

THEFTS/LOSSES: The licensee did not file any Theft/Loss Reports during the inspection period. As a result of the inspection and after providing the licensee over 60 days to reconcile the inventory, the licensee filed a Theft/Loss Report (ATF F 3310.11) on 7/1/2021 for (b)(6) firearms that remained missing (See Attachment – (b)(3) (112 Public Law 55 125 Stat 552) FCI-23869).

MULTIPLE HANDGUN SALE REPORTING: According to the provided VCAB Report, the licensee did not file any Multiple Handgun Sale Reports during the inspection period (See Attachment – VCAH (b)(6) FCI-23869). The inspection disclosed (b)(6) instances where a Report was required to be submitted and was not. The licensee was cited for a violation of 27 CFR 478.126a (Violation #2). This violation was repeated from the previous inspection (FCI-15588).

FIREARMS TRAFFICKING & SUSPICIOUS/“STRAW PURCHASING”: No indications of firearms trafficking or straw purchases were identified. The purchaser of the traced firearm is unknown due to the records having been destroyed. The possessor of the traced firearm is not associated with any other multiple sales or traces.

REFERRALS: No formal, written referrals of information were made to other ATF Offices or any other outside agencies.

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

Firearm Theft Loss List.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms	Theft/Loss Report was submitted on 7/1/2021 (b)(6) Firearms). Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm disposition	(b)(3) (112 Public Law 55 125 Stat 552)

Number of Instances:

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

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

<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Multiple Sale Reports were submitted and received by the ATF Tracing Center. 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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.25a: Failure to respond to firearm trace requests (within 24 hours)</p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Provide response to all future ATF trace requests within required 24 hours.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552)</p>
<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

THEFT/LOSS REPORT

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

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

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: 1</p>	<p>Theft/Loss Report was submitted on 7/1/2021 (1 Firearm). Accurately, completely & timely record all required future firearm disposition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm disposition information.</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>The licensee (Jesus GUAJARDO) was able to determine the disposition of 1 out of the 1 (6%) found missing during the 4/28/2021 inspection.</p> <p>The licensee was provided over 60 days for this reconciliation.</p> <p>The licensee is certain that the missing 1 firearms were sold and were not stolen. He estimates that at least 80% of the missing firearms were shipped to FFLs and the remainder sold to individuals who came to his premise.</p> <p>When asked why so many firearms were not logged out, he stated he fell behind in his recordkeeping and it just got away from him. Adding, that he is busy with work and family life.</p> <p>The Licensee stated the primary factor in him not being able to determine the disposition of more firearms was that a majority of the firearms were sold through social media (Snapchat, Instagram and Facebook) and then shipped to licensees in the purchaser's area. Most of the communication related to these transactions was completed on Snapchat and Snapchat deleted his user account. The licensee believed his account was deleted because someone filed a complaint related to his account's firearm content.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 06/22/2021</p>
<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473: 2 Number of Instances: 2</p>	<p>Multiple Sale Reports were submitted and received by the ATF Tracing Center.</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>The licensee stated he knew of this requirement and it was just an oversight and not part of his normal routine to file the Report.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 06/29/2021</p>
<p>27 CFR 478.25a: Failure to respond to firearm trace requests (within 24 hours)</p> <p>Number of Instances: 3</p>	<p>Provide response to all future ATF trace requests within required 24 hours.</p>	<p>The licensee stated that the records related to this trace were destroyed in a flooded basement prior to his first inspection in 2020.</p> <p>The importance of good recordkeeping, as it relates to firearm tracing, was discussed with the licensee. He was advised that if any of the 3 missing firearms were traced he would be unable to provide disposition information. The licensee responded that he understood the importance of good recordkeeping.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 06/29/2021</p>
<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: 4 Number of Instances: 4</p>	<p>Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.</p>	<p>The licensee provided 4 redone ATF Forms 4473 (attached) related to Forms he could not locate during the inspection. He said he remembered each instance, putting the missing firearm with a particular individual and had the individual complete a new Form.</p> <p>He stated he now files the Form immediately upon completion. This reduces the risk of theft or loss of the Form.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 06/29/2021</p>

CLOSING CONFERENCE

Review Regulations conducted offline

(6/29/2021)

06/29/2021

Closing Conference Additional Notes

Closing conference held in the office of Jesus GUAJARDO at (b)(6)

Attachment(s)

Attendee(s)

JESUS JAMIE GUAJARDO Jr.

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 5-48-04053 Inspection Results
FinalDecision	FW_ Spartan Notification RE_ 5-48-04053 Monitored Case.msg
FinalDecision	James_Initial Notice of Revocation.pdf
FinalDecision	James_ Cert mail of Final Notice of Revo.jpg
FinalDecision	James_Final Notice of Revocation.pdf
FinalDecision	James_initial REV cert mail return information.pdf
FinalDecision	MCP Exhibit 8c_James_FCI-23869.pdf
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
UpdateLicensingCenter	MCP Exhibit 8c_James_FCI-23869.pdf
Correspondence	
Correspondence	DIO William Miller Returned Inspection FCI-23869
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
Correspondence	Spartan Notification RE: 5-48-04053 Monitored Case
UpdateLicensingCenter	MCP Exhibit 8c_James_FCI-23869.docx
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	AMENDED ATF F 7_SD_FAI-32941.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
FirearmTheftLossList	Firearm Theft Loss List.pdf
BusinessVerification	SOS2_JJAMES_FCI-23869.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationCorrection	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) FCI-23869.pdf
ViolationCorrection	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) FCI-23869.pdf
ViolationCorrection	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) FCI-23869.pdf
ViolationCorrection	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) FCI-23869R.pdf
OnSiteSummaryInformation	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) FCI-23869.pdf
OnSiteSummaryInformation	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) FCI-23869.pdf
OnSiteSummaryInformation	NICS_JJAMES_FCI-23869.pdf
OnSiteSummaryInformation	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) JJAMES_FCI-23869.pdf
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
FirearmTheftLossList	Firearm Theft Loss List.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
ZoningVerification	Kansas State Statute-Firearm Sales-Zoning (2015).pdf
PropertyOwnershipVerification	PROPERTY_JJAMES_FCI-23869.pdf
BusinessVerification	SOS_JJAMES_FCI-23869.pdf

Category	Attachment Name
Intra_agencyCommunication	5-48-04053 - Jesse James Gun Shop _App to Amnd (Apprv'd wo Inspn).pdf

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

In the matter of License Number 5-48-181-01-2E-04053, as a/an A Dealer of Firearms Other Than Destructive Devices

issued to:

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

Jesse James Gun Shop, LLC
3145 RD 70
Edson, KS 67733

Notice Is Hereby Given That:

Pursuant to the statutory provisions and reasons stated in the attached page(s), the Director or his/her designee, Bureau of Alcohol, Tobacco, Firearms and Explosives, intends to take action on the license described above.

- The above identified license may be revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p).
- The above identified license may be suspended pursuant to 18 U.S.C. 922(t)(5) or 924(p).
- The above identified licensee may be fined pursuant to 18 U.S.C. 922(t)(5) or 924(p).

Pursuant to U.S.C. 923(f)(2) and/or 922(t)(5), you may file a request with the Director of Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, at 1251 NW Briarcliff Parkway, Suite 600 Kansas City MO 64116, in duplicate, for a hearing to review the revocation, suspension and/or fine of your license. The request must be received at the above address within 15 days of your receipt of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing; and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed. The hearing will be held as provided in 27 CFR Part 478.

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

- Please see included brochure

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
08/30/2021	William J. Miller Director, Industry Operations ATF Kansas City Field Division	(b)(6)

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

- Certified mail to the address shown below.
Tracking Number: 7020 1290 0001 6240 9285 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
8/30/21	Investigative Analyst	(b)(6)
Print Name and Title of Person Served		Signature of Person Served

Address Where Notice Served

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given that the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) intends to revoke the Federal firearms license held by Jesse James Gun Shop, LLC (“Licensee”). Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Kansas City Field Division, has reason to believe that Licensee willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively, “GCA”) as described herein.

Compliance History

ATF first issued a Federal firearms license to Licensee in 2016. The laws and regulations issued under the GCA were reviewed as part of the application inspection. Subsequently, ATF conducted a compliance inspection of Licensee in 2019. As a result of the 2019 inspection, Licensee (through owner/managing member and responsible person Jesus Guajardo) 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 April 28, 2021, ATF began a compliance inspection of Licensee’s premises that revealed the following:

Acquisition and Disposition Record Violations:

1. On (b)(6) 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 ¶ A.

Failure to Report Multiple Sales:

2. On (b)(6) 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 ¶ B.

Failure to Retain Records:

3. On (b)(6) 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 ¶ C.

Appendix A

Notice Paragraph 1 [478.125(e) Disposition Violations]:

Firearms Transferred without Recording the Disposition and Documented as Missing

A&D Line Number

Serial Number

Firearm
Description

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

Appendix B

Notice Paragraph 2 [478.126a Reporting Violations]:

Failure to Report Multiple Sales Within Five Consecutive Business Days (Repeat Violation)

Firearms Sold	Date of Transaction	Transferee's Name
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Appendix C

Notice Paragraph 3 [478.129(b) Records Violations]:

Failure to Retain Form 4473 for a Period of Not Less Than Twenty Years (Repeat Violation)

A&D Line
Number

Date of Transaction

Transferee's Name

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

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

In the matter of:

- The application for license as a/an _____, filed by:
or
 License Number 5-48-181-01-2E-04053 as a/an A Dealer of Firearms Other Than Destructive Devices

_____, issued to:

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

Jesse James Gun Shop, LLC
3145 RD 70
Edson, KS 67733

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 1251 NW Briarcliff Parkway Suite 600 Kansas City MO 64116, prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

Records prescribed under 27 CFR Part 478 for the license described above shall either be delivered to ATF within 30 days of the date the business is required to be discontinued or shall be documented to reflect delivery to a successor. See 18 U.S.C. 923(g)(4) and 27 CFR § 478.127.

After the effective date of a license denial of renewal, revocation, or suspension, you may not lawfully engage in the business of dealing in firearms. Any disposition of your firearms business inventory must comply with all applicable laws and regulations. Your local ATF office is able to assist you in understanding and implementing the options available to lawfully dispose of your firearms business inventory.

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
09/29/2021	William J. Miller, Director, Industry Operations ATF Kansas City Field Division	(b)(6)

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

Certified mail to the address shown below.
Tracking Number: 7017 2420 0000 3869 67450r

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

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
9/29/21	SPECIAL AGENT	(b)(6)
Print Name and Title of Person Served		Signature of Person Served

Address Where Notice Served

Note: Previous Edition is Obsolete

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

Jesse James Gun Shop, LLC, holds Federal firearms license 5-48-181-01-2E-04053 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 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On August 30, 2021, ATF issued a Notice of Revocation of License, ATF Form 4500, to the Licensee. Said Notice was served upon the Licensee via certified mail, return receipt requested, on September 8, 2021. The Notice alleged that the Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. The Notice further specified that if the Licensee wished to challenge the revocation, it may file a request with ATF for a hearing “within 15 days after receipt of this notice.” See 18 U.S.C. § 923(f)(2); 27 C.F.R. § 478.73(b).

Although the Notice of Revocation was served upon the Licensee on September 8, 2021, no request for hearing was filed with ATF within 15 days of the date on which the Notice was served.

For the reasons set forth in the Notice of Revocation issued on August 30, 2021, the Federal firearms license held by Jesse James Gun Shop, LLC is hereby REVOKED.

Dated this 29th day of September, 2021.

(b)(6)

William ~~/~~ Miller

Director, Industry Operations
Kansas City Field Division

Bureau of Alcohol, Tobacco, Firearms and Explosives
United State Department of Justice