

J. M. Gun Repair, Inc.'s FCI  
FCI-21543

09/19/2022 07:45 AM

IO: (b)(6) Ft Myers (IO) Field Office

LICENSEE INFORMATION

Licensee Name J. M. Gun Repair, Inc.	RDS Key 1-59-07218	License/Permit Number 1-59-081-01-2L-07218	License Type 01 - Dealer License
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Business Type  
Corporation

Premises Ownership Type Leased/Rented	Premises Address 2220 WHITFIELD PK DR H2, Unit N/A, SARASOTA, Florida 34243
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Premises Location Type Required  
Store Front

Address  
2220 WHITFIELD PK DR H2  
Unit N/A  
SARASOTA, Florida 34243  
MANATEE  
United States

Address  
2220 WHITFIELD PK DR H2  
Unit N/A  
SARASOTA, Florida 34243  
MANATEE  
United States

Phone Type	Phone Number	Remarks
Business	+1 941-756-9716	
Fax	+1 941-756-9716	

RECOMMENDATIONS

Final Decision Date  
Revocation 08/25/2022

Details

J M Gun Repair Inc

1-59-07218

Lead (b)(6)

This licensee is revoked. Fine of \$26597 was paid and 60 day stay to wind down business expired August 23, 2022. Business records will be collected by SIO (b)(6) and mailed down to the OOBRC when funding is approved.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to an ATF Employee

ATF Employee Name

SIO (b)(6)

Deputy Assistant Director - Industry Operations Megan Bennett's Recommendation

Revocation

Details

I concur with the recommendation of revocation as the FFL transferred firearms to a prohibited person and falsified records. A fine is also recommended.

Special Agent in Charge Craig Saier's Recommendation

I recommend revocation based on the transfers to prohibited persons and falsification of records.

Division Counsel (b)(6) Review

Details

DC recommendation to fine and revoke. ACC East concur.

Director of Industry Operations Aaron Gerber's Recommendation

Licensee Inventory

✔ Inventory transferred to self

Revocation

Details

This inspection resulted in a number of GCA violations where Revocation and a Fine appears to be the appropriate recommendation. There were [redacted] tances of transfers to prohibited individuals and the falsification of records.

Update 9/23/2021: DC and ACC (East) review completed, with no substantial legal liabilities disclosed. IO will continue to seek Revocation and a Fine of over \$16,000 for the [redacted] transfers in violation of 922(t)(5).

Update 10/28/2021: ROV updated to include 922(t)(5). Will be included with the NOR and will be presented at the hearing.

Area Supervisor: (b)(6) Recommendation  
Revocation

Details

A Field inspection was conducted on the following licensee on 5/14/2021:

J M Gun Repair Inc

1-59-07218

Lead: (b)(6)

This inspection disclosed 10 violations. Most notably, were 27 CFR 478.99 (c) - Unlawful sale or delivery of a firearm to a prohibited person in [redacted] instances. 27 CFR 478.128(c): False statements made by a licensee on any ATF records in [redacted] instances. 27 CFR 478.102 (a)(1): Failure to contact NICS in 3 instances. 27 CFR 478.99 (b)(2): Unlawful sale or delivery of a firearm in violation of state law in [redacted] instances. 27 CFR 478.99 (a): Unlawful sale or delivery of a handgun to an out of state residence in [redacted] instance. This was the licensee's second compliance inspection; first time warranted a warning conference and the second a ROV was issued. Based upon the facts, the licensee knew their legal obligations under the Gun Control Act when they transferred of a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee was a prohibited person.

This report was forwarded to on May 19, 2021 DIO Aaron for his review and concurrence of a recommendation of revocation, fine and or suspension.

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

Details

On April 26, 2021 Industry Operations Investigator (IOI): (b)(6) initiated a Firearms Compliance Inspection (FCI) on J. M. Gun Repair, Inc. at the licensed business/activity address. Anthony James Morrison, P of J. M. Gun Repair, Inc. and Federal Firearms License (FFL) Responsible Person (RP), and Marianne Ruth Morrison, ST of J. M. Gun Repair, Inc. and FFL RP, were interviewed; the inspection concluded on May 14, 2021.

Revocation is appropriate as J. M. Gun Repair, Inc. knew its legal obligations under the Gun Control Act (GCA) and either purposefully disregarded or demonstrated a plain indifference or a reckless disregard to those legal obligations as evidenced by the cited violations.

Primary Contact(s):

Anthony James Morrison

- FFL RP
- P of J. M. Gun Repair, Inc.

(b)(6)

Inspection Findings

Records and Forms

13. Falsify records required under the GCA or making a false or fictitious written statement in the FFL's required records or in applying for a firearms license.

Transfer of Firearm

3. Transfer of any firearm (including lower receiver) other than Rifle / Shotgun to a resident of another State.
4. Transfer of a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee is a prohibited person.

NICS

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).

Miscellaneous

2. Violations of the Brady Handgun Violence Prevention Act and the Child Safety Lock Act of 2005 (See 18 U.S.C. 922(t), 922(z), and 924(p)).

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name  
J. M. Gun Repair, Inc.

Business Type  
Corporation

Is the business valid?  
Yes

Additional Findings  
Verified via Florida Department of State Division of Corporations

Attachment(s):  
Business Information Verification (FCI-21543).pdf

**Property Ownership Verification**

Premises Ownership Type	Premises Location Type	Has the property ownership been verified?
Leased/Rented	Store Front	Yes

Address  
2220 WHITFIELD PK DR H2  
Unit N/A  
SARASOTA, Florida 34243  
MANATEE  
United States

Additional Findings  
Verified via Manatee County Property Appraiser; Extra Garage, LLC

Attachment(s):  
Property Ownership Verification (FCI-21543).pdf

**Rental/Lease Verification**

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

Additional Findings  
Verified via 767035-2008-0016; Licensee, as an Applicant, Complied with 18 U.S.C 923(d)(1)(E) as Required and Licensee Maintains Access to Licensed Business Premises

Attachment(s):  
Rental-Lease Verification (FCI-21543).pdf

**Zoning Information Verification**

Is the proposed business activity in compliance with zoning?  
Yes

Additional Findings  
Verified via Manatee County

Attachment(s):  
Zoning Information Verification (FCI-21543).pdf

**APPOINTMENT DETAILS**

Interview Date  
04/26/2021

Address  
2220 WHITFIELD PK DR H2, Unit N/A, SARASOTA, Florida 34243

**Responsible Attendee(s)**

**Non-Responsible Person(s)**

ANTHONY JAMES MORRISON

No Items

MARIANNE RUTH MORRISON

**RESPONSIBLE PERSON(S)**

**ANTHONY JAMES MORRISON**

Name	Gender	Race	Ethnicity
ANTHONY JAMES MORRISON	Male		
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	PRESIDENT	

**Physical Identifiers**

Height	Weight	Hair Color	Eye Color

**Place of Birth**

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

Home Address

(b)(6)

United States

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted  
02/05/2020

Criminal History Check Comments  
Industry Operations Investigator (IOI) (b)(6) disclosed no potential prohibition as a result of a query of the National Crime Information Center (NCIC) Interstate Identification Index (III).

MARIANNE RUTH MORRISON

Name	Gender	Race	Ethnicity
MARIANNE RUTH MORRISON	Female		
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	SECRETARY TREASURER	

Physical Identifiers

Height	Weight	Hair Color	Eye Color

Place of Birth

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

Home Address

(b)(6)

United States

Additional Names

Citizenship

United States

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

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

Criminal History Check

Criminal History Check Comments

Industry Operations Investigator (IOI) (b)(6) disclosed no potential prohibition as a result of a query of the National Crime Information Center (NCIC) Interstate Identification Index (III).

**INTERVIEW QUESTIONNAIRE**

What is the proposed business activity?

Type 01 – Dealer in Firearms Other than Destructive Devices

Do they need an additional license or permit?

No

Who are their primary suppliers?

(b)(4)

**Business Activities**

Internet Sales/Transfers

Retail

Gunsmith

Gun Show Participant

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping

Controlled Access to Keys

**Internet Sales/Transfers Website**

gunbroker, transfer agent

**SECURITY WALKTHROUGH**

Inspection Area Description

Commercial

Primary Activity

Retail

**GPS Coordinates**

Latitude

27.41894

Longitude

-082.53639

Selected Physical Security Measures

Deadbolts

Bars on Windows

Lockable Display Rack(s)/Case(s)

Safe(s)/Vault(s)

Security Cameras

**INTERVIEW NOTES**

Youth Handgun Safety Act (YHSA) Poster was Displayed; Licensee Affirmed Compliance with Distribution of YHSA Pamphlets

**ONSITE SUMMARY**

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

Total Number of Open Dispositions in A & D Record

Total Number of Firearms in Inventory

990

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation

0

Total Number of Acquisitions in the Last 12 Months

Total Number of Dispositions in the Last 12 Months

Onsite Start Date

Onsite End Date

Number of Reported Lost/Stolen Firearms During Inspection Period

Total Number of Traces During Inspection Review Period

Total Number of Those Traces That Were Unresolved

Inspection Period Start Date

Inspection Period End Date

Additional Comments

Inspection Period (Not Limited to) was Activity Authorized by Federal Firearms License (FFL) from April 26, 2020 to April 25, 2021

Written Record of Receipt and Disposition Utilized; Proper Format  
 Separate Records for Firearm(s) Repairs / Transfers ; Proper Format

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

**REPORT OF VIOLATIONS**

Regulation	Corrective Actions	Instance Details
<p>27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person</p> <p>ATF Forms 4473                      Number of Instances: [ ]</p>	<p>Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited.</p>	<p>***There are [ ] Instances of the Violation and [ ] ATF F 4473 Attached as Evidence of the Violation, however, Spartan Identified Only [ ]</p> <p><b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b></p> <p><b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b></p> <p><b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b></p>
<p>27 CFR 478.128(c): False statement made by a licensee on any ATF record</p> <p>Number of Instances: [ ]</p>	<p>Cease and desist from engaging in deceptive practices.</p>	<p><b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b></p>

1

2

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

3

27 CFR 478.102(a)(1): Failure to contact NICS or POC

ATF Forms 4473: 3  
Number of Instances: 3

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)(6)  
NICS Violation (b)(6)  
(b)(6)  
NICS Violation (b)(6)  
(b)(6)

4

27 CFR 478.99(b)(2): Unlawful sale or delivery of a firearm in violation of State Law or published local ordinance

ATF Forms 4473  
Number of Instances:

Cease and desist transfer of firearms in violation of State law or published local ordinance.

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

5

27 CFR 478.99(a): Unlawful sale or delivery of a handgun to an out of state resident and/or transfer of a long gun in violation of state law

ATF Forms 4473  
Number of Instances:

Cease and desist all firearm transfers (including lower receivers) other than a rifle or shotgun, to residents of another state.

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

6

27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on 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 transferee/buyer identification 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)

7	27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473  ATF Forms 4473 Number of Instances: <input type="text"/>	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. 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)
8	27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473  ATF Forms 4473 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.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
9	27 CFR 478.21(a): Failure to complete forms as prescribed  ATF Forms 4473 Number of Instances: <input type="text"/>	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 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)
10	27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473  ATF Forms 4473 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.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
11	18 U.S.C. 922(t): Failure to adhere to Brady background check requirements  Number of Instances: <input type="text"/>	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.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

**LICENSEE RESPONSE REPORT**

Regulation	Corrective Actions	Licensee Response	Status Details
1 27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person  ATF Forms 4473 Number of Instances: <input type="text"/>	Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited.	Done over phone, write who spoken to, i just write down what given, if approval i send out firearm	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 05/14/2021
2 27 CFR 478.128(c): False statement made by a licensee on any ATF record  Number of Instances: <input type="text"/>	Cease and desist from engaging in deceptive practices.	if they give a card i just write it down in the form probably need to verify further in future	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 05/14/2021

3	<p>27 CFR 478.102(a)(1): Failure to contact NICS or POC</p> <p>ATF Forms 4473: 3 Number of Instances: 3</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>on the duplicates don't know what happened</p> <p>don't know why it would've been called in on different day</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/14/2021</p>
4	<p>27 CFR 478.99(b)(2): Unlawful sale or delivery of a firearm in violation of State Law or published local ordinance</p> <p>ATF Forms 4473: [ ] Number of Instances: [ ]</p>	<p>Cease and desist transfer of firearms in violation of State law or published local ordinance.</p>	<p>go by whatever is given to me</p> <p>difficult to see the numbers on older cards</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/14/2021</p>
5	<p>27 CFR 478.99(a): Unlawful sale or delivery of a handgun to an out of state resident and/or transfer of a long gun in violation of state law</p> <p>ATF Forms 4473: [ ] Number of Instances: [ ]</p>	<p>Cease and desist all firearm transfers (including lower receivers) other than a rifle or shotgun, to residents of another state.</p>	<p>learning about know understand that it has to verify the residence</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/14/2021</p>
6	<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>learning, not aware that it was supposed to go here</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/14/2021</p>
7	<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: [ ] Number of Instances: [ ]</p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>just missed that one</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/14/2021</p>
8	<p>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473</p> <p>ATF Forms 4473: [ ] Number of Instances: [ ]</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>maybe careless with dates?</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/14/2021</p>
9	<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: [ ] Number of Instances: [ ]</p>	<p>Complete all forms as prescribed.</p> <p>Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions.</p> <p>Ensure that the required transferor/seller printed name and title is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>was in stack to be double checked before signature</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/14/2021</p>

	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.		
10	27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473  ATF Forms 4473 <input type="checkbox"/> Number of Instances <input type="checkbox"/>	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.	was in stack to be double checked before signature  Status Licensee Notified  Verified Method In Person  Date Licensee Notified 05/14/2021
11	18 U.S.C. 922(t): Failure to adhere to Brady background check requirements  Number of Instances <input type="checkbox"/>	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.	**per Director of Industry Operations (DIO) Aaron Gerber, Amended ROV will be provided with the Notice of Revocation.  Status Open  Verified Method In Person

**CLOSING CONFERENCE**

( 5/14/2021 )

05/14/2021

Attachment(s)

**Attendee(s)**

ANTHONY JAMES MORRISON

MARIANNE RUTH MORRISON

**EXHIBITS**

**Inspection**

Category	Attachment Name
Correspondence	Spartan Notification RE: 1-59-07218 Inspection Results
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
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Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Special Attention Flag (SAF)
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
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Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
LicenseeResponseToViolationsPDF	DIO Aaron Gerber Returned Inspection FCI-21543
ViolationsPDF	Licensee Response to Violations Report.pdf
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
Correspondence	DADIO Megan Bennett Returned Inspection FCI-21543
Correspondence	
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case

Correspondence	DIO Aaron Gerber Returned Inspection FCI-21543
Correspondence	8C FINAL Submission Tampa FCI-21543 (JM Gun Repair).pdf
UpdateLicensingCenter	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
Correspondence	Spartan Notification RE: 1-59-07218 Monitored Case
UpdateLicensingCenter	8C Initial Submission Tampa FCI-21543 (JM Gun Repair).pdf
Correspondence	Information Concerning Your Federal License/Permit
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
RentalLeaseVerification	Rental-Lease Verification (FCI-21543).pdf
ZoningVerification	Zoning Information Verification (FCI-21543).pdf
PropertyOwnershipVerification	Property Ownership Verification (FCI-21543).pdf
BusinessVerification	Business Information Verification (FCI-21543).pdf

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

In the matter of License Number 1-59-081-01-2L-07218, as a/an dealer in firearms other than destructive devices

issued to:

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

J.M. Gun Repair, Inc.  
2220 Whitfield PK DR H2  
Sarasota, Florida 34243

### 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 400 N Tampa Street, Suite 2100, Tampa, Florida 33602, 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
11/10/2021	Aaron R. Gerber, Director of Industry Operations, Tampa Field Division	(b)(6) <small>Digitally signed by AARON GERBER Date: 2021.11.10 15:12:59 -0500</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: 7018 3090 0002 0441 0188 Or  Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature
11/10/2021	(b)(6) Division Counsel, Tampa Field Division	(b)(6)
Print Name and Title of Person Served		Signature of Person Served
J.M. Gun Repair, Inc., FFL #: 1-59-081-01-2L-07218		

Address Where Notice Served  
2220 Whitfield PK DR H2, Sarasota, Florida 34243

Business Premises Address:  
J.M. Gun Repair, Inc.  
2220 Whitfield PK DR H2  
Sarasota, Florida 34243

License No: 1-59-081-01-2L-07218

Under the provisions of 18 U.S.C. § 923(e), and 27 C.F.R. § 478.73, notice is hereby given of the revocation or suspension and/or imposition of civil fine of the Federal firearms license specified above, in that the Director of Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Tampa Field Division, has reason to believe that J.M Gun Repair, Inc., Federal firearms license number 1-59-081-01-2L-07218, located at 2220 Whitfield PK DR H2, Sarasota, Florida 34243, a dealer in firearms other than destructive devices, 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.

Additionally, under the provisions of 18 U.S.C. § 922(t)(5), the Attorney General may, after notice and opportunity for a hearing, suspend for not more than six months or revoke a Federal firearms license, and may impose on the licensee a fine, if the licensee knowingly transferred a firearm to an unlicensed person and knowingly failed to comply with the requirements of 18 U.S.C. § 922(t) with respect to the transfer and, at the time that the transferee most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that the transferee's receipt of a firearm would violate 18 U.S.C. § 922(g) or § 922(n) or State law. The license held by J.M Gun Repair, Inc., as a dealer in firearms other than destructive devices, Federal firearm license number 11-59-081-01-2L-07218, is subject to revocation, suspension, and/or a fine of \$17,662 on this basis.

#### WILLFUL VIOLATIONS

Starting on or about April 26, 2021 extending through May 14, 2021, a Compliance Inspection was conducted by Industry Operations Investigator (IOIs) (b)(6) at the Licensee's business premise located at 2220 Whitfield PK DR HR, Sarasota, Florida 34243. The inspection period was from April 26, 2020 through April 25, 2021. The inspection revealed the following violations:

1. On January 14, 2021, the Licensee willfully violated 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a) by transferring (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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

2. The Licensee failed to follow the Sarasota County Municipal Code Section 86-1(c) three (3) day wait period before transferring firearms to the following unlicensed individuals in violation of 18 U.S.C. § 922(b)(2):

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

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

3. On approximately (b)(3) (112 Public Law 55 125 Stat 552) ATF Firearm Transaction Records (ATF Form 4473s), the Licensee failed to execute a complete and accurate form prior to transferring firearms to unlicensed individuals in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§§§§ 479.21(a), 478.124(c)(1), 478.124(c)(3)(i), 478.124(c)(3)(iv), and 478.124(c)(5). *See* Appendix A.
4. On five (5) occasions the Licensee transferred firearms without receiving a unique identification number in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a) to the following unlicensed individuals even though at the time of transfer the National Instant Criminal Background Check System (NCIS), through Florida Department of Law Enforcement (FDLE), was operating:

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

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

5. On  occasions the Licensee willfully violated 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c) in the following instances:

**(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)**

KNOWING FAILURE TO COMPLY WITH NICS

As provided in 18 U.S.C. § 922(t)(5), where a licensee knowingly transfers a firearm to another person who is not a firearms licensee and knowingly fails to comply with 18 U.S.C. § 922(t)(1) with respect to transfer and, at the time such person most recently proposed the transfer, the National Instant Criminal Background Check System (NICS) was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) or State law, the Attorney General may, after notice and opportunity for a hearing, suspend or revoke any license issued to the licensee under 18 U.S.C. § 923 and may impose a civil fine of \$17,662.

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

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



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

400 N Tampa St., Suite 2100, Tampa, FL 33602

November 10, 2021

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

**EXPLANATION LETTER/BROCHURE RE: NOTICE OF REVOCATION**

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

**Business Premises Address:**

J.M. Gun Repair, Inc.  
2220 Whitfield PK DR H2  
Sarasota, Florida 34243

License No: 1-59-081-01-2L-07218

Dear Licensee:

As you are aware, starting on April 26, 2021 extending through May 14, 2021, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) initiated a Compliance Inspection of your licensed firearms business under the Gun Control Act of 1968, as amended (GCA), Title 18, United States Code, Chapter 44 and its implementing regulations, Title 27, Code of Federal Regulations, Part 478. Based on that inspection, ATF has reason to believe that J.M. Gun Repair, Inc., willfully violated the GCA and its implementing regulations as articulated in Page 2 of ATF Form 4500, Notice to Revoke, Suspend License and/or Impose a Civil Fine.

Courts have held that ATF may revoke a federal firearms license for willful violations of the GCA and its implementing regulations. "Willfulness," as defined by the courts, means the purposeful disregard or plain indifference to a licensee's known legal obligations. ATF is not required to prove you *intended* to violate the law, only that you knew your legal obligation as a licensee, and you purposefully disregarded or were plainly indifferent to this obligation. ATF may deny a license application when an applicant is not qualified to receive or continue to hold the license, for example, because they have willfully violated the GCA.

Accordingly, enclosed is a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4), citing the grounds supporting the revocation of the federal firearms license.

J.M. Gun Repair, Inc.  
Federal Firearms License Number: 1-59-081-01-2L-07218

**Your Response to the Notice:** As indicated on the enclosed form, you may request a hearing to contest the license revocation by submitting a written request to the Director, Industry Operations (DIO) – within 15 days from your receipt of the enclosed Notice.

**If you do not request a hearing within 15 days of receipt of this Notice, the revocation of the license will become final.** If you wish to review this Notice at a hearing, you **MUST request one in writing** to the DIO. The written request for hearing must be sent to:

**Aaron Gerber  
Director of Industry Operations  
Tampa Field Division  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
400 N Tampa Street, Suite 2100  
Tampa, Florida 33602**

If you submit a written letter requesting a hearing that is received by the DIO within 15 days of receipt of this Notice, ATF will begin to make arrangements for the hearing. Please let us know immediately if you will be represented at the hearing so that we can expeditiously schedule the hearing at a time mutually convenient to all parties involved, including your representative.<sup>1</sup> Once the date, time, and place for the hearing are set, ATF will notify you via certified mail. Under limited circumstances, the Director, Industry Operation may reschedule the hearing for good cause.

**Before the Hearing** (if one is requested within the 15 days of receipt of this Notice): Prior to the hearing date you may request a meeting with the DIO to address the violations cited in the Notice. The purpose of the meeting will be to try to resolve this matter without conducting a hearing. While ATF is not obligated to grant such requests, if it does, at or before the meeting, you may submit mitigating facts, arguments, and proposals for settlement for review and consideration. You may also submit offers of potential resolution to the DIO after the hearing, however, the DIO will not entertain settlement offers at the hearing itself.

If you would like to request such a meeting, please contact the DIO at (813) 202-7306.

**Please note a request for or granting of a meeting with ATF does not alter or postpone the obligation to timely request a hearing for review of the Notice.**

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

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

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

J.M. Gun Repair, Inc.  
Federal Firearms License Number: 1-59-081-01-2L-07218

have them recorded by an additional stenographer at your own expense, provided this recording is not disruptive to the proceedings. *ATF does not make a video recording of the hearing proceedings. You may not do so either.*

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

During the hearing, ATF, through an attorney, will enter in the official record all evidence establishing the violations cited in the enclosed Notice. The ATF attorney will generally ask the ATF investigator(s) who conducted the inspection, or other ATF employees who have relevant information concerning your case, to describe their findings. At the conclusion of the Government's presentation, you will have the opportunity to respond. You are encouraged to state your case as clearly and factually as possible. Be willing and prepared to address each violation described in the Notice. You may also present relevant evidence, such as documents, pictures, or witness testimony that tends to show that the violation(s) listed in the Notice did not occur in the manner described.

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

**After the Hearing:** If after review of the entire record, the DIO concludes that the evidence proves the violation(s) alleged in the Notice, the DIO may issue a Final Notice of Denial of Application, Revocation, Suspension and/or Fine of Firearms License, ATF Form 4501(5300.13), which will be sent to you via certified mail. Similarly, the DIO will notify you in writing if he or she decides not to revoke the license. If you are not satisfied with the final decision, you may seek *de novo* review of the decision in federal district court within 60 days after the date such notice was given. The record of the hearing (including all presented evidence) may become part of the official court record.

If you have any questions, you may contact me at 813-202-7300, or have your attorney contact ATF Counsel: (b)(6) at (b)(6)

Sincerely yours,

(b)(6) Digitally signed by  
AARON GERBER  
Date: 2021.11.10  
15:19:29 -05'00'

Aaron R. Gerber  
Director, Industry Operations

Enclosures



U.S. Department of Justice  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
400 N Tampa St., Suite 2100, Tampa, FL 33602

June 17, 2022

www.atf.gov

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Shumaker, Loop & Kendrick, LLP  
ATTN: (b)(6) Esq.  
240 S. Pineapple Avenue, 10<sup>th</sup> Floor  
Sarasota, Florida 34236

Subject: J.M. Gun Repair, Inc., Federal Firearms License 1-59-081-01-2L-07218

Dear (b)(6)

Please find enclosed Final Notice of Revocation and Fine of the Federal Firearms License issued to J.M. Gun Repair, Inc., Federal firearms license 1-59-081-01-2L-07218, located at 2220 Whitfield PK DR H2, Sarasota, Florida 34243. Upon receipt of the final notice at your client's business premises, the Licensee will be revoked and fine will be due 15 days after. Please have your client make the check/money order for the civil fine to: "Bureau of Alcohol, Tobacco, Firearm and Explosives."

Bureau of Alcohol, Tobacco, Firearms and Explosives  
ATTN: Aaron Gerber  
400 N Tampa Street, Suite 2100  
Tampa, Florida 33602

If you have any questions, you may contact me at either (b)(6) or (b)(6)

Sincerely yours,

(b)(6)

Division Counsel  
Tampa Field Division

Enclosures

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

In the matter of:

- The application for license as a/an \_\_\_\_\_, filed by:  
or
- License Number 1-59-081-01-2L-07218 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*)

J.M. Gun Repair, Inc.  
2220 Whitfield PK DR H2  
Sarasota, Florida 34243

### 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 \$ 26,597.00, payment due: 15 days after receipt of notice, 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 400 N. Tampa St. Suite 2100, Tampa, FL 33602, 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 06/17/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Aaron R. Gerber, Director, Industry Operations, Tampa Field Division	Signature <b>(b)(6)</b>	Digitally signed by AARON GERBER Date: 2022.06.17 13:34:00 -0400
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I certify that, on the date below, I served the above notice on the person identified below by:

- Certified mail to the address shown below.  
 Tracking Number: 7018 3090 0002 0441 0393
- Or**
- Delivering a copy of the notice to the address shown below.

Date Notice Served 06/17/2022	Title of Person Serving Notice <b>(b)(6)</b> on Counsel, Tampa Field Division	Signature of Person Serving Notice <b>(b)(6)</b>
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Print Name and Title of Person Served J.M Gun Repair, Inc. and Adria Maria Jensen, Esq (J.M. Gun Repair, Inc. Counsel)	Signature of Person Served
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Address Where Notice Served J.M. Gun Repair, Inc. (2220 Whitfield PK DR H2, Sarasota, FL 34243) and <b>(b)(6)</b> 240 S. Pineapple Avenue, 10th Floor, Sarasota, FL 34236
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Note: Previous Edition is Obsolete

**DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**

In the Matter of Revocation and Imposition )  
of a Civil Fine for the Federal )  
Firearms License Under Chapter )  
44, Title 18, United States Code, as a )  
Dealer in Firearms: )  
)  
Licensee: )  
)  
J.M. Gun Repair, Inc. )  
2220 Whitfield PK DR H2 )  
Sarasota, Florida 34243 )  
FFL #: 1-59-081-01-2L-07218 )

**TAMPA FIELD DIVISION**

**FINDINGS AND CONCLUSIONS**

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, the Attorney General may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Attorney General under this chapter.

Additionally, under the provision of 18 U.S.C. § 922(t)(5), the Attorney General may, after notice and opportunity for a hearing, suspend for not more than six months or revoke a Federal firearms license, and may impose a civil fine, if the licensee knowingly transferred a firearm to an unlicensed person and knowingly failed to comply with the requirements of 18 U.S.C. § 922(t) with respect to the transfer and, at the time that the transferee most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that the transferee's receipt of a firearm would violate 18 U.S.C. § 922(g) or 18 U.S.C. § 922(n) or State law.

The License held by J.M. Gun Repair, Inc. ("Licensee"), Federal firearms number 1-59-081-01-2L-07218, is a dealer in firearms other than destructive devices located at 2220 Whitfield PK DR H2, Sarasota, Florida 34243.

**BACKGROUND**

Starting on or about April 26, 2021 extending through May 14, 2021, a compliance inspection was conducted by Industry Operations Investigator (IOI) [REDACTED] (b)(6) at the Licensee's business premises. A closing conference was conducted, a Report of Violations was issued to the Licensee, and the Licensee signed an Acknowledgement of Federal Firearms Regulations on May 14, 2021.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

On November 10, 2021, a Notice to Revoke or Suspend License and/or Impose a Civil Fine ATF Form 4500 (5300.4) was sent certified mail to the Licensee at 2220 Whitfield PK DR H2, Sarasota, Florida 34243.<sup>1</sup>

The Notice of Revocation was issued to the Licensee for transferring a firearm to an out-of-state unlicensed individual in violation of 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99; failing to follow the Sarasota County Municipal Code Section 86-1(c) three (3) day wait period for transferring firearms to [REDACTED] unlicensed individuals in violation of 18 U.S.C. § 922(b)(2); failure to execute a complete and accurate ATF Firearm Transaction Record (ATF Form 4473) on approximately [REDACTED] forms in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§§§§ 478.21(a), 478.124(c)(1), 478.124(c)(3)(i), 478.124(c)(3)(iv), and 478.124(c)(5); on approximately five (5) occasions the Licensee transferred a firearm without receiving unique identification numbers from Florida Department of Law Enforcement (FDLE), the State Point of Contact for the National Instant Criminal Background Check System (NICS), to unlicensed individuals in violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a); on [REDACTED] occasions the Licensee falsified information that was required to be kept within his records in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c); and [REDACTED] occasions where the Licensee knowingly transferred firearms to [REDACTED] unlicensed individuals after receiving a non-approval number from FDLE in violation of 18 U.S.C. § 922(t)(5) which subjected the Licensee to the imposition of a suspension of up to six (6) months and the imposition of a civil fine up to \$17,662.<sup>2</sup>

On November 22, 2021 [REDACTED] **(b)(6)** from Shumaker, Loop & Kendrick, LLP, informed the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that she was representing the Licensee in this licensing action. The Licensee, through counsel, timely requested a hearing.<sup>3</sup>

On December 9, 2021, ATF issued a Notice of Hearing to the Licensee, through counsel, setting the date of hearing for Tuesday, February 8, 2022, at 0930AM EST.<sup>4</sup> On December 27, 2021, the Licensee, through counsel, returned the Hearing Confirmation form electing to have a hearing via Microsoft Teams and indicating that Anthony Morrison [REDACTED] **(b)(6)** [REDACTED] **(b)(6)** [REDACTED] **(b)(6)** (counsel), and Marianne Morrison would be present for the Licensee at the hearing.<sup>5</sup>

On February 9, 2022, the hearing was rescheduled to take place on Tuesday, February 22, 2022, at 0900Am EST via Microsoft Teams.<sup>6</sup> On February 14, 2022, ATF Government Counsel sent the Licensee and their counsel a copy of the Exhibits intended to be used by the government at the hearing that were not included in the Licensee's records in preparation for the scheduled hearing on February 22, 2022.<sup>7</sup>

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<sup>1</sup> Government Exhibit 1.

<sup>2</sup> Government Exhibit 1.

<sup>3</sup> Government Exhibit 4.

<sup>4</sup> Government Exhibit 5.

<sup>5</sup> Government Exhibit 6.

<sup>6</sup> Government Exhibit 7.

<sup>7</sup> Government Exhibit 8.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

On February 10, 2022, the Licensee, through counsel, informed ATF that the Licensee had transferred a SCCY 9mm Pistol to (b)(6) an unlicensed individual, on February 9, 2022, without receiving a response from FDLE. On February 10, 2022, FDLE notified the Licensee that (b)(6) background check resulted in a non-approval, however the Licensee had already transferred the firearm to (b)(6) the day prior.

February 17, 2022, an Amended Page 2 to the Notice to Revoke or Suspend License and/or Impose a Civil Fine for the Licensee was issued to the Licensee and their counsel adding the additional violation of 18 U.S.C. 922(t)(5) for the transfer of the (b)(3) (112 Public Law 55 125 Stat 552) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) without receiving a response from FDLE, which subsequently resulted in a non-approval for the transfer on February 10, 2022. The Amended Page 2 also put the Licensee on notice that the potential civil fine that could be imposed was now \$26,597.00 for (b)(3) (112 Public Law 55 125 Stat 552) separate knowing violations of 18 U.S.C. 922(t)(5).<sup>8</sup> The Licensee, through counsel, waived the 10-day notice requirement of 27 C.F.R. § 478.74 and elected to proceed to the scheduled hearing date of February 22, 2022.

A hearing occurred on February 22, 2022, for the Notice to Revoke or Suspend License and/or Impose a Civil Fine issued to the Licensee as Amended on February 17, 2022. Present during the Microsoft Teams Hearing was, Director of Industry Operations for ATF's Tampa Field Division Aaron Gerber as hearing officer; (b)(6) Esquire (counsel for Licensee) Mr. Anthony Morrison (Responsible Person and President for the Licensee), Marianne Morrison (Responsible Person, Secretary, and Treasurer for the Licensee), (b)(6) of Anthony Morrison and employee of Licensee), and (b)(6) Esquire (attorney for Marianne Morrison)<sup>9</sup>; ATF Industry Operations Investigator (IOI) (b)(6) and the Government was represented by (b)(6) Tampa Division Counsel.

During the hearing, both parties had the opportunity to present oral and documentary evidence and examine and cross examine witnesses. The Government presented evidence based on willful and knowing violations of the GCA and the regulations issued thereunder, 27 C.F.R. Part 478, found during a compliance inspection for the inspection period of April 26, 2020, through April 25, 2021 and through self-reporting of the Licensee's counsel on February 10, 2022 as the basis for the revocation and Imposition of a civil fine for J.M. Gun Repair, Inc's Type 01 Federal firearms license.

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<sup>8</sup> Government Exhibit 3. Also, on February 14, 2022, the Page 2 was reserved on the Licensee to fixed typos in the original Page 2 that was issued to the Licensee on November 10, 2021. See Government Exhibit 2.

<sup>9</sup> The Licensee, through counsel, confirmed during the hearing on February 22, 2022 that Mr. Harvey could be present during the hearing.

**FINDINGS OF FACT and CONCLUSIONS**

**FINDINGS OF FACT**

Having reviewed the record in this matter, I make the following findings and conclusions:

1. The Licensee, J.M. Gun Repair, Inc. (Licensee), Federal firearms license number 1-59-081-01-2L-07218, holds a Type 01 Federal firearms license which allows the Licensee to deal in firearms other than destructive devices at the business premises located at 2220 Whitfield PK DR H2, Sarasota, Florida 34243.

2. The Licensee has held this current Federal firearms license since 2007 and is a family run business.<sup>10</sup> Ms. Marianne Morrison (mother) and Mr. Anthony Morrison (son) are listed as responsible persons for the Licensee. Previously, Ms. Morrison and her husband were responsible people on a Federal firearms license from 1996 until 2007 when Mr. Anthony Morrison took over the business from his father.<sup>11</sup>

3. A *Responsible Person* is defined in the case of a corporation, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management, policies, and practices of the corporation, in so far as they pertain to firearms.<sup>12</sup>

4. ATF Industry Operation Investigator (IOI) (b)(6) initiated a firearms compliance inspection starting on or about April 26, 2021, extending through May 14, 2021 at the Licensee's business premises of 2220 Whitfield PK DR H2, Sarasota, Florida 34243. The period of inspection was April 26, 2020, through April 25, 2021. During the inspection, violations of the Gun Control Act and the regulations issued under, 27 C.F.R. Part 478 were discovered for the inspection period.

5. Although the inspection was already assigned to IOI (b)(6) prior to the inspection taking place a referral came from FDLE that the Licensee had transferred a firearm to (b)(6) (b)(6) after receiving a non-approval from FDLE on (b)(6) background check.<sup>13</sup> This caused IOI (b)(6) to expedite the scheduling of the compliance<sup>14</sup> inspection for the Licensee.

6. During the inspection, a physical inventory was done by comparing the firearms present at the Licensee's business location to the Acquisition and Disposition Record. In addition, a review of the Licensee's Firearm Transaction Records (ATF Form 4473s) is completed to check for completeness and accuracy along with comparing the unique control numbers, approval and non-approval codes issued by FDLE, the State of Florida's Point of Contact for NICS background

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<sup>10</sup> Transcript pages 27-28, 141, 143-144.

<sup>11</sup> Transcript pages 141, 143-144.

<sup>12</sup> Transcript page 27.

<sup>13</sup> Transcript pages 23-24.

<sup>14</sup> Transcript page 26.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

checks, to the Licensee that were recorded on the ATF Form 4473s. I find the following violations and supporting facts to be true based on the evidence presented by both parties:

- a. On January 14, 2021, the Licensee violated 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a) by transferring (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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

- i. This is a repeat violation from the Licensee's 2015 compliance inspection.<sup>16</sup> During this inspection the Licensee received a Report of Violations and attended a Warning Conference.
- ii. The closing conference for the Licensee's 2015 compliance inspection was attended by Mr. Anthony Morrison and Ms. Marianne Morrison in which the cited violations and acknowledgement of Federal firearm regulations were reviewed, questions, if any, were answered, and ATF provided guidance to avoid repeating these violations in the future.<sup>17</sup>
- iii. The Warning Conference for the Licensee's 2015 compliance inspection was held on May 21, 2015.<sup>18</sup> During the Warning Conference, the Licensee was given an opportunity to respond to the cited violation of 27 C.F.R. § 478.99(a), transferring a handgun to an out-of-state resident from New Jersey. The Licensee's response was that although they were informed of the unlicensed individuals dual residence status, they neglected to record proof of it on the ATF Form 4473, but that they would be more diligent in meeting dual residence documentation requirements in the future.<sup>19</sup>
- iv. A follow-up letter was sent to Ms. Morrison, one of the Licensee's responsible people, at the Licensee's business premises via certified mail on May 29, 2015, stating that *"The violations for which you were cited could adversely impact law enforcement's ability to reduce violent crime and protect the public. You are reminded that future violations, repeat or otherwise, could be viewed as willful and may result in the revocation of your license. You may anticipate further inspections to ensure your compliance. Please contact*

<sup>15</sup> Government Exhibits 13 and 18 and Transcript pages 55-57.

<sup>16</sup> Government Exhibit 13.

<sup>17</sup> Government Exhibit 13 and Transcript page 35.

<sup>18</sup> Government Exhibit 13, pages 8-14.

<sup>19</sup> Government Exhibit 13, page, 10.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

*[ATF] at (813) 612-2470 if you have any questions concerning your responsibilities as a licensee, or if you require further clarification about particular requirements of Federal firearms laws.”<sup>20</sup>*

- v. Despite attending the Warning Conference where the requirements of residency for the purchase of a handgun and what supplemental documentation is needed to prove residency were reviewed<sup>21</sup>, Ms. Morrison, (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) In addition to the education on residency requirements given during the 2015 compliance inspection, the Warning Conference, and the Warning Conference follow-up letter, the ATF Form 4473 also includes definitions and instructions, specifically on page 6 of Government Exhibit 16,<sup>23</sup> which states:

**Question 26.b. Supplemental Documentation:** Licensee may accept a combination of valid government-issued documents to satisfy the identification document requirements of the law. The required valid government-issued photo identification document bearing the name, photograph, and date of birth of the transferred/buyer may be supplemented by another valid, government-issued document showing the transferee’s/buyer’s residence address. This supplemental documentation must be recorded in question 26.b., with the issuing authority and type of identification presented. For example, if the transferee/buyer has two States of residence and is trying to buy a handgun in State X, he may provide a driver’s license (showing his name, date of birth, and photograph) issued by State Y and another government-issued document (such as a tax document) from State X showing his residence address...

- vi. Although an improvement from the cited violation in 2015 as the Licensee did in fact record and keep a copy of the supplemental documentation from Florida, the “residential address” recorded on the Florida motor vehicle registration was one in New York, not Florida, thus not establishing Florida residence which is necessary for the Licensee to transfer the handgun to Mr. Burkhardt.
- b. The Licensee failed to follow the Sarasota County Municipal Code Section 86-1(c)<sup>24</sup>, 3-day-wait period before transferring firearms to the following unlicensed individuals in violation of 18 U.S.C. § 922(b)(2):

<sup>20</sup> Government Exhibit 13, page 13-14. (Emphasis added.)

<sup>21</sup> Government Exhibit 13, page 10.

<sup>22</sup> Government Exhibit 18.

<sup>23</sup> Government Exhibits 13 and 16, Transcript page 54-55.

<sup>24</sup> Government Exhibit 9.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

i.

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

1. At the request of IOI (b)(6) Florida Department of Agriculture indicated that (b)(6) did not have a Florida Concealed Weapons License, and, in fact, the Florida Concealed Weapons License number listed on his ATF Form 4473 (b)(6) (b)(6)<sup>27</sup> IOI (b)(6) provided Florida Department of Agriculture with (b)(6) full name, date of birth, and the Concealed Weapons License number written on his ATF Form 4473 for November 14, 2020.<sup>28</sup>
2. Mr. Morrison maintains, despite Florida Department of Agriculture indicating the opposite, that (b)(6) presented him with a valid Concealed Weapons License issued to him (b)(6) at the time of transfer.<sup>29</sup> Mr. Morrison testified at the hearing that (b)(6) must have created a fake Florida Concealed Carry License using (b)(6) (b)(6)'s Concealed Carry License number and presented it to Mr. Morrison on November 14, 2020.<sup>30</sup>

ii.

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

<sup>25</sup> Government Exhibit 21.

<sup>26</sup> Government Exhibits 23-24.

<sup>27</sup> Government Exhibits 21, 23-24; Transcript pages 77-78.

<sup>28</sup> Government Exhibit 21; Transcript page 76.

<sup>29</sup> Government Exhibits 21, 23-24, 154-159.

<sup>30</sup> Transcript pages 157, 203-205.

<sup>31</sup> Government Exhibit 22.

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

1. At the request of IOI (b)(6) Florida Department of Agriculture indicated that (b)(6) did not have a Florida Concealed Weapons License on December 2020, and, in fact, (b)(6) did not receive her Concealed Weapons License until February 8, 2021.<sup>33</sup> IOI (b)(6) provided Florida Department of Agriculture with (b)(6)'s full name, date of birth, and the Concealed Weapons License number written on her ATF Form 4473 for December 20, 2020.<sup>34</sup>
2. Mr. Morrison maintains, despite Florida Department of Agriculture indicating the opposite, that (b)(6) presented him with a valid Concealed Weapons License issued to her (b)(6) at the time of transfer even though she did not receive one until approximately 19 days later.<sup>35</sup> Mr. Morrison testified at the hearing that (b)(6) must have created a fake Florida Concealed Carry License using a Concealed Carry License number that was not hers and presented it to Mr. Morrison on December 20, 2020.<sup>36</sup>

iii.

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

1. At the request of IOI (b)(6) Florida Department of Agriculture indicated that (b)(6) did not have a Florida Concealed Weapons License, and, in fact, the Florida Concealed Weapons License number listed on his ATF Form 4473 (b)(6) belonged to (b)(6)

<sup>32</sup> Government Exhibits 22 and 24.

<sup>33</sup> Government Exhibit 24; Transcript page 78.

<sup>34</sup> Government Exhibit 22; Transcript page 76.

<sup>35</sup> Government Exhibit 22 and 24; pages 154-159.

<sup>36</sup> Transcript pages 155, 203-205.

<sup>37</sup> Government Exhibit 20.

<sup>38</sup> Government Exhibits 23-24.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

(b)(6) no (b)(6)<sup>39</sup> IO (b)(6) provided Florida Department of Agriculture with (b)(6) full name, date of birth, and the Concealed Weapons License number written on his ATF Form 4473 for March 27, 2021.<sup>40</sup>

2. IOI (b)(6) testified that the FDLE referral on the firearm retrieval from (b)(6) included the information that (b)(6) told FDLE that he (b)(6) did not present a concealed weapons license from the State of Florida to the Licensee, nor did he even possess one.<sup>41</sup>
3. Mr. Morrison maintains, despite Florida Department of Agriculture indicating the opposite, and (b)(6) stating to FDLE that he did not present a Concealed Weapons License to the Licensee, that (b)(6) (b)(6) presented him with a valid Concealed Weapons License issued to him (b)(6) at the time of transfer.<sup>42</sup> Mr. Morrison testified at the hearing that (b)(6) must have created a fake Florida Concealed Carry License using (b)(6) Concealed Carry License number and presented it to Mr. Morrison on March 27, 2021.<sup>43</sup>

iv.

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

1. At the request of IOI (b)(6) Florida Department of Agriculture indicated that (b)(6) did not have a Florida Concealed Weapons License, and, in fact, the Florida Concealed Weapons License number listed on his ATF Form 4473 (b)(6) belonged to (b)(6) not (b)(6)<sup>46</sup> IOI (b)(6) provided Florida Department of Agriculture

<sup>39</sup> Government Exhibits 20, 23-24; Transcript pages 77-78.

<sup>40</sup> Government Exhibit 20; Transcript page 76.

<sup>41</sup> Transcript pages 24-25, 64, 99.

<sup>42</sup> Government Exhibit 20, 23-24; Transcript pages 25, 64, 99, 154-159.

<sup>43</sup> Transcript pages 158, 203-205.

<sup>44</sup> Government Exhibit 19.

<sup>45</sup> Government Exhibit 23-24.

<sup>46</sup> Government Exhibits 19, 23-24; Transcript pages 77-78.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

with [redacted (b)(6)] full name, date of birth, and the Concealed Weapons License number written on his ATF Form 4473 for March 28, 2021.<sup>47</sup>

2. Mr. Morrison maintains, despite Florida Department of Agriculture indicating the opposite, that [redacted (b)(6)] presented him with a valid Concealed Weapons License issued to him [redacted (b)(6)] at the time of transfer.<sup>48</sup> Mr. Morrison testified at the hearing that [redacted (b)(6)] must have created a fake Florida Concealed Carry License using [redacted (b)(6)] Concealed Carry License number and presented it to Mr. Morrison on March 28, 2021.<sup>49</sup>
- c. On approximately [redacted (b)(5) (1)(2) Public Law 105 122 Stat 3551] ATF Firearms Transaction Records (ATF Form 4473s), the Licensee failed to execute a complete and accurate form prior to transferring firearms to unlicensed individuals in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§§§§§ 478.21(a), 478.124(c)(1), 478.124(c)(3)(i), 478.124(c)(3)(iv), and 478.124(c)(5).<sup>50</sup>
    - i. The violations of 18 U.S.C. § 923(g)(1)(A), specifically 27 C.F.R. § 478.21(a), 478.124(c)(1), 478.128(c)(5), are repeat violations from the Licensee's 2015 compliance inspection in which they attended a Warning Conference on May 21, 2015, which was conducted at the Licensee's business premises.<sup>51</sup> The Licensee's response to the violations of 478.124(c)(1), 478.128(c)(5) was due to oversight on the Licensee's part because of feeling rushed or having multiple things happening in the store at the same time (i.e. deliveries, multiple customers, phone distractions).<sup>52</sup> The Licensee's response to the violation of 27 C.F.R. § 478.21(a) was that there was inadequate review of the completed Form 4473 and that the Licensee has instituted a new two-stage review process to prevent future errors of this type occurring.<sup>53</sup>
    - ii. Despite the Licensee's opportunity to address these specific violations with ATF at the May 21, 2015, Warning Conference where necessary corrective actions to prevent violations from recurring were discussed, the Licensee was cited for these violations in the current inspection.<sup>54</sup>
    - iii. IOI [redacted (b)(6)] testified at the hearing that the Licensee's response during the compliance inspection regarding the Licensee's failure to execute a complete or accurate ATF Form 4473 prior to transferring firearms to unlicensed individuals in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§§§§§

<sup>47</sup> Government Exhibit 19; Transcript page 76.

<sup>48</sup> Government Exhibit 19, 23-24; Transcript pages 65, 154-159.

<sup>49</sup> Transcript pages 157-158, 203-205.

<sup>50</sup> Government Exhibit 3, Appendix A; Government Exhibit 17; and Transcript pages 48-49.

<sup>51</sup> Government Exhibit 13.

<sup>52</sup> Government Exhibit 13, page 12.

<sup>53</sup> Government Exhibit 13, page 11.

<sup>54</sup> Government Exhibit 32.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

478.21(a), 478.124(c)(1), 478.124(c)(3)(i), 478.124(c)(3)(iv), and 478.124(c)(5) was that “[those sections on the ATF Form 4473] were just missed” or the Licensee stated that “maybe they were just careless with the dates” on the ATF Form 4473s.”<sup>55</sup>

- d. On five (5) occasions the Licensee transferred firearms without receiving a unique identification number in violation of 18 U.S.C. § 922(t)(1)(B)(i) and 27 C.F.R. § 478.102(a)(2)(i) to the following unlicensed individuals even though at the time of transfer the National Instant Criminal Background Check System (NICS), through Florida Department of Law Enforcement (FDLE), was operating:
- i. On December 20, 2020, the Licensee transferred a Glock G-19 9MM Pistol, Serial Number [REDACTED] (b)(6). The Licensee recorded on the Firearms Transaction Record, ATF Form 4473 (5300.90 (Revised May 2020) (ATF Form 4473) Section C, Block 27.b. that the FDLE transaction number was [REDACTED] (b)(6) and then transferred the firearm to [REDACTED] (b)(6). However, the FDLE transaction number recorded, [REDACTED] (b)(6), was issued to the Licensee on December 22, 2020, not December 20, 2020.<sup>56</sup>
1. During his review of the Licensee’s ATF Form 4473 in comparison to the FDLE audit log obtained for the inspection period,<sup>57</sup> IOI [REDACTED] (b)(6) k noticed the control number of [REDACTED] (b)(6) listed by the Licensee on [REDACTED] (b)(6) ATF Form 4473 was actually issued on December 22, 2020, instead of December 20, 2020.<sup>58</sup> However, the Licensee certified that he transferred the firearm to [REDACTED] (b)(6) on December 20, 2020, two days prior to FDLE issuing the listed approved transaction number of [REDACTED] (b)(6).
2. Although [REDACTED] (b)(6) possessed a valid Concealed Weapons License for Florida, which would have allowed the Licensee to bypass the three-day wait period, a Licensee cannot transfer a firearm to an unlicensed individual without receiving an approval transaction number from FDLE prior to transfer.<sup>60</sup>
3. IOI [REDACTED] (b)(6) verified that there were no FDLE control numbers issued to the Licensee for December 20, 2020, that did not have a corresponding ATF Form 4473 associated with that control number.<sup>61</sup>

<sup>55</sup> Transcript pages 51-52.

<sup>56</sup> Government Exhibits 15, 25, and 26.

<sup>57</sup> Government Exhibit 15.

<sup>58</sup> Government Exhibit 15 page 40

<sup>59</sup> Government Exhibit 25.

<sup>60</sup> Government Exhibit 25; Transcript pages 25, 40-41, 80.

<sup>61</sup> Transcript pages 80-81.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

4. Despite IOI (b)(6) not finding any FDLE control numbers without a corresponding ATF Form 4473 for December 2020, when the Licensee was asked about this violation, Mr. Morrison stated that he did not know how the dates were not correct on (b)(6) ATF Form 4473 and that he was sure he would have conducted a background check prior to transferring the firearm to (b)(6).<sup>62</sup>
  5. The violation does not change, even if the scenario that the Licensee, through counsel, argued, that the Licensee submitted a background check request for (b)(6) on December 20, 2020, and marked his ATF Form 4473 accordingly but did not receive the FDLE approval number until December 22, 2020<sup>63</sup>. The transfer of the firearm to (b)(6) on December 20, 2020, occurred without receiving an approval from FDLE on the NICS background check, even if one was run and results were pending, which is a violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a)<sup>64</sup>. The Licensee was cited for this in its 2015 compliance inspection to which a Warning Conference was held.<sup>65</sup>
  6. Furthermore, the Licensee's counsel, in her cross examination of IOI (b)(6) suggested that the transaction with Mr. McCormick was an instance of a typo, that Section C, Block 27.a. should have the date of December 22, 2020, on which the Licensee contacted FDLE to initiate the NICS background check on (b)(6), and Section E, Block 36 should have been dated December 22, 2020 instead of December 20, 2020.<sup>66</sup> However, IOI (b)(6) testified in response, that no evidence had been presented to support this typo theory.<sup>67</sup>
- ii. On December 11, 2020, the Licensee transferred (b)(3) (112 Public Law 55 125 Stat 552) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) The Licensee recorded the Firearms Transaction Record ATF Form 4473 (5300.9) (Revised May 2020) (ATF Form 4473) Section C, Block 27.b. that the FDLE transaction number was (b)(6) and then transferred the firearm to (b)(6).<sup>68</sup> The same FDLE transaction number is listed on an ATF Form 4473 for the transfer of a firearm to (b)(6) on December 11, 2020.<sup>69</sup>
1. On December 11, 2020, the Licensee was issued five (5) control numbers by FDLE, with FDLE transaction number (b)(6)

<sup>62</sup> Transcript page 81.

<sup>63</sup> Transcript pages 114-115.

<sup>64</sup> Transcript pages 133-134.

<sup>65</sup> Government Exhibit 13.

<sup>66</sup> Transcript page 116.

<sup>67</sup> Transcript page 116.

<sup>68</sup> Government Exhibits 15 page 40, 26, and 27.

<sup>69</sup> Government Exhibits 28.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

being one of them.<sup>70</sup> However, IOI (b)(6) found (b)(6) ATF Form 4473s for December 11, 2020.<sup>71</sup>

2. (b)(6) ATF Form 4473<sup>72</sup> had the same FDLE transaction number as (b)(6) ATF Form 4473,<sup>73</sup> which was FDLE transaction number (b)(6).<sup>74</sup>
3. IOI (b)(6) testified that duplicate FDLE transaction numbers, like those FDLE transaction numbers recorded on (b)(6) ATF Form 4473 and (b)(6) ATF Form 4473, both for December 11, 2020, does not occur as FDLE only issues one control number for each unlicensed individual for the transfer of a firearm.<sup>75</sup>
4. Upon discovery of the duplicate FDLE transaction numbers, IOI (b)(6) could not figure out whether the Licensee conducted a background check on (b)(6) or (b)(6) on December 11, 2020, as FDLE does not retain unlicensed individuals' names associated with transaction numbers they issue to a licensee if the decision code is an approval, like for FDLE transaction number (b)(6).
5. IOI (b)(6) provided the Licensee with this information to see if they could reconcile the duplicate FDLE transaction number on (b)(6) and Ms. (b)(6) ATF Form 4473s for December 11, 2020, but the Licensee provided no explanation for why these two ATF Form 4473s shared the same FDLE transaction number.<sup>77</sup>
6. IOI (b)(6) also looked to the days prior and following December 11, 2020, to ensure that there were no FDLE transaction numbers issued to the Licensee that did not have a corresponding ATF Form 4473 in the Licensee's records and he did not find any extra FDLE transaction numbers.<sup>78</sup> This made it impossible to figure out who the Licensee ran a background check on.
7. Conveniently at the hearing, Mr. Morrison testified that the FDLE transaction number (b)(6) issued to the Licensee on December 11, 2020 was actually the response to (b)(6) § FDLE

<sup>70</sup> Government Exhibits 15 pages 37-38, Exhibit 26 pages 3-4; Transcript page 83.

<sup>71</sup> Transcript page 83.

<sup>72</sup> Government Exhibit 27, page 2.

<sup>73</sup> Government Exhibit 28, page 2.

<sup>74</sup> Transcript page 83-85.

<sup>75</sup> Transcript pages 84-85.

<sup>76</sup> Government Exhibit 15 page, Exhibit 26 page 4; Transcript pages 42, 84-86.

<sup>77</sup> Transcript page 85.

<sup>78</sup> Transcript pages 86, 116-119.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

background check.<sup>79</sup> Mr. Morrison testified that (b)(6) FDLE background check results was received by the Licensee on December 12, 2020.<sup>80</sup> This theory is not supported by the Licensee's records, FDLE's audit log, and the testimony of IOI (b)(6) IOI (b)(6) testified that he was not able to find any FDLE transaction numbers that were not reconciled on an ATF Form 4473 within the days following December 11, 2020.<sup>81</sup>

iii. On December 11, 2020, the Licensee transferred a (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) The Licensee recorded on the Firearms Transaction Record ATF form 4473 (5300.9) (Revised May 2020) (ATF Form 4473) Section C, Block 27.6. that the FDLE transaction number was (b)(6) and then transferred the firearm to Ms. Acevedo.<sup>82</sup> The same FDLE transaction number is listed on ATF Form 4473 for the transfer of a firearm to (b)(6) on December 11, 2020.<sup>83</sup>

1. On December 11, 2020, the Licensee was issued five (5) control numbers by FDLE, with FDLE transaction number (b)(6) being one of them.<sup>84</sup> However, IOI (b)(6) found six (6) ATF Form 4473s for December 11, 2020.<sup>85</sup>
2. (b)(6) ATF Form 4473<sup>86</sup> had the same FDLE transaction number as (b)(6) ATF Form 4473,<sup>87</sup> which was FDLE transaction number (b)(6)<sup>88</sup>
3. IOI (b)(6) testified that duplicate FDLE transaction numbers, like recorded on (b)(6) ATF Form 4473 and (b)(6) ATF Form 4473, both for December 11, 2020, does not occur as FDLE only issues one control number for each unlicensed individual for the transfer of a firearm.<sup>89</sup>
4. Upon discovery of the duplicate FDLE transaction number, IOI (b)(6) could not figure out whether the Licensee conducted a background check on (b)(6) or (b)(6) on December 11,

<sup>79</sup> Transcript pages 168-179.

<sup>80</sup> Transcript pages 168-173.

<sup>81</sup> Transcript pages 86, 116-119.

<sup>82</sup> Government Exhibit 15, 26, and 28.

<sup>83</sup> Government Exhibit 27.

<sup>84</sup> Government Exhibits 15 pages 37-38, Exhibit 26 pages 3-4; Transcript page 83.

<sup>85</sup> Transcript page 83.

<sup>86</sup> Government Exhibit 27, page 2.

<sup>87</sup> Government Exhibit 28, page 2.

<sup>88</sup> Transcript page 83-85.

<sup>89</sup> Transcript pages 84-85.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

2020, as FDLE does not retain unlicensed individuals' names associated with the transaction numbers issued to a licensee if the decision code is an approval, like for FDLE transaction number

(b)(6)<sup>90</sup>

5. IOI (b)(6) provided the Licensee with this information to see if they could reconcile the duplicate FDLE transaction number on (b)(6) and (b)(6) ATF Form 4473s for December 11, 2020, but the Licensee provided no explanation for why these two ATF Form 4473s shared the same FDLE transaction number.<sup>91</sup>
  6. IOI (b)(6) also looked to the days prior and following December 11, 2020, to ensure that there were no FDLE transaction numbers issued to the Licensee that did not have a corresponding ATF Form 4473 in the Licensee's records.<sup>92</sup> IOI (b)(6) testified that did not find any extra FDLE transaction numbers.<sup>93</sup> This made it impossible to figure out who the Licensee ran a background check on.
  7. Conveniently at the hearing, Mr. Morrison testified that the FDLE transaction number (b)(6) issued to the Licensee on December 11, 2020 was actually the response to (b)(6) FDLE background check.<sup>94</sup> Mr. Morrison testified that (b)(6) FDLE background check results were received by the Licensee on December 12, 2020.<sup>95</sup> This theory is not supported by the Licensee's records, FDLE's audit log, and the testimony of IOI (b)(6). IOI (b)(6) testified that he was not able to find any FDLE transaction numbers that were not reconciled on an ATF Form 4473 within the days following December 11, 2020.<sup>96</sup>
- iv. On January 22, 2021, the Licensee transferred (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) The Licensee recorded on the Firearms Transaction Record ATF Form 4473 (5300.9) (Revised May 2020) (ATF Form 4473) Section C, Block 27.b. that the FDLE transaction number was (b)(6) which was received from FDLE on January 15, 2021, and transferred the firearm to (b)(6) on January 22, 2021.<sup>97</sup> The same FDLE transaction number is listed on an ATF Form 4473 for the transfer of a firearm to (b)(6) (b)(6) on January 15, 2021.<sup>98</sup>

<sup>90</sup> Government Exhibit 15 page, Exhibit 26 page 4; Transcript pages 42, 84-86.

<sup>91</sup> Transcript page 85.

<sup>92</sup> Transcript pages 86, 116-119.

<sup>93</sup> Transcript pages 86, 116-119.

<sup>94</sup> Transcript pages 168-179.

<sup>95</sup> Transcript pages 168-173.

<sup>96</sup> Transcript pages 86, 116-119.

<sup>97</sup> Government Exhibits 15, 29, and 30.

<sup>98</sup> Government Exhibit 31.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

1. During the compliance inspection, IOI (b)(6) discovered that the ATF Form 4473 for (b)(6) transferring (b)(3) (112 Public Law 55 125 Stat 552) NSN, on January 22, 2021 had a FDLE transaction number of (b)(6) which was received from FDLE on January 15, 2021.<sup>99</sup> The same FDLE transaction number of (b)(6) issued by FDLE on January 15, 2021, was recorded on (b)(6) ATF Form 4473 for the transfer of a (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) on January 15, 2021.<sup>100</sup>
  2. The FDLE transaction number (b)(6) was issued by FDLE to the Licensee on January 15, 2021.<sup>101</sup> IOI (b)(6) testified that duplicate FDLE transaction numbers, like recorded on (b)(6) s and (b)(6) (b)(6) ATF Form 4473s do not occur.<sup>102</sup>
  3. IOI (b)(6) gave the Licensee an opportunity to reconcile the duplicate FDLE control number listed of (b)(6) and (b)(6) ATF Form 4473s, but they were unable to.<sup>103</sup> IOI (b)(6) confirmed that all FDLE control numbers issued from January 15, 2021, through January 22, 2021, had a corresponding ATF Form 4473 contained within the Licensee's business records.<sup>104</sup> This made it impossible for IOI (b)(6) to figure out who the Licensee had actually ran a background check on.<sup>105</sup>
  4. Conveniently at the hearing, Mr. Morrison testified that the FDLE transaction number (b)(6) issued to the Licensee on January 15, 2021, was the response to (b)(6) FDLE background check.<sup>106</sup> (b)(6) (b)(6) testified that the Licensee received (b)(6) FDLE transaction number on January 16, 2021.<sup>107</sup> This theory is not supported by the Licensee's records, FDLE's audit log, and the testimony of IOI (b)(6) IOI (b)(6) testified that he was not able to find any FDLE transaction numbers that were not reconciled on an ATF Form 4473 within the days following January 15, 2021, through January 22, 2021.<sup>108</sup>
- v. On January 15, 2021, the Licensee transferred a (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) The Licensee recorded on the Firearms Transaction Record ATF Form 4473 (5300.9)

<sup>99</sup> Government Exhibit 30, page 2.

<sup>100</sup> Government Exhibit 31.

<sup>101</sup> Government Exhibits 15, page 43; Exhibit 29, page 1; Transcript 88-89..

<sup>102</sup> Transcript page 90.

<sup>103</sup> Transcript page 90.

<sup>104</sup> Transcript pages 91, 116-119.

<sup>105</sup> Transcript page 91.

<sup>106</sup> Transcript pages 175-178.

<sup>107</sup> Transcript pages 175-178.

<sup>108</sup> Transcript pages 91, 116-119, 175-178.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

(Revised May 2020) (ATF Form 4473) Section C, Block 27.b. that the FDLE transaction number was (b)(6) and then transferred the firearm to Mr. (b)(6).<sup>109</sup> The same FDLE transaction number is listed on an ATF Form 4473 for the transfer of a firearm to (b)(6) on January 22, 2021.<sup>110</sup>

1. During the compliance inspection, IOI (b)(6) discovered that the ATF Form 4473 for (b)(6) transferring a (b)(3) (112 Public Law 55 125 Stat 552) NSN on January 22, 2021 had a FDLE transaction number of (b)(6) which was received from FDLE on January 15, 2021.<sup>111</sup> The same FDLE transaction number of (b)(6) issued by FDLE on January 15, 2021, was recorded on (b)(6) ATF Form 4473 for the transfer of a (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) on January 15, 2021.<sup>112</sup>
2. The FDLE transaction number (b)(6) was issued by FDLE to the Licensee on January 15, 2021.<sup>113</sup> IOI (b)(6) testified that duplicate FDLE transaction numbers, like recorded on (b)(6) s and (b)(6) (b)(6) ATF Form 4473s do not occur.<sup>114</sup>
3. IOI (b)(6) gave the Licensee an opportunity to reconcile the duplicate FDLE control number listed on (b)(6) and (b)(6) ATF Form 4473s, but they were unable to.<sup>115</sup> IOI (b)(6) confirmed that all FDLE control numbers issued from January 15, 2021 through January 22, 2021, had a corresponding ATF Form 4473 contained within the Licensee's business records.<sup>116</sup> This made it impossible for IOI (b)(6) to figure out who the Licensee had actually ran a background check on.<sup>117</sup>
4. Conveniently at the hearing, Mr. Morrison testified that the FDLE transaction number (b)(6) issued to the Licensee on January 15, 2021, was the response to (b)(6) FDLE background check.<sup>118</sup> Mr. Morrison testified that the Licensee received (b)(6) FDLE transaction number on January 16, 2021.<sup>119</sup> This theory is not supported by the Licensee's records, FDLE's audit log, and the testimony of IOI (b)(6) IOI (b)(6) testified that he was not able to find any FDLE

<sup>109</sup> Government Exhibits, 15, 29, and 31.

<sup>110</sup> Government Exhibit 30.

<sup>111</sup> Government Exhibit 30, page 2.

<sup>112</sup> Government Exhibit 31.

<sup>113</sup> Government Exhibits 15, page 43; Exhibit 29, page 1; Transcript 88-89.

<sup>114</sup> Transcript page 90.

<sup>115</sup> Transcript page 90.

<sup>116</sup> Transcript pages 91, 116-119.

<sup>117</sup> Transcript page 91.

<sup>118</sup> Transcript pages 175-178.

<sup>119</sup> Transcript pages 175-178.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

transaction numbers that were not reconciled on an ATF Form 4473 within the days following January 15, 2021 through January 22, 2021.<sup>120</sup>

- e. On [REDACTED] occasions the Licensee willfully violated 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c) in the following instances:

- i. [REDACTED] **(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)**  
[REDACTED] **(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)** The Licensee conducted a NICS background check through the State of Florida’s Point of Contact for background checks, Florida Department of Law Enforcement (FDLE). The Licensee recorded on the ATF Form 4473 (Revised May 2020) Section C, Block 27.b. that the FDLE transaction number was [REDACTED] **(b)(6)** which was false.<sup>121</sup> The actual FDLE transaction number for [REDACTED] **(b)(6)** background check was [REDACTED] **(b)(6)**.<sup>122</sup> The Licensee checked the box that said “Proceed” on the ATF Form 4473 in Section C, Block 27.c. which was false as the background check for [REDACTED] **(b)(6)** was denied and the “Denied” box should have been checked instead.<sup>123</sup>
1. On March 27, 2021, the Licensee ran a NICS background check through FDLE and indicated on [REDACTED] **(b)(6)** ATF Form 4473 that FDLE responded with an approval decision code of [REDACTED] **(b)(6)** and checked off “Proceed” in Section C, Block 27. c.<sup>124</sup>
  2. FDLE made a referral to ATF that on March 27, 2021 the Licensee had transferred a firearm to [REDACTED] **(b)(6)** despite getting non-approval decision code from FDLE on [REDACTED] **(b)(6)** NICS check.<sup>125</sup>
  3. During the compliance inspection, IOI [REDACTED] **(b)(6)** reviewed [REDACTED] **(b)(6)** ATF Form 4473 for March 27, 2021, which revealed that the Licensee had recorded the FDLE decision code as [REDACTED] **(b)(6)** and marked “Proceed” in Section C, Block 27. c.<sup>126</sup>
  4. Based on FDLE’s referral and the FDLE audit log that IOI [REDACTED] **(b)(6)** had obtained for the inspection period, the FDLE decision code that the Licensee recorded was false, as it should have been [REDACTED] **(b)(6)** denoting the transaction was non-approved.<sup>127</sup>

<sup>120</sup> Transcript pages 91, 116-119, 175-178.

<sup>121</sup> Government Exhibits 11, 15, and 20.

<sup>122</sup> Government Exhibits 11, 15, and 20.

<sup>123</sup> Government Exhibit 20.

<sup>124</sup> Government Exhibit 20, page 2.

<sup>125</sup> Transcript pages 24, 68.

<sup>126</sup> Government Exhibit 20, page 2; Transcript page 68.

<sup>127</sup> Government Exhibit 15, page 56; Government Exhibit 20, page 3; Transcript page 68-69.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

5. On November 17, 2021, (b)(6) Bureau Chief of FDLE's Firearm Eligibility Bureau, confirmed that the Licensee requested FDLE run a NICS check regarding the transfer of firearms to (b)(6) at 1:50PM on March 27, 2021.<sup>128</sup> Chief (b)(6) stated that FDLE responded to the Licensee on March 27, 2021, at 3:53PM that a non-approval decision was made on the NICS check for (b)(6)<sup>129</sup>

ii. (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)  
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) In Section C, Block 29 of the ATF Form 4473 (Revised May 2020), the Licensee recorded that (b)(6) possessed a Florida Concealed Weapons License with a date of issuance of February 19, 2017, date of expiration of February 18, 2025, and a license number of (b)(6)<sup>30</sup> This information was false as (b)(6) did not have a Concealed Weapon License on March 27, 2021. On May 5, 2021, Florida Department of Agriculture and Consumer Services, who issues Florida's Concealed Weapon Licenses, confirmed that the Concealed Weapon License listed by the Licensee on the ATF Form 4473 for the transfer of the (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) was issued to (b)(6) not (b)(6)<sup>31</sup>

1. IOI (b)(6) testified that the FDLE referral on the firearm retrieval from (b)(6) included the information that (b)(6) told FDLE that he (b)(6) did not present a concealed weapons license from the State of Florida to the Licensee, nor did he even possess one.<sup>132</sup>
2. Mr. Morrison maintains, despite Florida Department of Agriculture indicating the opposite and (b)(6) stating to FDLE that he did not present a Concealed Weapons License to the Licensee, that (b)(6) presented him with a valid Concealed Weapons License issued to him (b)(6) at the time of transfer.<sup>133</sup> Mr. Morrison testified at the hearing that (b)(6) must have created a fake Florida Concealed Carry License using (b)(6) Concealed Carry License number and presented it to Mr. Morrison on March 27, 2021.<sup>134</sup>

iii. (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)  
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) The Licensee conducted a NICS background check through Florida's Point of Contact for

<sup>128</sup> Government Exhibit 10, page 5.

<sup>129</sup> Government Exhibit 10, pages 5-6.

<sup>130</sup> Government Exhibit 20.

<sup>131</sup> Government Exhibits 23-24.

<sup>132</sup> Transcript pages 24-25, 64.

<sup>133</sup> Government Exhibits 20, 23-24; Transcript pages 25, 70, 95, 99.

<sup>134</sup> Transcript pages 158, 203-205.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

background checks, Florida Department of Law Enforcement (FDLE). The Licensee recorded on the ATF Form 4473 (Revised May 2020) Section C, Block 27.b. that the FDLE transaction number was (b)(6) which was false. The actual FDLE transaction number for (b)(6) background check was (b)(6).<sup>135</sup> The Licensee checked the box that said “Proceed” on the ATF Form 4473 in Section C, Block 27.c. which was false as the background check for (b)(6) was denied and the “Denied” box should have been checked instead.<sup>136</sup>

1. Mr. Morrison ran a NICS background check through FDLE and indicated that FDLE had provided an approval response of (b)(6) in Block 27.b. and checked “Proceed” in Block 27.c. of (b)(6) ATF Form 4473.<sup>137</sup>
2. IOI (b)(6) discovered that the FDLE decision code issued to the Licensee on March 28, 2021, for (b)(6) background check was not an approval, like the Licensee falsely recorded on the ATF Form 4473, but a non-approval of (b)(6) in which the Licensee should have checked “Denied” in Section C. Block 27. c.<sup>138</sup>
3. On November 17, 2021, (b)(6) Bureau Chief of FDLE’s Firearm Eligibility Bureau, confirmed that the Licensee requested FDLE run a NICS check regarding the transfer of firearms to (b)(6) at 3:04PM on March 28, 2021.<sup>139</sup> Chief (b)(6) stated that FDLE responded to the Licensee on March 28, 2021, at 3:50PM that a non-approval decision was made on the NICS check for (b)(6).<sup>140</sup>

iv.

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

(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) This information was false as (b)(6) did not have a Concealed Weapon License on March 28, 2021. On May 5, 2021, Florida Department of Agriculture and Consumer Services, who issues Florida’s Concealed Weapon Licenses, confirmed that the Concealed Weapon License listed by the Licensee on the ATF Form 4473 for the transfer of a

<sup>135</sup> Government Exhibits 10, 15, and 19.

<sup>136</sup> Government Exhibit 19.

<sup>137</sup> Government Exhibit 19, page 2.

<sup>138</sup> Government Exhibit 15, page 56 and Exhibit 19, page 2; Transcript pages 62-63.

<sup>139</sup> Government Exhibit 10, page 3.

<sup>140</sup> Government Exhibit 10, pages 3-4.

<sup>141</sup> Government Exhibit 19.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

Garaysar Fear 104 12-gauge Shotgun, Serial Number (b)(6) and a Palmetto PA-15 12-gauge Rifle, Serial Number (b)(6) to (b)(6) was issued to (b)(6) not (b)(6)<sup>42</sup>

1. IOI (b)(6) requested information from Florida's Department of Agriculture, the agency that issues Florida's Concealed Weapons Licenses<sup>143</sup>, as to whether (b)(6) had a valid Florida Concealed Weapons License as indicated on his ATF Form 4473.<sup>144</sup>
2. Florida Department of Agriculture indicated that (b)(6) did not have a Florida Concealed Weapons License, and, in fact, the Florida Concealed Weapons License number listed on his ATF Form 4473, (b)(6) belonged to (b)(6) not (b)(6)<sup>45</sup>
3. Mr. Morrison maintains, despite Florida Department of Agriculture indicating the opposite, that (b)(6) presented him with a valid Concealed Weapons License issued to him (b)(6) at the time of transfer.<sup>146</sup> Mr. Morrison testified at the hearing that (b)(6) must have created a fake Florida Concealed Carry License using (b)(6) Concealed Carry License number and presented it to (b)(6) on March 28, 2021.<sup>147</sup>

v.

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

(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)<sup>48</sup> This information was false as (b)(6) did not have a Concealed Weapon License on November 14, 2020. On May 5, 2021, Florida Department of Agriculture and Consumer Services, who issues Florida's Concealed Weapon Licenses, confirmed that the Concealed Weapon License listed by the Licensee on the ATF Form 4473 for the transfer of the (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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

<sup>142</sup> Government Exhibits 19, 23, and 24.

<sup>143</sup> Transcript page 25.

<sup>144</sup> Government Exhibit 19, page 2, Transcript page 64.

<sup>145</sup> Government Exhibits 23-24.

<sup>146</sup> Government Exhibits 19, 23-24; Transcript pages 65, 95.

<sup>147</sup> Transcript pages 157-158, 203-205.

<sup>148</sup> Government Exhibit 21.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

(b)(3) (112 Public Law 55 125 Stat 552),(b)(6) to (b)(6)  
was issued to (b)(6) not (b)(6)<sup>149</sup>

1. At the request of IOI (b)(6) Florida Department of Agriculture indicated that (b)(6) did not have a Florida Concealed Weapons License, and, in fact, the Florida Concealed Weapons License number listed on his ATF Form 4473, (b)(6) belonged to (b)(6) (b)(6) not (b)(6)<sup>150</sup> IOI (b)(6) provided Florida Department of Agriculture with (b)(6) full name, date of birth, and the Concealed Weapons License number written on his ATF Form 4473 for November 14, 2020.<sup>151</sup>
2. Mr. Morrison maintains, despite Florida Department of Agriculture indicating the opposite, that (b)(6) presented him with a valid Concealed Weapons License issued to him (b)(6) at the time of transfer.<sup>152</sup> Mr. Morrison testified at the hearing that (b)(6) must have created a fake Florida Concealed Carry License using (b)(6) (b)(6) Concealed Carry License number and presented it to (b)(6) (b)(6) on November 14, 2020.<sup>153</sup>

vi.

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

This information was false as (b)(6) did not have a Concealed Weapon License on December 20, 2020. On May 6, 2021, Florida Department of Agriculture and Consumer Services, who issues Florida's Concealed Weapon Licenses, confirmed that (b)(6) was issued a Concealed Weapons License on February 8, 2021, with an expiration date of February 8, 2028, and a License number of (b)(6)<sup>155</sup> The information listed by the Licensee on the ATF Form 4473 for the transfer of (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) to (b)(6) (b)(6) was false.<sup>156</sup>

1. At the request of IOI (b)(6) Florida Department of Agriculture indicated that (b)(6) did not have a Florida Concealed Weapons

<sup>149</sup> Government Exhibits 21, 23, and 24.

<sup>150</sup> Government Exhibits 21, 23-24; Transcript pages 77-78.

<sup>151</sup> Government Exhibit 21; Transcript page 76.

<sup>152</sup> Government Exhibits 21, 23-24; Transcript page 95.

<sup>153</sup> Transcript pages 157, 203-205.

<sup>154</sup> Government Exhibit 22.

<sup>155</sup> Government Exhibit 24.

<sup>156</sup> Government Exhibits 22 and 24.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

License on December 2020, and, in fact, (b)(6) did not receive her Concealed Weapons License until February 8, 2021.<sup>157</sup> IO (b)(6) provided Florida Department of Agriculture with (b)(6) full name, date of birth, and the Concealed Weapons License number written on her ATF Form 4473 for December 20, 2020.<sup>158</sup>

2. Mr. Morrison maintains, despite Florida Department of Agriculture indicating the opposite, that (b)(6) presented him with a valid Concealed Weapons License issued to her (b)(6) at the time of transfer even though she did not receive one until approximately 19 days later.<sup>159</sup> Mr. Morrison testified at the hearing that (b)(6) must have created a fake Florida Concealed Carry License using a Concealed Carry License number that was not hers and presented it to Mr. Morrison on December 20, 2020.<sup>160</sup>

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

unlicensed person, knowing that the Florida Department of Law Enforcement (FDLE), the State Point of Contact for the National Instant Criminal Background Check System (NICS) in the State of Florida, had provided a unique identification number indicating the receipt of a firearm by (b)(6) would violate subsection (g) and (n) of Section 922 of Title 18 of the United States Code or State law.<sup>161</sup> At the time of the transfer, the NICS system, through FDLE, was operating and information was available to the system demonstrating the receipt of a firearm to (b)(6) would violate subsection (g) and (n) of Section 922 of Title 18 of the United States Code or State law. The NICS system, through FDLE, advised the Licensee on March 27, 2021, at 03:53PM, that the transfer of the firearm to (b)(6) (b)(6) had been denied/nonapproved, and provided transaction number (b)(6) denoting the transaction was nonapproved.<sup>162</sup> Despite the non-approval, the Licensee recorded the transaction number as (b)(6) and transferred the firearm to (b)(6) on March 27, 2021.<sup>163</sup>

- i. After receiving the assignment to do a compliance inspection at the Licensee's business premises but before starting the compliance inspection, FDLE made a referral to ATF that on March 27, 2021, the Licensee had transferred a firearm to (b)(6) despite getting non-approval decision code from FDLE on (b)(6) NICS check.<sup>164</sup>

<sup>157</sup> Government Exhibit 24; Transcript page 78.

<sup>158</sup> Government Exhibit 22; Transcript page 76.

<sup>159</sup> Government Exhibit 22 and 24; transcript page 95.

<sup>160</sup> Transcript pages 155, 203-205.

<sup>161</sup> Government Exhibits 11 and 20.

<sup>162</sup> Government Exhibit 11.

<sup>163</sup> Government Exhibit 20.

<sup>164</sup> Transcript pages 24, 68.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

- ii. During the compliance inspection, IOI (b)(6) reviewed (b)(6) ATF Form 4473 for March 27, 2021, which revealed that the Licensee had recorded the FDLE decision code as (b)(6) and marked "Proceed" in Section C, Block 27. c.<sup>165</sup>
- iii. Based on FDLE's referral and the FDLE audit log that IOI (b)(6) had obtained for the inspection period, the FDLE decision code that the Licensee recorded was false, as it should have been (b)(6) denoting the transaction was non-approved.<sup>166</sup>
- iv. On November 17, 2021, (b)(6) Bureau Chief of FDLE's Firearm Eligibility Bureau, confirmed that the Licensee requested FDLE run a NICS check regarding the transfer of firearms to (b)(6) at 1:50PM on March 27, 2021.<sup>167</sup> Chief (b)(6) stated that FDLE responded to the Licensee on March 27, 2021 at 3:53PM that a non-approval decision was made on the NICS check for (b)(6).<sup>168</sup>

g.

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

knowing that the Florida Department of Law Enforcement (FDLE), the State Point of Contact for the National Instant Criminal Background Check System (NICS) in the State of Florida, had provided a unique identification number indicating the receipt of a firearm by (b)(6) would violate subsection (g) or (n) of Section 922 of Title 18 of the United States Code or State law.<sup>169</sup> At the time of transfer, the NICS system, through FDLE, was operating and information was available to the system demonstrating that receipt of firearms by (b)(6) (b)(6) would violate subsection (g) or (n) of Section 922 of Title 18 of the United States Code or State law. The NICS system, through FDLE, advised the Licensee on March 28, 2021 at 3:50PM, that the transfer of the firearm to (b)(6) (b)(6) had been denied/nonapproved, and provided transaction number (b)(6) denoting the transaction was nonapproved.<sup>170</sup> Despite the non-approval, the Licensee recorded the transaction number as (b)(6) and transferred the firearm to (b)(6) on March 28, 2021.<sup>171</sup>

i.

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

<sup>165</sup> Government Exhibit 20, page 2; Transcript page 68.

<sup>166</sup> Government Exhibit 15, page 56; Government Exhibit 20, page 3; Transcript page 68-69.

<sup>167</sup> Government Exhibit 10, page 5.

<sup>168</sup> Government Exhibit 10, pages 5-6.

<sup>169</sup> Government Exhibits 10 and 19.

<sup>170</sup> Government Exhibit 10.

<sup>171</sup> Government Exhibit 19.

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

**(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)**<sup>173</sup> By signing  
Block 22, **(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)** certified that:

**I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering “yes” to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers “yes” to any of the questions 21.b. through 21.k. is prohibited from receiving or possessing firearms. . .**

- ii. Mr. Anthony Morrison ran a background check on **(b)(6)** despite **(b)(6)** **(b)(6)** answering “yes” to question 21.i. As indicated in the instructions and the certification in Section B of the ATF Form 4473 if a person answers “yes” to questions 21.b. through 21.k. they are prohibited from receiving or possessing firearms.<sup>174</sup>
- iii. It is not out of the realm of possibilities that unlicensed individuals, like **(b)(6)** **(b)(6)** might make a mistake when filling out their ATF Form 4473. Upon review of the ATF Form 4473 by the Licensee or by notification of a mistake by the unlicensed individual, the unlicensed individual can change the answer or correct their answer and then initial and date.<sup>175</sup> However, **(b)(6)** did not make any changes on this ATF Form 4473. In fact, Mr. Morrison, who conducted the transfer, stated when asked by his counsel, about the “yes” answer b) **(b)(6)** on question 21.i. that “I see that now, yes,” and if at the time, he had seen it, would he have questioned **(b)(6)** on it, to which he responded “At the time, I would have questioned him. I just did not catch the checked yes there, but I would have asked.”<sup>176</sup>
- iv. Despite his requirement to review every ATF Form 4473 for completeness and accuracy, Mr. Morrison “did not catch” **(b)(6)** answering “yes” to

<sup>172</sup> Government Exhibit 19, page 2.

<sup>173</sup> Government Exhibit 19, page 2.

<sup>174</sup> Government Exhibits 16 and 19; Transcript page 59.

<sup>175</sup> Transcript pages 60.

<sup>176</sup> Transcript page 183, 199.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

question 21.i. and initiated a background check with FDLE<sup>177</sup>. Mr. Morrison indicated that FDLE had provided an approval response of (b)(6) in Block 27.b. and checked “Proceed” in Block 27.a. of (b)(6) ATF Form 4473.<sup>178</sup>

- v. The Licensee has previously been cited for transferring a firearm to an individual who checked “yes” to having been convicted in any court of a misdemeanor crime of domestic violence in violation of 27 C.F.R. § 478.99(c)(9) during their 2015 compliance inspection which resulted in a Warning Conference.<sup>179</sup> During the Warning Conference, the Licensee indicated that this violation occurred due to an oversight on their part because of feeling rushed or having multiple things happening in the store at the same time.<sup>180</sup>
- vi. During the compliance inspection, after realizing (b)(6) answered “yes” to question 21.i., IOI (b)(6) compared the approval number on (b)(6) ATF Form 4473 to the FDLE audit log of unique numbers and approval codes FDLE had issued to the Licensee in response to requests for background checks on unlicensed individuals during the inspection period.<sup>181</sup>
- vii. Although there is no retention for information other than the control number for unlicensed persons, IOI (b)(6) testified that FDLE and NICS retain information about the person and transaction if a non-approval decision code is issued to a Licensee on a request for a background check.<sup>182</sup> IOI (b)(6) discovered that the FDLE decision code issued to the Licensee on March 28, 2021 for (b)(6) background check was not an approval, like the Licensee recorded on the ATF Form 4473, but a non-approval of (b)(6).<sup>183</sup> In addition to comparing the FDLE audit log control numbers to (b)(6) ATF Form 4473, IOI (b)(6) contacted FDLE and asked for verification that (b)(6) (b)(6) background check resulted in a non-approval of (b)(6) instead of the approval number the Licensee recorded of (b)(6).<sup>184</sup> FDLE confirmed that (b)(6) was the control number issued to the Licensee on March 28, 2021 for (b)(6) with a decision code of non-approval.<sup>185</sup>
- viii. On November 17, 2021 (b)(6) Bureau Chief of FDLE’s Firearm Eligibility Bureau, confirmed that the Licensee requested FDLE run a NICS check regarding the transfer of firearms to (b)(6) at 3:04PM on March 28,

<sup>177</sup> Government Exhibit 19, page 2; transcript page 183.

<sup>178</sup> Government Exhibit 19, page 2.

<sup>179</sup> Government Exhibit 13.

<sup>180</sup> Government Exhibit 13, page 11-12.

<sup>181</sup> Government Exhibit 15, page 56, Transcript pages 39-43.

<sup>182</sup> Transcript pages 41-42.

<sup>183</sup> Government Exhibit 15, page 56 and Exhibit 19, page 2; Transcript pages 62-63.

<sup>184</sup> Transcript page 62.

<sup>185</sup> Transcript pages 62-63.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

2021.<sup>186</sup> Chief (b)(6) stated that FDLE responded to the Licensee on March 28, 2021, at 3:50PM that a non-approval decision was made on the NICS check for (b)(6).<sup>187</sup>

- ix. When asked about the transfer during the compliance inspection, Mr. Morrison told IOI (b)(6) that FDLE had provided him with an approval for (b)(6) background check.<sup>188</sup> However, FDLE did not indicate to IOI (b)(6), nor did Chief (b)(6) state in their letter of November 17, 2021 relating to (b)(6) NICS check on March 28, 2021, that the decision code issued to the Licensee had changed from approval to non-approval.<sup>189</sup> In fact, FDLE told IOI (b)(6) that their decision code had always been a non-approval for (b)(6) NICS check on March 28, 2021.<sup>190</sup>

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

knowing that the Florida Department of Law Enforcement (FDLE), the Point of Contact for the National Instant Criminal Background Check System (NICS) in the State of Florida, had not yet provided a unique identification number indicating the receipt of a firearm by (b)(6) would be approved.<sup>191</sup> On or about February 10, 2022, FDLE contacted the Licensee with a non-approval decision for (b)(6) providing the transaction number of (b)(6) however, the Licensee had transferred the firearm to (b)(6) the previous day, February 9, 2022.<sup>192</sup> From February 1 through February 15, 2022, specifically February 5 through February 10, 2022, the NICS system, through FDLE, was operating and information was available to the system demonstrating that the receipt of a firearm by (b)(6) would violate subsection (g) or (n) of Section 922 of Title 18 of the United States Code or State Law.<sup>193</sup>

- i. On Friday, May 14, 2021, IOI (b)(6) met with Ms. Morrison and Mr. Morrison, both responsible persons for the License, at the Licensee's business premises to conduct a closing conference.<sup>194</sup> At the closing conference, the Licensee was issued a Report of Violations which outlines all the violations found during the inspection.<sup>195</sup>
- ii. During the closing conference, IOI (b)(6) testified that he reviewed the law and regulations, the report of violations, asked if the Licensee had any

<sup>186</sup> Government Exhibit 10, page 3.

<sup>187</sup> Government Exhibit 10, pages 3-4.

<sup>188</sup> Transcript pages 65-66.

<sup>189</sup> Government Exhibit 10, Transcript pages 62-63, 66.

<sup>190</sup> Transcript page 66.

<sup>191</sup> Government Exhibit 12.

<sup>192</sup> Government Exhibit 12.

<sup>193</sup> Government Exhibit 12.

<sup>194</sup> Government Exhibit 32; Transcript 92.

<sup>195</sup> Government Exhibit 32 pages 1-6; Transcript 92.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

questions about how they believed the violations might have happened or ways in which to prevent these violations from reoccurring.<sup>196</sup> IOI (b)(6) specifically reviewed background checks and the prohibition of transferring to prohibited persons especially if they answer “yes” to questions 21.b. through 21.k. on the ATF Form 4473 (Revised May 2020).<sup>197</sup>

- iii. On May 14, 2021, among other violations, the Licensee was cited for two (2) violations of transferring firearms to unlicensed individuals after receiving a non-approval from FDLE back on a NICS check on that individual in violation of 18 U.S.C. § 922(t)(5).<sup>198</sup> IOI (b)(6) stressed the requirement of the receipt of an affirmative approval of a background check from FDLE prior to the transfer of a firearm.<sup>199</sup>
- iv. At the conclusion of the closing conference on May 14, 2021, both Mr. Morrison and Ms. Morrison, responsible people for the Licensee, signed the Report of Violations certifying that:

**My signature below certifies that on Friday, May 14, 2021 ATF IOI (b)(6) reviewed the above information with me and answered my questions regarding this information. I understand I can receive a copy of this for my records. I understand that this is only a general overview of the violations and that I will be responsible for familiarizing myself with all of the laws and regulations governing my licensed/permitted business.**

- v. Both Mr. and Ms. Morrison signed an Acknowledgement of Federal Firearms Regulations which included the same certification as the Report of Violations and included at the bottom of the document a list of references the Licensee could utilize if questions arose.<sup>200</sup> IOI (b)(6) also left the Licensee with his name, number, and e-mail address if they had any additional concerns or questions.<sup>201</sup>
- vi. However, fourteen (14) days prior to the administrative hearing on the violations listed in Government Exhibits 1-2, which included but are not limited to, two (2) violations of knowingly transferring firearms to two (2) unlicensed individuals after receiving a non-approval on a FDLE NICS background check in violation of 18 U.S.C. § 922(t)(5), the Licensee

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<sup>196</sup> Transcript page 94.

<sup>197</sup> Government Exhibit 16; Transcript pages 94, 120.

<sup>198</sup> The Licensee was cited in Government Exhibit 31 for violation of 27 C.F.R. 478.99(c) which is the unlawful sale or delivery of a firearm to a prohibited person which is the regulatory equivalent of the GCA violation of 18 U.S.C. § 922(t)(5).

<sup>199</sup> Transcript page 94.

<sup>200</sup> Government Exhibit 32, pages 7-9.

<sup>201</sup> Transcript page 95.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

transferred a firearm to (b)(6) on February 9, 2022, without receiving any response from FDLE on her background check.<sup>202</sup> The Licensee signed and dated the ATF Form 4473 in Section D, Blocks 34-36, certifying the following<sup>203</sup>:

**I certify that: (1) I have read and understand Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections A, C, and E is true, correct, and complete. . .**

- vii. If the Licensee, through responsible person Mr. Morrison, had read the entirety of the ATF Form 4473, they would have realized that FDLE had not provided a response back on (b)(6) background check and that the firearm could not be transferred on February 9, 2022.<sup>204</sup>
- viii. FDLE issued a non-approval transaction number to the Licensee on February 10, 2022, but the firearm was already in the possession of (b)(6)<sup>205</sup>
- ix. IOI (b)(6) testified that even if (b)(6)'s FDLE background check was an approval on February 10, 2022, the transfer by the Licensee to (b)(6) on February 9, 2022 would have still resulted in a violation as the Licensee did not receive a response from FDLE on (b)(6) background check.<sup>206</sup> This would have resulted in a violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a), which the Licensee was cited for in its 2015 compliance inspection and during the compliance inspection that resulted in this administrative action.<sup>207</sup>
- x. On February 17, 2022, (b)(6) Bureau Chief of FDLE's Firearm Eligibility Bureau, confirmed that the Licensee requested FDLE run a NICS check regarding the transfer of firearms to (b)(6) at 4:54PM on February 5, 2022.<sup>208</sup> Chief (b)(6) stated that FDLE responded to the Licensee on February 10, 2022, at 9:55PM that a non-approval decision was made on the NICS check for (b)(6)<sup>209</sup>
- xi. Mr. Morrison testified through questioning of his counsel, that (b)(6) ATF Form 4473 got "mistakenly put on the approval clipboard instead of the decision pending clipboard"<sup>210</sup> but should have been put on a different

<sup>202</sup> Government Exhibit 12; transcript pages 96-97.

<sup>203</sup> Government Exhibit 12, page 3.

<sup>204</sup> Government Exhibit 12, page 2-3; Transcript pages 135-136.

<sup>205</sup> Government Exhibit 12; transcript page 97.

<sup>206</sup> Transcript page 97.

<sup>207</sup> Government Exhibits 13 and 32.

<sup>208</sup> Government Exhibit 12, pages 6-7.

<sup>209</sup> Government Exhibit 12, pages 6-7.

<sup>210</sup> Transcript page 185.

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

clipboard for decision pending.<sup>211</sup> Mr. Morrison testified that on February 9, 2022, when (b)(6) came into the Licensee's business premises he located her ATF Form 4473 that had been mistakenly put on the approval clipboard and stated that he "did not" look at the ATF Form 4473 and proceeded with the transfer of the firearm to (b)(6).<sup>212</sup> Mr. Morrison then certified (b)(6) ATF Form 4473, indicating that he had reviewed it for completeness and accuracy, which was false. Mr. Morrison testified that he did not review the ATF Form 4473 prior to transferring the firearm to (b)(6). (b)(6)

- xii. Despite Mr. Morrison's testimony that "I would never provide a - - I would never willingly provide a firearm to anyone that is a non-approval, that is decision pending. The one with (b)(6) was by mistake, and I do hold myself greatly for that mistake. And I would never do anything willingly like that, giving a felon to - - a firearm."<sup>214</sup> However compelling Mr. Morrison's statements are, he did willingly provide a firearm to an individual who, at the time, had a decision pending, which turned into a non-approval, when he knowingly and willingly did not review (b)(6) ATF Form 4473s, certified that he did review (b)(6)'s ATF Form 4473, and then transferred the firearm to (b)(6)<sup>215</sup> despite going over the importance of background checks, reviewing forms, and ensuring a response from FDLE prior to transfer with IOI (b)(6) during his closing conference conducted only months prior<sup>216</sup>.

7. It should be noted that the Licensee's Exhibit 1, most of which ATF was provided weeks after the hearing on February 22, 2022, were contained within the Licensee's records at the time of the compliance inspection. These records and notes/responses could have been provided to IOI (b)(6) at closing to reconcile the cited violations or brought to the hearing on February 22, 2022. Yet, when the Licensee, through Mr. Morrison, to dispute the violations during the hearing, introduced Licensee Exhibit 1. His counsel admitted that this was the first time she had seen these records.<sup>217</sup> After review of the documents in Licensee Exhibit 1, I do not find that they support the Licensee's position that the cited violations of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a) for the firearm transfer transactions involving (b)(6) (b)(6) were not willful.

<sup>211</sup> Transcript page 186.

<sup>212</sup> Transcript page 187.

<sup>213</sup> Government Exhibit 12, page 3; Transcript page 187.

<sup>214</sup> Transcript pages 192-193, 218-219.

<sup>215</sup> Government Exhibit 12; Transcript pages 187, 192-193.

<sup>216</sup> Transcript pages 216-217.

<sup>217</sup> Transcript page 227.

<sup>218</sup> Government Exhibit 25.

<sup>219</sup> Government Exhibit 27.

<sup>220</sup> Government Exhibit 28.

<sup>221</sup> Government Exhibit 30.

<sup>222</sup> Government Exhibit 31.

**CONCLUSIONS OF LAW**

I find that the following violations were willful in that the record demonstrates that the Licensee, a veteran Federal firearms licensee, knew and understood its obligations under the Gun Control Act.<sup>223</sup> Both Mr. and Ms. Morrison have been responsible people for this Licensee since 2007, with the Morrison’s family being in the federal firearms business since 1996. Mr. Morrison evidenced his knowledge of the Gun Control Act testifying that “I know it is the legal body that is - - that guides us in our industry.”<sup>224</sup> The licensee also demonstrated that it knew how to comply with the GCA by properly recording acquisitions and dispositions in many instances, and by properly maintaining Federal firearms transactions records, and by properly complying with other GCA requirements.<sup>225</sup> Furthermore, the licensee had been advised by ATF regarding specific steps it needed to take to place its operations in compliance with the Gun Control Act and warned that future violations could result in revocation of the FFL at their Warning Conference in 2015.<sup>226</sup> However, despite this knowledge of the Gun Control Act; length of licensure; ATF’s attempt to educate the Licensee on past violations, specifically Mr. and Ms. Morrison as responsible persons, the (b)(3) (112 Public Law 55 125 Stat 552) firearms transactions forming the basis of all the violations cited in the compliance inspection that forms the basis of this revocation action were all executed by the two veteran responsible persons, Mr. and Ms. Morrison.

I find that the Licensee’s extensive experience with firearms licensing; the clarity of the regulations, the repeat nature of some of the cited violations, specifically the transfer of a firearm to (b)(3) (112 Public Law 55 125 Stat 552) the Licensee’s attendance at a Warning Conference in 2015; the follow-up Warning Conference Letter; and Mr. Morrison’s testimony as to the violations provide ample evidence to support my finding that in the following instances, the licensee purposefully disregarded or was plainly indifferent to these known legal obligations and willfully violated the Gun Control Act :

- (a) transferring a firearm to an out-of-state unlicensed individual in violation of 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a):
- (b) failing to follow the Sarasota County Municipal Code Section 86-1(c) three (3) day wait period for transferring firearms to (b)(3) (112 Public Law 55 125 Stat 552) unlicensed individuals in violation of 18 U.S.C. § 922(b)(2):

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<sup>223</sup> See *Anzio Ironworks, Corp v. Gerber*, 2022 U.S. Dist. LEXIS 86556, \*15 (M.D. Fl. May 12, 2022) quoting *CEW Props., Inc. v. ATF*, 979 F.3d 1271, 1281 (10<sup>th</sup> Cir. 2020)(The “length of time an individual has been licensed” is “relevant to willfulness.”); accord *Pinion Enters., Inc. v. Ashcroft*, 371 F. Supp. 2d 1311, 1317 (N.D. Ala. 2005)(reasoning that a petitioner’s “long history as a license holder” suggests knowledge of legal requirements).

<sup>224</sup> Transcript page 144.

<sup>225</sup> *Garner v. Lambert*, 345 F. App’x 66, 73 (6<sup>th</sup> Cir. 2009) (“[A]t some point, a series of purported mistakes may evince a tolerance for errors and thus a plain indifference to the applicable statutory and regulatory requirements.)

<sup>226</sup> *Am. Arms Int’l v. Herbert*, 563 F.3d 78, 85 (4<sup>th</sup> Cir. 2009)(explaining that “where a licensee receives official warning that his actions violate the GCA and his record of compliance does not change . . . it is permissible to infer ‘willfulness’”); see also *Borchardt Rifle Corp. v. Cook*, 684 F.3d 1037, 1043 (10<sup>th</sup> Cir. 2012) (“[A]fter a dealer has been informed of the Gun Control Act requirements and warned of violations, a dealer’s subsequent repeat violations suffice to show plain indifference to the statutory requirements.”)

*Final Notice of Revocation and Imposition of Civil Fine for  
Federal Firearms License for J.M. Gun Repair, Inc.; FFL#: 1-59-081-01-2L-07218*

(c) failure to execute a complete and accurate ATF Form 4473 on approximately [REDACTED] forms in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§§§§ 478.21(a), 478.124(c)(1), 478.124(c)(3)(i), 478.124(c)(3)(iv), and 478.124(c)(5);

(d) on approximately [REDACTED] occasions the Licensee transferred firearms without receiving unique identification numbers from Florida Department of Law Enforcement (FDLE), the State Points of Contact for the National Instant Criminal Background Check System (NICS), to unlicensed individuals in violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a); and

(e) on [REDACTED] occasions the Licensee falsified information that was required to be kept within his records in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c).

Furthermore, I find that the record demonstrates that the Licensee's transfers of firearms to [REDACTED] (b)(6) both unlicensed individuals, after receiving non-approvals from FDLE, the State of Florida's Point of Contact for NICS, and the transfer of a firearm to [REDACTED] (b)(6) an unlicensed individual, without receiving a response from FDLE, which subsequent to transfer was a non-approval, are all knowing violations of 18 U.S.C. § 922(t)(5).

As such these violations, both willful and knowing, were performed under the administrative provisions of the Gun Control Act and the licensee is subject to revocation. *Willingham Sports, Inc. v. BATF*, 415 F. 3d 1274, 1277 (11<sup>th</sup> Cir. 2005); *CEW Props v. United States DOJ*, 979 F. 3d 1271 1279-81 (10<sup>th</sup> Cir. 2020); *American Arms Int'l v. Herbert*, 563 F. 3d 78, 87-88; *RSM v. Herbert*, 466 F. 3d 316, 321 (4<sup>th</sup> Cir. 2006); *Simpson v. DOJ, United States*, 913 F. 3d 110, 114 (2019), . The licensee is also subject to the imposition of a fine in the amount of \$26,597 for their knowing violations of 18 U.S. C. 922(t)(5). *See Bankston v. Then*, 615 F. 3d 1356, 1366 (11<sup>th</sup> Cir. 2010).

**THEREFORE**, J.M. Gun Repair, Inc. is fined in the amount of \$26,597 pursuant to 18 U.S.C. § 922(t)(5) and the License held by J.M. Gun Repair, Inc. is revoked as provided by 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73 for the reasons outlined above and set forth in the Notice to Revoke or Suspend License issued on November 10, 2021 and superseded by the Notice to Revoke or Suspend License issued on February 17, 2022.

Dated: June 17, 2022

[REDACTED] (b)(6) Digitally signed by  
ARON GERBER  
Date: 2022.06.17  
14:00:18 -04'00'

Aaron R. Gerber  
Director of Industry Operations  
Tampa Field Division