

John GORDON Downey 's FCI
FCI-15179
12/09/2022 11:33 AM
IOI (b)(6), Wichita (IO) Satellite Office

GENERAL INFORMATION

IOI Hours Spent on Inspection
485.0
Due Date
9/17/21 1:00 AM

LICENSEE INFORMATION

Applicant Name
John GORDON Downey
(Sole Proprietor)

RDS Key
5-48-03325

License/Permit Number
5-48-173-01-9L-03325

License Type
01 - Dealer License

Business Type
Sole Proprietorship

Premises Ownership Type
Leased/Rented

Premises Address
4320 WEST CENTRAL AVENUE, Unit
N/A, WICHITA, Kansas 67212

Premises Location Type Required

Rod & Gun Club

Address
4320 WEST CENTRAL AVENUE
Unit N/A
WICHITA, Kansas 67212
SEDGWICK
United States

Address
4320 WEST CENTRAL AVENUE
Unit N/A
WICHITA, Kansas 67212
SEDGWICK
United States

Phone Type	Phone Number	Remarks
Business	+1 316-648-9046	
Fax	+1 316-946-9676	

Email Address	Email Remarks
(b)(6)	

RECOMMENDATIONS

Final Decision Date
Revocation 09/28/2022

Details
FCI-15179
Lead IOI (b)(6)
Inspection Date: 11/21/2021

Summary: A compliance inspection was conducted for the above referenced licensee.

Recommendation: Violations – REVOCATION

Per the DOJ Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety, the inspection meets revocation standards based upon the following:

Failure of the licensee to wait 3 business days (with no NICS response) to transfer a firearm.

Violation #2 – 27 CFR 478.102(a)(2)(ii) – 1 instance
On 6/22/2021, (b)(6) completed an ATF 4473 for the purchase of (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) received a NICS “delay” response and an ultimate NICS “proceed” on 6/26/21. The licensee transferred the firearm to (b)(6) on 6/22/21. When asked about this transaction FFL Downey stated “The (b)(6) form, he’s usually approved the same day. I don’t know what happened”. FFL Downey guessed he either entered the wrong date or “I fucked up.” FFL Downey stated he and (b)(6) watch the dates closely and doesn’t know what happened.

Per AAP the following violation warrant a Warning Conference:

Unlawful sale or delivery of a firearm to an underage person.

Violation #3 – 27 CFR 478.99(b)

don't understand why that happened"

Per AAP the following violations warrant a Warning Letter:

Violation #8 – 27 CFR 478.124(c)(3)(iv) – REPEAT violation from 2018 inspection

Violation #13- 27 CFR 478.124(c)(4) – REPEAT violation from 2018 inspection

Other comments made by the licensee during the issuance of the Report of Violations include:

Violation #1 – "I fucked up" "Just got busy"

Violation #4 – "I bet he was a military guy and I didn't ask".

Violation #5 – "I've been watching it real close because I saw it was happening." I just wasn't watching it close" "Sloppy work on my part, it's all it is." "I have to be careful, I have no excuse."

Violation #6 – "I just have to watch them. No excuse"

Violation #7 – "My error obviously. That's my writing."

Notice to Revoke or Suspend License and/or Impose Civil Fine dated 8/17/22

Licensee did not request a Revocation Hearing.

Applicant submitted a renewal application dated 8/9/2022.

Final Notice of Denial of Application, Revocation, Suspension and/or Fine of Firearms License dated 9/28/2022.

Withdrawal request for Renewal Application dated 10/12/22.

Licensee surrendered original FFL and records to the ATF OOBRC on 10/25/2022.

Out of Business Records and Inventory Management

Licensee Records

Licensee Inventory

✔ Submitted to the Federal Licensing Center

✔ No inventory on hand

Deputy Assistant Director - Industry Operations Curtis Gilbert's Recommendation
Revocation

Details

Briefed to DAD(IO) on August 3, 2022. Proceed with the issuance of a Notice of Revocation.

Special Agent in Charge Frederic Winston's Recommendation

Per the current policy, I concur.

Division Counsel (b)(6) Review

Details

Counsel reviewed this inspection. It appears appropriate at this time to proceed with a revocation action on the 478.99, 478.102, 478.131, 478.124 [that are repeats from 2018] and 125(e) violations, upon considering the legal standard for revocations and in accordance with policy.

Director of Industry Operations William Miller's Recommendation
Revocation

Details

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Area Supervisor (b)(6) Recommendation
Revocation

Details

FCI-15179

Lead IOI: (b)(6)

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Violation #2 - 27 CFR 478.102(a)(2)(ii) – 1 instance

On 6/22/2021 (b)(6) completed an ATF 4473 for the purchase of a Browning, BDM, 9mm pistol, S/N (b)(6) received a NICS "delay" response and an ultimate NICS "proceed" on 6/26/21. The licensee transferred the firearm to (b)(6) on 6/22/21. When asked about this transaction FFL Downey stated "The (b)(6) form, he's usually approved the same day. I don't know what happened". FFL Downey guessed he either entered the wrong date or "I fucked up." FFL Downey stated he and (b)(6) watch the dates closely and doesn't know what happened.

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Violation #6 – "I just have to watch them. No excuse"

Violation #7 – "My error obviously. That's my writing."

Violation #8 – "That's just me missing it, buddy."

Violation #9 – "Yeah, you're supposed to put it up there too, I just missed it"

Violation #10 – "I'm with ya, I just put the wrong date."

Violation #11 – "How about my head up my ass?"

Violation #12 – "We resolved that"

Industry Operations Investigator: (b)(6) Recommendation

Revocation

Details

IOI (b)(6) initiated an unannounced compliance inspection of the licensee on November 17, 2021. A report of violations was discussed with the licensee and issued during the closing conference on February 11, 2022. Per President Biden's Comprehensive Strategy to Prevent and Reponse to Gun Crime and Ensure Public Safety, this inspection meets the standards for revocation for the following violations:

- transferring a handgun to an underage person, and
- transferring a handgun to an out of state resident

Additional violations meeting the standards for revocation per ATF O 5370.1E include failure to wait 3 business days prior to transferring a firearm after a delay response.

Inspection Findings

Records and Forms

3. Failure by the licensee to obtain complete and accurate information for any item(s) on Forms 4473, questions 11 & 12, or the buyer fails to sign and date the Form 4473 (to include failing to have the buyer recertify their answers if the transfer takes place on a different date than the original signature) in Section A on percent or more of the Forms 4473 examined.

Transfer of Firearm

2. Transfer of a firearm prior to receiving a final NICS response (or applicable State POC background check) and 3 business days have not elapsed since the FFL contacted the system.
3. Transfer of any firearm (including lower receiver) other than Rifle / Shotgun to a resident of another State.
5. Transfer of a firearm to an underage person.

Firearms

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

ELIGIBILITY VERIFICATION

Business Information Verification

Property Ownership Verification

Premises Ownership Type	Premises Location Type	Has the property ownership been verified?
Leased/Rented	Rod & Gun Club	Yes

Address
4320 WEST CENTRAL AVENUE
Unit N/A
WICHITA, Kansas 67212
SEDGWICK
United States

Additional Findings

According to the Sedgwick County Appraiser's web site: (b)(6) are the legal owners of the property located at 4935 W. Central Suite #110, Wichita, Kansas. Responsible person John Gordon Downey rents/leases the property from (b)(6) John Gordon Downey provided Inv (b)(6) with a copy of the rental agreement/lease.

Attachment(s):
Property Verification.pdf

Trade Name/DBA Verification

Trade Name/DBA: MIDWESTERN COIN & GUN SHOP
Is the trade name/DBA registered?: Yes

Additional Findings

The licensee and responsible person, John Gordon Downey, exists as a sole proprietor and maintains the trade name of Midwest Coin & Gun Shop. The State of Kansas has no requirements to register or file as a sole proprietorship.

Attachment(s):
Kansas Secretary of State - DBA Trade Name Registration.pdf

Rental/Lease Verification

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

Additional Findings

According to the Sedgwick County Appraiser's web site, (b)(6) are the legal owners of the property located at 4935 W. Central Suite #110, Wichita, Kansas. Responsible person John Gordon Downey rents/leases the property from (b)(6). John Gordon Downey provided Inv (b)(6) with a copy of the rental agreement/lease.

Attachment(s):
Lease Agreement - Midwest Coin & Gun.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings

According to Kansas State Statute 12-16,124, no city or county shall adopt or enforce any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the requirement of fees, licenses or permits for, the commerce in or the sale, purchase, transfer, ownership, storage, carrying, transporting or taxation of firearms or ammunition, or any component or combination thereof.

(b) Any ordinance, resolution or regulation prohibited by subsection (a) that was adopted prior to July 1, 2015, shall be null and void.

(c) Nothing in this section shall:

- (1) Prohibit a city or county from adopting and enforcing any ordinance, resolution or regulation relating to the personnel policies of such city or county and the carrying of firearms by employees of such city or county, except that any such ordinance, resolution or regulation shall comply with the provisions of K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto;
- (2) prohibit a city or county from adopting any ordinance, resolution or regulation pursuant to K.S.A. 2017 Supp. 75-7c20, and amendments thereto;
- (3) prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties; or
- (4) prohibit a city or county from levying and collecting any retailers' sales tax on the sale of firearms, ammunition or any component or combination thereof as authorized by K.S.A. 12-189, and amendments thereto.

Attachment(s):
KS St. Statute-FA Sales-Zoning (Spartan).pdf

APPOINTMENT DETAILS

Interview Date
11/17/2021

Address
4320 WEST CENTRAL AVENUE, Unit N/A, WICHITA, Kansas 67212

Remarks
The compliance inspection was initiated by Inv (b)(6) on 11/17/2021.

Responsible Attendee(s)

John GORDON Downey

Non-Responsible Person(s)

No Items

RESPONSIBLE PERSON(S)

John GORDON Downey

Name	Gender	Race	Ethnicity
John GORDON Downey	Male	White	Not Hispanic or Not Latino

Date of Birth	SSN	Job Title
(b)(6)	(b)(6)	OWNER

Physical Identifiers

Height	Weight	Hair Color	Eye Color
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Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
11/17/2021

Criminal History Check Comments

Prior to the initiation of the compliance inspection, Inv (b)(6) conducted a criminal history check on responsible person John Gordon Downey and learned he had no prohibiting history or criminal acts in his background that would prevent him in holding a federal firearms license.

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

The licensee sells/transfers firearms from the business premises, which is located inside the city limits of Wichita, with the street address being 4935 W. Central Suite #110, Wichita, Kansas. The licensee also sells American, western heritage art and memorabilia from the business as well. The licensee is well beyond retirement age, having reached the age of (b)(6) years, and operates the business more as a hobby and a social setting rather than it being the licensee's main source of income; the firearms business is a secondary source of income or could also be considered more of a hobby or social interest.

The licensee holds a Type-01 dealers license and has held the license since 2013. The licensee stated he sells all types of firearms, to include: long guns, handguns, receivers, assault rifles and short barreled shotguns that he assumed were GCA compliant (overall 26 inches in length). The licensee does buy/acquire a significant amount of used or secondary market firearms from the general public and also sells/disposes a significant amount of firearms to the general public.

The licensee stated that he tries to keep a relatively large amount of inventory to provide his large, customer base a large inventory selection to choose from. The licensee conducts firearms transfers from other individuals and FFLs that were previously purchased by a customer (transferee) via an on-line venue and then shipped to the licensee's premises for the completion of the ATF F 4473, background check and legal transfer of the firearm. The licensee stated that he will special order a new firearm for a customer, but prefers to deal mostly in used firearms. special order, new firearms which often requires full or partial payment by the purchaser prior to making the order. The licensee said that (b)(4) percent of his business are from internet transfers, but stated he only transfers firearms in for his customers who purchase firearms on-line, but stated he does not advertise his for-sale, firearms inventory on an exclusive web site or any other on-line vendors; he stated he sells his firearms inventory exclusively to local, walk-in customers. The licensee does not have any off-site, firearms storage locations, rather, the licensee maintains his personal, firearms collection at his premises in a large, gun safe that he maintains on the premises.

The licensee stated that he does very little gunsmithing, if any, but will do small repairs to firearms that he has in inventory if one should break or need repair while in his for-sale inventory. As stated earlier, the licensee does not conduct sales on the internet and has only attended two (2) gun shows in the past year.

The licensee expressed no interest in dealing or manufacturing Class III, NFA firearms or in gunsmithing. The licensee does sell ammunition and some ammunition supplies. The licensee holds no other ATF licenses. The type of license held by the licensee remains appropriate for the business activities conducted.

Do they need an additional license or permit?

No

Who are their primary suppliers?

The licensee's primary suppliers for new firearms are (b)(4). The licensee sells primarily used or secondary market firearms and purchases those from the general public.

Business Activities

Selected Operational Security Measures

Controlled Access to Keys

Retail

Gun Show Participant

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

If there is a security system, who has access to the security codes?

Owner and responsible person, John Gordon Downey maintains access to the security codes.

Who has keys to the premises?

Owner and responsible person, John Gordon Downey maintains the keys to the premises.

Who has keys to locked inventory?

Owner and responsible person, John Gordon Downey maintains the keys to the locked inventory.

Who is operating the business on a day-to-day basis?

Owner and responsible person, John Gordon Downey operates the business on a day-to-day basis.

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

Owner and responsible person, John Gordon Downey is the only person who provided financial backing for the business.

Are any employees known to be prohibited?

The licensee employs no one known to be prohibited from possessing firearms.

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

There are no employees associated with a previously denied/revoked/surrendered license or permit.

SECURITY WALKTHROUGH

Inspection Area Description

The compliance inspection took place at the licensee's licensed premises (storefront) located at 4935 W. Central Suite #110, Wichita, Kansas. IOI (b)(6) interviewed responsible person John Gordon Downey in the office area of the licensed premises.

Primary Activity

Retail

GPS Coordinates

Latitude

37.69420

Longitude

-97.40134

Selected Physical Security Measures

Alarm Monitoring (with Cellular Back-Up)

Alarm Monitoring/Other Signage

Bars on Doors

Bars on Windows

Concrete Balusters or Other Barrier in front of location

Deadbolts

Floodlights

Glass Breakage Detection

Local Audible Alarm

Lockable Display Rack(s)/Case(s)

Locked Gates

Motion Sensors

Reinforced Heavy Duty Doors/Frames

Safe(s)/Vault(s)

Security Cameras

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

[REDACTED]

Total Number of ATF F 4473 Reviewed

[REDACTED]

Total Number of Open Dispositions in A & D Record

[REDACTED]

Total Number of Firearms in Inventory

116

Actual Number of Firearms Verified

[REDACTED]

Number of Firearms Missing Before Reconciliation

[REDACTED]

Total Number of Firearms Missing After Reconciliation

[REDACTED]

Total Number of Acquisitions in the Last 12 Months

(b)(4)

Total Number of Dispositions in the Last 12 Months

(b)(4)

Onsite Start Date

Onsite End Date

Number of Reported Lost/Stolen Firearms During Inspection Period

0

Total Number of Traces During Inspection Review Period

[REDACTED]

Total Number of Those Traces That Were Unresolved

[REDACTED]

Inspection Period Start Date

Inspection Period End Date

Number Of Traces Resolved By IOI

0

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

Compliance History

Date: September 2013

Type: Qualification

Inspection #: 779025-2013-0641

Results: Application approved

Date: May 28, 2018

Type: Compliance

Date: April 9, 2020
Type: Theft/Loss
Inspection #: FTL-557
Results: handguns reported stolen

Additional Comments

ACQUISITION & DISPOSITION (A&D) RECORD – INVENTORY

The licensee currently keeps the acquisition and disposition (A&D) record in commercially produced books that contains approximately [redacted] entries per book. The licensee's A&D record books meet the formatting requirements of 27 CFR 478.125(e). The record is handwritten and the licensee has no future intentions to maintain a computerized record. Upon review of the licensee's A&D record, Inv. (b)(6) determined the licensee acquired approximately (b)(4) firearms and disposed of approximately (b)(4) firearms in the last 12 months.

The licensee's inventory of firearms are tagged with line numbers that reference a line number in one of the many A&D records the licensee maintains. The tracking system was adequate, but for quicker reference, an A&D book number to accompany the line number was recommended. The licensee's standard operating procedures as it relates to the A&D record and inventory are to attempt to immediately log a firearm into or out of the A&D record when it is received as well as immediately log a firearm out of the A&D record when it is disposed of.

Investigator (b)(6) conducted a full inventory by comparing the firearms in physical inventory (118) with the open entries in the licensee's A&D record. Upon the conclusion of the inventory, Inv. (b)(6) identified total A&D discrepancies. [redacted] of the A&D violations were failing to accurately record the disposition of a firearm [redacted] of the those dispositions were determined by locating the firearm on an ATF F 4473. The remaining [redacted] firearm dispositions were never resolved and were reported as lost by the licensee filing an ATF Theft/Loss Report (ATF F 3310.11) [redacted] on December 13, 2021. During the inspection, investigators also discovered the licensee had failed to record the acquisition of a firearm in the A&D Record which was found in the licensee's inventory of firearms at the licensed premises.

ATF FORMS 4473 – NICS & OTHER DISPOSITIONS

The licensee maintained ATF F 4473s on file for the last 12 months, each of which was reviewed as part of the inspection. During this review, IOIs identified [redacted] discrepancies regarding firearms transferred via an ATF F 4473. The licensee significantly hindered his ability to ensure all ATF F 4473s were completed prior to firearms transfer by having no standard operating procedures as it relates to ATF F 4473 completion and other dispositions to other federal firearms licensee's. It was determined that the licensee would simply get busy and become overwhelmed with firearms purchasers and would have a difficult time assisting customers, completing background checks and completing ATF F 4473s and related transfer documents (ATF F 3310.4) and disposition record keeping. Due to the licensee have no internal controls or policies in place, the licensee was cited for the following:

- Failure to report multiple sales
- Failure to wait 3 business days to transfer a firearm
- Unlawful sale or delivery of a firearm to an underage person
- Unlawful sale or delivery of a handgun to an out of state resident
- Failure to obtain a completed ATF F 4473
- Failure to complete forms as prescribed
- Failure to verify or record identification document
- Failure to record NICS contact information
- Failure to record NICS alternative permit information
- Failure to sign and/or date ATF F 4473
- Failure to record accurate firearm information

Refer to the attached report of violations for additional details regarding these cited violations.

An FFL Audit Log was obtained from the FBI covering a non-denied status date range of a 60 day period that was during the scope of the inspection. Investigator (b)(6) compared the corresponding NTN's with the associated 4473s on 44 transactions and found no discrepancies. The licensee also utilizes valid Kansas Carry Concealed Handgun Permits in lieu of NICS checks.

The licensee had five (5) denied NICS transactions during the inspection period. Inv. (b)(6) also verified that the licensee properly transferred firearms to other licensees during the review period by maintaining a copy of the FFL provided by the licensee to whom the firearm was disposed. The licensee did not make any transfers to law enforcement officers during the review period.

MULTIPLE SALES

According to the Violent Crime Analysis Branch FFL Master Query Report (VCAB), the licensee conducted [redacted] multiple handgun sales where the licensee had transferred [redacted] handguns (b)(3) (112 Public Law 55 125 Stat 552) on the same day or within a five (5) day period during the inspection period. The audit revealed that [redacted] multiple handgun sales were conducted by the licensee during the inspection period and that the licensee failed to execute and submit [redacted] ATF F 3310.4s to the during the inspection period. The licensee submitted the [redacted] delinquent ATF F 3310.4s to the ATF National Tracing Center. Investigators compared the handguns listed on the ATF F 3310.4s to the corresponding ATF F 4473s and confirmed that they had been recorded accurately by correlating them with the VCAB Report.

SUSPICIOUS / PROHIBITED PURCHASERS

During firearms inspections, Investigator (b)(6) focuses on buyers whose names appear in the licensee's required records in more than several instances during the last twelve (12) months. Forms with purchasers meeting those criteria are set aside for further review. Denied Firearms Transaction Records (ATF F 4473s) are compared to the licensee's completed ATF F 4473s looking for commonalities between names, addresses, and/or firearms. Such buyers are queried through ATF Analytics and JWIN databases looking for any related trace or other data, including the serial numbers of the firearms purchased. NCIC/NLETS checks are periodically performed on transferees who purchased multiple firearms in the same transaction or who purchased multiple firearms within a short period of time that were potentially out of character purchases, structured purchases, or potential straw purchases.

During the inspection of the licensee's firearms business and related records, two (2) persons were identified or suspected in the unlicensed engagement of a firearms business or other criminal related activity. Two (2) Suspicious Activity Reports (SARS) were generated in relation to unlicensed engagement of a firearms business and firearms trafficking. These SARS involving (b)(6) were documented under FCI-15179.

Criminal history checks were conducted for the individuals who received a firearm prior to the required three (3) day wait for delayed responses, for transferees who answered yes or left questions 21a-21.1.2 blank, and for transferees with incomplete NICS alternate permit information. No prohibited purchasers were identified in the queries.

TRACE ACTIVITY

During the inspection period, [redacted] firearms were traced through the licensee's required records from acquisition through disposition. All traces were completed and done so in a timely manner. It should be noted that the Violent Crime Analysis Branch (VCAB) report indicated that the licensee had failed to complete [redacted] firearms trace requests. This was not accurate, as those traces were completed and had been reported stolen by the licensee on a previous ATF Theft/Loss Report (ATF F 3310.11) [redacted]

NFA / IMPORTER / COLLECTOR / MANUFACTURER

The licensee does not conduct any firearms activity that involves additional licensing for dealing or transferring NFA items, importing, manufacturing or dealing with ATF licensed collectors. (b)(3)(26 USC § 6103)

OTHER

In November 2018, NICS provided the Area Office Supervisor with a recorded phone call in which the licensee conducted a call in NICS check at a gun show. The licensee received a delayed response for the transaction, but the NICS examiner overheard the licensee tell the transferee that the firearms transfer had been placed in delayed status. The NICS examiner heard the licensee state that he trusted the firearms purchaser, who claimed that he was not a prohibited person, and transferred the firearm to the transferee/purchaser without being provided a proceed response from NICS. The licensee is aware that he is not able to transfer a firearm prior to a three (3) day wait, as discussed with him during the closing conference on February 11, 2022 with IOI (b)(6)

Attachment(s)

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>1</p> <p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection.</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>2</p> <p>27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm</p> <p>ATF Forms 4473: 1 Number of Instances: 1</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>Ensure that the minimum time period of three business days (meaning days on which State offices are open).</p>	<p>NICS Violation: (b)(6)</p>
<p>3</p> <p>27 CFR 478.99(b): Unlawful sale or delivery of a firearm to an underage person</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Cease and desist firearm transfers to any underage person.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>4</p> <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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>5</p> <p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>6</p> <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 all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

	<p>date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>		
7	<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Ensure that all required NICS alternative permit information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</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: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Ensure that all required NICS alternative permit information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
9	<p>27 CFR 478.131(a)(2): Failure to record on an ATF Form 4473 (or affix a copy of) NICS alternative permit info</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that a qualifying NICS alternative permit is properly obtained, validated, verified, and documented for all applicable future over-the-counter firearm transactions.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
10	<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
11	<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Accurately, completely & timely record all required future firearm acquisition information.</p> <p>Accurately, completely & timely record all required future firearm disposition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm acquisition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm disposition information.</p> <p>Resume proper maintenance of required acquisition and disposition record.</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

		(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
12	(b)(3)(26 USC § 6103)	(b)(3)(26 USC § 6103)
13	<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473 <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section D.</p>
		(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

THEFT/LOSS REPORT

Acquisition Date	Category	Type	Manufacturer	Importer	Model	Caliber/Gauge	Serial Number
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)							

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473 Number of Instances:</p>	<p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection.</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p>"I fucked up." "Just got busy."</p> <p>Licensee stated he would sell a gun and then two, three days later, he would sell another gun but not look back for previous purchases made by the customer. Licensee stated he started creating index cards for each purchaser. Each time a customer purchases a firearm, the firearm is logged on their index card with the date of purchase. This allows the licensee to easily identify the date of the last handgun purchase and determine whether or not a multiple sale report is required.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
<p>27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm</p> <p>ATF Forms 4473: 1 Number of Instances: 1</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>Ensure that the minimum time period of three business days (meaning days on which State offices are open).</p>	<p>"The form, he's usually approved the same day. I don't know what happened." Licensee guessed he either entered the wrong date or "I fucked up". Licensee stated he and watch the dates closely and doesn't know what happened.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
<p>27 CFR 478.99(b): Unlawful sale or delivery of a firearm to an underage person</p> <p>ATF Forms 4473 Number of Instances:</p>	<p>Cease and desist firearm transfers to any underage person.</p>	<p>"I don't understand why that happened." Licensee stated he always recognizes underage individuals by their driver's licenses because they are oriented differently than persons over the age of 21. Licensee stated he doesn't know why it happened without looking at the form. When shown the form, the licensee still had no explanation for why the violation occurred.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
<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>Licensee stated, "I bet he was a military guy and I didn't ask." The licensee recognized the need to obtain a secondary form of identification due to providing a Kansas address but an identification in Texas. Licensee had no explanation other than he assumed the transferee was a military member and failed to ask for proof of residency.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473 Number of Instances:</p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>"I've been watching it real close because I saw it was happening." "I just wasn't watching it close; just not watching it close." "Sloppy work on my part, its all it is. I have to be careful. I have no excuse." Licensee explained that a lot of the violations discussed to this point occurred during a period of time "where I was sicker than shit" and "I didn't watch it close." Licensee went on to say, "It's not an excuse but that's probably what happened."</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
<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 all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>"I just have to watch them. No excuse."</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on</p>	<p>"My error obviously. That's my writing."</p>	<p>Status Correction Verified</p>

7	<p>document on ATF F 4473</p> <p>ATF Forms 4473 <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Ensure that all required NICS alternative permit information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p>		<p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</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 <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p> <p>Ensure that all required NICS alternative permit information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>“That’s just me missing it, buddy.”</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
9	<p>27 CFR 478.131(a)(2): Failure to record on an ATF Form 4473 (or affix a copy of) NICS alternative permit info</p> <p>ATF Forms 4473 <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that a qualifying NICS alternative permit is properly obtained, validated, verified, and documented for all applicable future over-the-counter firearm transactions.</p>	<p>“Yeah you’re supposed to put it up there too. I just missed it.”</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
10	<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473</p> <p>ATF Forms 4473 <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>“I’m with ya. I just put the wrong date.”</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
11	<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Accurately, completely & timely record all required future firearm acquisition information.</p> <p>Accurately, completely & timely record all required future firearm disposition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm acquisition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm disposition information.</p> <p>Resume proper maintenance of required acquisition and disposition record.</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>“How about head up my ass?” referring to the reason why the violation occurred. The licensee acknowledged the error and tried to rationalize it by stating they “found a bunch of forms” for unaccounted for firearms. Licensee stated he has a double check system to identify errors sooner.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
12	<p>(b)(3)(26 USC § 6103)</p>	<p>(b)(3)(26 USC § 6103)</p>	<p>(b)(3)(26 USC § 6103)</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 02/11/2022</p>
	<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473 <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>"I made a mistake when writing the serial number."</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p>

13	Number of Instances		Date Correction Verified 06/16/2022
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CLOSING CONFERENCE

(3/28/2022)

03/28/2022

Attachment(s)

Attendee(s)

John GORDON Downey

EXHIBITS

Inspection

Category	Attachment Name
PostInspection	FW_ Spartan Notification RE_ 5-48-03325 Inspection Results.msg
Correspondence	Spartan Notification RE: 5-48-03325 Inspection Results
Correspondence	Spartan Notification RE: 5-48-03325 National Licensing Center
UpdateLicensingCenter	48-01-03325 - DOWNEY, JOHN GORDAN - Renewal Application dated 8-9-2022.pdf
UpdateLicensingCenter	48-01-03325 - DOWNEY, JOHN GORDAN - Renewal Application Withdrawal Request.pdf
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
Correspondence	Spartan Notification RE: 5-48-03325 Special Attention Flag (SAF)
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
UpdateLicensingCenter	Final 8c -DOWNEY.pdf
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
Correspondence	Spartan Notification RE: 5-48-03325 Monitored Case
UpdateLicensingCenter	Initial 8c -DOWNEY.docx
ReturnedSignedROV	ROV - Midwest Coin (6-16-22) - SIGNED.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	Amended ROV (4-20-22) - Midwest Coin.pdf
ViolationsPDF	Report of Violations.pdf
OnSiteSummaryInformation	Audit Log - Midwest Coin.pdf
OnSiteSummaryInformation	VCAB & Traces.pdf
OnSiteSummaryInformation	Email - NICS notificaiton of Violation.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
RentalLeaseVerification	Lease Agreement - Midwest Coin & Gun.pdf
ZoningVerification	KS St. Statute-FA Sales-Zoning (Spartan).pdf
TradeNameVerification	Kansas Secretary of State - DBA Trade Name Registration.pdf
PropertyOwnershipVerification	Property Verification.pdf

SAR-1452

Category	Attachment Name
Correspondence	Industry Operations Report of Suspicious Activity(SAR-1452)

Category	Attachment Name
Correspondence	Industry Operations Report of Suspicious Activity(SAR-1479)

Category	Attachment Name
Correspondence	Industry Operations Report of Suspicious Activity(SAR-1541)

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

In the matter of License Number 5-48-173-01-2L-03325, as a/an A Dealer in Firearms Other Than Destructive Devices

issued to:

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

John G. Downey d/b/a Midwestern Coin & Gun Shop
4935 West Central Avenue
Suite 110
Wichita Kansas 67212

Notice Is Hereby Given That:

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

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

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

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

- Please see included brochure

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
08/17/2022	William J. Miller, Director, Industry Operations, ATF Kansas City Field Division	(b)(6)

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

- Certified mail to the address shown below.
Tracking Number: 7015 0640 0002 59911013 Or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
8/17/22	Administrative Assistant	(b)(6)
Print Name and Title of Person Served		Signature of Person Served
John G. Downey, d/b/a Midwestern Coin & Gun Shop		

Address Where Notice Served
4935 West Central Avenue, Suite 110, Wichita Kansas 67212

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given that the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") intends to revoke the Federal firearms license held by John G. Downey d/b/a Midwestern Coin & Gun Shop ("Licensee"), a Dealer in Firearms Other than Destructive Devices.

Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Kansas City Field Division, has reason to believe that Licensee willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively, "GCA") as described herein.

Compliance History

ATF first issued a Federal firearms license to Licensee in 2013. The laws and regulations issued under the GCA were reviewed as part of the application inspection and resource materials were provided to Licensee. ATF subsequently conducted a compliance inspection of Licensee in 2018. As a result of the 2018 inspection, a Report of Violations was issued to Licensee.

Current Inspection

On November 17, 2021, ATF began a compliance inspection of Licensee's premises that revealed the following:

Acquisition and Disposition Record Violations:

1. On occasion, Licensee willfully failed to timely record the acquisition of a firearm, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 1.
2. On occasions, Licensee willfully failed to timely record the disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 2.

Background Check Violation:

3. On one occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System ("NICS") and waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a). See Appendix ¶ 3.

Transfer in Violation of Law:

4. On occasion, Licensee willfully sold or delivered a firearm other than a shotgun or rifle to a person who Licensee knew or had reasonable cause to believe was less than twenty-one years of age, in violation of 18 U.S.C. § 922(b)(1) and 27 C.F.R. 478.99(b)(1). See Appendix ¶ 4.

5. On occasion, Licensee willfully sold or delivered a firearm other than a rifle or a shotgun to any person not licensed by the GCA and who Licensee knew or had reasonable cause to believe did not reside in the state in which Licensee's place of business or activity is located, in violation of 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a). See Appendix ¶ 5.

ATF Form 4473 Violations:

6. On occasions, Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix ¶ 6.
7. On occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date Licensee contacted NICS, any response provided by the system and/or any identification number provided by the system on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix ¶ 7.
8. On occasion, Licensee willfully failed to completely and/or accurately identify the firearm to be transferred on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4). See Appendix ¶ 8.
9. On occasions, Licensee willfully failed to record NICS alternative permit/license information as described in 27 C.F.R. § 478.102(d)(1) on the Firearms Transaction Record, ATF Form 4473, or maintain a copy of the permit/license, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.131(a)(2). See Appendix ¶ 9.

APPENDIX

Notice Violation 1, Appendix ¶ 1 [478.125(e) Acquisition Violation]:

Acquisition Not Recorded (Firearm Reconciled):

Manufacturer	Model	Serial Number	Type
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Notice Violation 2, Appendix ¶ 2 [478.125(e) Disposition Violations]:

Dispositions Not Recorded (Firearms Reconciled)

Manufacturer	Model	Serial Number	Type
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Dispositions Not Recorded (Firearms Missing/Lost)

Manufacturer Model Serial Number Type

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

Notice Violation 3, Appendix ¶ 3 [478.102(a) NICS Violation]:

Transferee Date Violation

(b)(6)

6/22/2021

Failure to wait 3 business days to transfer a firearm

Notice Violation 4, Appendix ¶ 4 [478.99(b)(1) Underage Transfer Violation]:

Transferee Date Violation

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

Notice Violation 5, Appendix ¶ 5 [478.99(a) Out-of-State Resident Transfer Violation]:

Transferee Date Violation

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

Notice Violation 6, Appendix ¶ 6 [478.124(c)(1) Form 4473 Violations]:

Transferee Date Violation

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

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

Notice Violation 7, Appendix ¶ 7 [478.124(c)(3)(iv) Form 4473 Violations]:

Transferee Date Violation

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

Notice Violation 8, Appendix ¶ 8 [478.124(c)(4) Form 4473 Violations]:

Transferee Date Violation

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

Notice Violation 9, Appendix ¶ 9 [478.124(c)(4) Form 4473 Violations]:

Transferee Date Violation

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

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

In the matter of:

The application for license as a/an _____, filed by:

or
 License Number 5-48-01-03325 as a/an a dealer in firearms other than destructive devices

_____, issued to:

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

John G. Downey d/b/a Midwestern Coin & Gun Shop
4935 West Central Avenue - Suite 110
Wichita Kansas 67212

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 Upon Receipt _____,
 - license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
 - licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- After due consideration following a hearing held pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5), and on the basis of findings set out in the attached copy of the findings and conclusions, the Director or his/her designee concludes that your
- application for license described above is denied, pursuant to 18 U.S.C. 923(d).
 - application for renewal of license described above is denied pursuant to 18 U.S.C. 923(d), effective:
 - 15 calendar days after receipt of this notice, or _____,
 - license described above is revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p), effective:
 - 15 calendar days after receipt of this notice, or _____,
 - license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
 - licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 1251 NW Briarcliff Parkway Suite 600 Kansas City MO 64116, prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

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

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

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
09/28/2022	William J. Miller, Director, Industry Operations ATF Kansas City Field Division	

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: 7015 0640 0002 599 11181
- Or
 Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
9/28/22	Administrative Assist. (b)(6)	(b)(6)

Print Name and Title of Person Served	Signature of Person Served
John G. Downey d/b/a Midwestern Coin & Gun Shop	

Address Where Notice Served
 4935 West Central Avenue - Suite 110, Wichita Kansas 67212

Note: Previous Edition is Obsolete

John G. Downey d/b/a Midwestern Coin & Gun Shop, 4935 West Central Avenue, Suite 110, Wichita Kansas 67212 ("Licensee"), holds a Federal firearms license as a dealer in firearms other than destructive devices, issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") pursuant to the Gun Control Act of 1968 ("GCA"), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On August 17, 2022, ATF issued Licensee a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4) ("Notice") which was received by Licensee via certified mail on August 25, 2022. Said Notice alleged that Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. The Notice further specified that if Licensee wished to challenge the revocation, he may file a request with ATF for a hearing "within 15 days after receipt of this notice." See 18 U.S.C. § 923(f)(2); 27 C.F.R. § 478.73(b).

ATF subsequently received a letter from Licensee dated August 30, 2022, with a corresponding "Exhibit A" requesting ATF consider the corrective actions Licensee has taken since the inspection and also asking to retain his license. In the letter, Licensee did not request a hearing, nor did he contest or refute the violations cited in the Notice. ATF contacted Licensee by phone and confirmed he was not requesting a hearing on the Notice. At this time, he again asked for ATF to take his letter and request not to revoke his license into consideration. Thus, no request for hearing was filed with ATF in accordance with the provisions of the GCA.

I have given full consideration of the letter and attached exhibit submitted which addresses corrective actions that Licensee has taken following the inspection. Although I appreciate Licensee's efforts at corrective remedies, I find these do not change the fact that Licensee committed the willful violations as documented in the Notice.¹ For the reasons set forth in the Notice to Revoke License issued on August 17, 2022, the Federal firearms license held by Licensee, John G. Downey d/b/a Midwestern Coin & Gun Shop, is hereby **REVOKED**.

Accordingly, the firearms business records for Licensee's discontinued business must be sent to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, West Virginia 25401, pursuant to the requirements under 18 U.S.C. § 923(g)(4) and 27 C.F.R. § 478.127. The records shall be delivered within thirty (30) days following the business discontinuance.

For any questions regarding this matter, please contact the ATF area office at (816) 410-6000.

¹ Subsequent actions do not otherwise mitigate or change the fact that the willful violations occurred as documented during the inspection. *Post hoc* remedial efforts have little bearing on a licensee's willfulness at the time of the violations. See *Shawano Gun & Loan, LLC v. Hughes*, 650 F.3d 1070, 1079 (7th Cir. 2011)(noting that "workplace changes to ensure compliance with Federal firearms laws" following a revocation notice "come too late," and that the promise to "do better if given another chance is not an argument that reaches the merits of the case"); *Cucchiara v. Sec'y of Treasury*, 652 F.2d 28, 30 (9th Cir. 1981) (concluding that a licensee's attempt to "correct his faulty recordkeeping system, after the violations ... is immaterial to the question of willfulness at the time the violations occurred"); *Sturdy v. Bensten*, 129 F.3d 122 (8th Cir.1997) (a licensee's after-the-fact efforts to correct the specific violations cited are irrelevant to the issue of willfulness at the time the errors occurred).