

J&S HARMON INC's FCI  
FCI-29920  
09/16/2022 01:20 PM  
IOI: (b)(6) Little Rock II (IO) Field Office

LICENSEE INFORMATION

Licensee Name J&S HARMON INC	RDS Key 5-71-00969	License/Permit Number 5-71-051-02-2F-00969	License Type 02 - Pawnbroker License
Business Type Corporation			
Premises Ownership Type Leased/Rented	Premises Address 3256 AIRPORT ROAD, Unit N/A, PEARCY, Arkansas 71964		
Premises Location Type Required Store Front			

Address  
3256 AIRPORT ROAD  
Unit N/A  
PEARCY, Arkansas 71964  
GARLAND  
United States

Address  
3256 AIRPORT ROAD  
Unit N/A  
PEARCY, Arkansas 71964  
GARLAND  
United States

Phone Type	Phone Number	Remarks
Business	+1 501-760-2470	
Fax	+1 501-760-1739	

RECOMMENDATIONS

Final Decision Date  
Revocation 08/12/2022

Details

A Notice of Revocation was issued on 8/12/2022 with an effective date of 9/1/2022. The licensee had zero inventory on hand as the remaining inventory had been transferred to Mr. Jimmie Harmon (responsible person) on an ATF 4473. Mr. Jimmie Harmon (responsible person) surrendered all records associated with this license to ATF IOIs on 9/13/2022 stating that he did not want to appeal the process and was vacating his business premises. All records associated with this license are in ATF's Little Rock Area Office and will be shipped to ATF's Tracing Center/OOBRC as soon as possible. Recommend License Revoked.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to the Federal Licensing Center

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

Details

Concur with FD proceeding with revocation.

Special Agent in Charge Kurt Thielhom's Recommendation

Concur with recommendation for revocation.

Division Counsel: (b)(6) Review

Details

The following violations appear to support the revocation recommendation proposed:

- On (b)(6) occasions, Licensee willfully failed to record the acquisition and disposition of firearms, in violation of 18 U.S.C. §§ 923(g)(1)(A) and 478.125(e). See Appendix A.

On one occasions, 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 when transferring a firearm to (b)(6)

(b)(6)

on March 23, 2021.

1. On one occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the NICS and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102 when transferring a firearm to (b)(6) on 12/12/20.
1. 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 B.
1. On ( ) occasions, Licensee willfully transferred a firearm to a nonimmigrant alien non-licensee without noting the type of documentation on and/or attaching a copy of the documentation to the Firearms Transaction Record, ATF Form 4473, that establishes an exception to the prohibition in 922(g)(5)(B), in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iii). See Appendix C.
1. On ( ) occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the NICS, any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix D.
1. On ( ) occasions, Licensee willfully failed to sign and/or date the Firearms Transaction Record, ATF Form 4473 certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5). See Appendix E.
1. On ( ) occasions, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a). See Appendix F.

Appendix A

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

Appendix B

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

Appendix C

1. ATF F 4473 Error/Omission, 26a, Incomplete (b)(6)  
(b)(6)

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

Appendix D

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

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

Appendix E

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

Appendix F

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

(b)(3) (112 Public Law 65 125 Stat 662), (b)(6)

Director, Industry Operations  
Valentina Close's Recommendation  
Revocation

Details

The DIO has reviewed the inspection report and concurs with the recommendation proposed by the IOI and Area Supervisor. The inspection disclosed 10 violations, to include two violations meriting REVOCATION. Specifically, the licensee was found in violation of 27 CFR 478.102(a)(2)(ii) for failing to wait 3 business days (with no NICS response) to transfer a firearm and the purchaser was prohibited, in [redacted] instance. Additionally, the licensee violated 27 CFR 478.102 (a) for transferring a firearm to a purchaser who presented an expired concealed carry permit and not conducting a NICS background check.

This is the 5th compliance inspection since license issuance in 2004 and the current inspection disclosed similar repeat violations as those cited in prior inspections that resulted in some form of administrative action.

DIO recommends REVOCATION.

Area Supervisor [redacted] (b)(6) Recommendation  
Revocation

Details

A Firearms Recall Inspection was conducted with Mr. Jim Harmon (responsible person and corporate officer) on 8/26/2021. The closing conference was conducted on 10/19/2021. The inspection disclosed nine violations and the licensee was cited for these violations, including two violations of 27 CFR 478.102. Specifically, the licensee failed to wait 3 business days (with no NICS response) to transfer a firearm in violation of 27 CFR 478.102(a)(2)(ii). In this instance, the transferee was prohibited and [redacted] was generated. Additionally, in another instance, the licensee transferred a firearm to an individual who presented an expired concealed carry permit in lieu of conducting a NICS background check in violation of 27 CFR 478.102(a).

The Administrative Action of Revocation is warranted due to: The transfer of a firearm prior to waiting 3 business days (with no NICS response) and the purchaser was prohibited; and for not conducting a NICS background check prior to transferring a firearm. In addition, the inspection identified repeat violations for which the licensee was subject to a previous Warning Conference and there were no significant improvements. Recommend Revocation.

Industry Operations Investigator [redacted] (b)(6) Recommendation  
Revocation

Details

On August 26, 2021, Industry Operations Investigator (IOI) [redacted] (b)(6) conducted a recall inspection for J&S Harmon d/b/a Jim's Pawn Shop. Responsible Person Jimmie "Jim" Harmon and Store Manager [redacted] (b)(6) were present during the inspection. Revisits were conducted on August 26, 2021, August 31, 2021, and September 1, 2021. The closing conference and Report of Violations were reviewed with Jim Harmon on 10/19/21.

On 12/28/21, an amendment to the Report of Violations was made to correct a violation originally cited from 27 CFR 478.102(d)(1) to 27 CFR 478.102(a). The Amended Report of Violations was signed by Jim Harmon on 12/29/21.

The inspection disclosed nine (9) violation including 27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm.

According to the ATF Form 4473, the purchaser, [redacted] (b)(6), received a delayed NICS response on 3/22/21. However, the firearm was transferred on 3/23/21 with no indication that a Proceed response was provided by NICS.

[redacted] (b)(6)

In addition, the inspection disclosed a violation of 27 CFR 478.102(a), Failure to complete a NICS/POC background check. The licensee transferred a firearm to an individual who presented an expired Arkansas concealed handgun carry license in lieu of conducting the NICS background check.

Revocation is warranted due to the transfer of a firearm prior to receiving a final response from NICS and the purchaser was prohibited. In addition, the inspection revealed repeat violations for which the licensee was subject to a previous Warning Conference with Warning Letter and there were no significant improvements made.

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 of [redacted] (b)(7)(E) if the Forms 4473 examined.

Transfer of Firearm

5. Transfer of a firearm prior to receiving a final NICS response (or applicable State POC background check) and 3 business days have not elapsed since the FFL contacted the system and the purchaser is prohibited.

**NICS**

4. Failure to conduct a NICS check or obtain an alternate permit.

7. Failure to record NICS or Point of Contact background check information: (b)(7)(E) of Forms 4473 examined, with (b)(7)(E)

8. Failure to conduct a NICS check or obtain alternative permit or fail to retrieve a NICS (or equivalent State Point of Contact background check system) response prior to the transfer of a firearm and the purchaser is prohibited.

**FFL History**

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

**ELIGIBILITY VERIFICATION**

**Business Information Verification**

Licensee Name	Business Type	Is the business valid?
J&S HARMON INC	Corporation	Yes

**Additional Findings**

The corporation is valid and in good standing with the Arkansas Secretary of State. Responsible Person Jimmie Lee Harmon is listed as the President/Treasurer (b)(6) is listed as the Vice-President/Secretary. Mr. Harmon stated he owns 100% stock in the corporation. (b)(6) is not involved in the firearms business and does not meet the definition of a responsible person.

**Attachment(s):**

- J&S Harmon, Inc-Corporate Officer Statement.pdf
- Business Verification.pdf

**Property Ownership Verification**

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

**Address**

3256 AIRPORT ROAD  
Unit N/A  
PEARCY, Arkansas 71964  
GARLAND  
United States

**Additional Findings**

According to Garland County Property Records, the property is owned by Harmon Family Trust-Jimmie & (b)(6)

**Attachment(s):**

- Property Ownership Verification.pdf

**Trade Name/DBA Verification**

Trade Name/DBA	Is the trade name/DBA registered?
JIM'S PAWN	Yes

**Additional Findings**

The trade name, "Jim's Pawn Shop" is registered with the Arkansas Secretary of State.

**Attachment(s):**

- Trade Name Verification.pdf

**Rental/Lease Verification**

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

**Additional Findings**

The property is owned by Harmon Family Trust. Responsible Person Jimmie Harmon and (b)(6) are the trustees. The property is informally leased to the corporation.

**Contact Information**

Name	Date Contacted
Jimmie Harmon	09/01/2021
Organization	
Harmon Family Trust	

Job Title  
Trustee

Phone Type	Phone Number	Remarks
Business	+1 501-760-2470	

Attachment(s):  
Lease Verification Statement.pdf  
Lease Verification.pdf

**Zoning Information Verification**

Is the proposed business activity in compliance with zoning?  
Yes

Additional Findings  
The business premises are located in Pearcy, Arkansas, an unincorporated community in Garland County, Arkansas. Garland County does not have any zoning regulations and no permits are required for the firearms business.

Attachment(s):  
garland county zoning information.pdf

**APPOINTMENT DETAILS**

Interview Date  
08/26/2021  
Address  
3256 AIRPORT ROAD, Unit N/A, PEARCY, Arkansas 71964

Responsible Attendee(s)	Non-Responsible Person(s)
JIMMIE LEE HARMON	(Deactivated)

**RESPONSIBLE PERSON(S)**

**JIMMIE LEE HARMON**

Name	Gender	Race	Ethnicity
JIMMIE LEE HARMON	Male	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	PRESIDENT	

**Physical Identifiers**

Height	Weight	Hair Color	Eye Color
		(b)(6)	

**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
	United States	No data available	

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

**Criminal History Check**

Date Criminal History Check Conducted  
08/19/2021

Criminal History Check Comments

Investigator (b)(6) conducted an NCIC check through JWIN. No prohibiting information found. The last NICS Proceed (NTN# (b)(6)) was on 3/21/19. The last CHC Clearance was 3/26/19.

NON-RESPONSIBLE PERSON(S)

Name	Date of Birth	Job Title
		Store Manager

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

Jim's Pawn Shop conducts retail sales and also pawns firearms. They also pawn other items such as tools, power equipment, electronics, and musical instruments.

Do they need an additional license or permit?

No

Who are their primary suppliers?

There are no primary suppliers. The majority of firearms are used firearms obtained from customers or through pawn.

Business Activities

Pawnbroker  
Retail

Selected Operational Security Measures

(b)(4)

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

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

RP Jimmie Harmon and Store Manager (b)(6)

Who has keys to the premises?

RP Jimmie Harmon and Store Manager (b)(6)

Who has keys to locked inventory?

RP Jimmie Harmon and Store Manager (b)(6)

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

RP Jimmie Harmon and Store Manager (b)(6)

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

No.

Are any employees known to be prohibited?

No.

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

No.

SECURITY WALKTHROUGH

Inspection Area Description

The inspection took place in the front counter area of the store and the storage area in the back of the store.

Primary Activity

Retail

Selected Physical Security Measures

Alarm Monitoring (with Cellular Back-Up)

Bars on Windows

Deadbolts

Security Cameras

Safe(s)/Vault(s)

Motion Sensors

GPS Coordinates

Latitude

34.44420

Longitude

-93.20046

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

(b)(6)

Total Number of Open Dispositions in A & D Record

(b)(6)

Total Number of Firearms in Inventory

107

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

(b)(4)

Total Number of Dispositions in the Last 12 Months

(b)(4)

Onsite Start Date

Onsite End Date

Number of Reported Lost/Stolen Firearms During Inspection Period

Total Number of Traces During Inspection Review Period

Total Number of Those Traces That Were Unresolved

Inspection Period Start Date

Inspection Period End Date

Number Of Traces Resolved By IOI

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

Additional Comments

Inspection was conducted on: August 26, 2021, August 31, 2021-September 1, 2021

Closing conference was conducted on: 10/19/21

Inspection period: 8/26/20 thru 8/26/21

Business percentages: (b)(4) retail & (b)(4) pawn/redemption

Inventory: (b)(4) new firearms & (b)(4) used

A&D Records: Hard copy

ATF Forms 4473: filed chronologically and denied/no transfer Forms are kept separately

Multiple handgun sales: 0 Unreported multiple handgun sales.

NICS checks verified: 20

Traces during the inspection period: (b)(4) successful trace

Individual NCIC queries: #19d No Response (b)(4) One individual: (b)(6) is a potential prohibited person. A Suspicious Activity Referral was created. Please see (b)(3) (112 Public Law 55 125 Stat 552)

Alternate permit holders = 3. No prohibiting information found.

A Secondary Market Analysis of One hundred and five(105) Firearms was conducted with (b)(4) hit on (b)(3) (112 Public Law 55 125 Stat 552). The firearm

was reported stolen by an FFL, Hunters Refuge Inc (5-71-36428) on 1/8/15. On 9/10/21, Acting Area Supervisor (b)(6) notified RAC (b)(3) (112 Public Law 55 125 Stat 552) of the firearm and the

recovery location. RP Jim Harmon notified the Garland County Sheriff's Office of the stolen firearm as well.

Number of Transferee Background Checks

1

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Report of Violations.pdf

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

**REPORT OF VIOLATIONS**

Regulation	Corrective Actions	Instance Details
27 CFR 478.102(d)(1): Failure to obtain a valid alternative permit in lieu of a NICS check  Number of Instances: 0	The business will ensure to verify that the NICS alternative permit is valid and has not expired. Ensure that a qualifying NICS alternative permit is properly obtained, validated and verified for all applicable future over-the-counter firearm transactions.  Ensure that a qualifying NICS alternative permit is properly obtained and verified for all applicable future over-the-counter firearm transactions.	
27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms  Number of Instances: 2	The missing acquisition dates were reconciled using the pawn tickets. The missing disposition information was reconciled using the ATF Forms 4473.  Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm disposition information.	<b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b>
27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473  ATF Forms 4473 (b)(4) Number of Instances: 2	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473	<b>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</b>

3	<p>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>
4	<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: <input type="checkbox"/></p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Complete all forms as prescribed.</p> <p>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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
5	<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"/></p> <p>Number of Instances: <input type="checkbox"/></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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</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: <input type="checkbox"/></p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Ensure that expired identification information is not accepted. If the transferee's identification information does not show the current residence address, ensure that a supplemental government issued documentation is obtained and documented on the ATF Form 4473.</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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
7	<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/></p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Ensure that all required firearm information is obtained and accurately recorded on all future ATF Forms 4473, Section A.</p> <p>Ensure that all required firearm identification information is obtained 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>
8	<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/></p> <p>Number of Instances: <input type="checkbox"/></p>	<p>Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p> <p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</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>For no NICS responses, ensure to wait the minimum three business day requirement before transferring a firearm.</p> <p>Ensure that the minimum time period of three</p>	<p>NICS Violation: <input type="checkbox"/> (b)(6)</p>

9	ATF Forms 4473: 1 Number of Instances: 1	business days (meaning days on which State offices are open).	
10	27 CFR 478.102(a): Failure to complete a NICS/POC background check  ATF Forms 4473: 1 Number of Instances: 1	Execute a required NICS/POC background check for all future over-the-counter firearm transactions.	NICS Violation, (b)(6) 12/21/2020

**LICENSEE RESPONSE REPORT**

	Regulation	Corrective Actions	Licensee Response	Status Details
1	27 CFR 478.102(d)(1): Failure to obtain an valid alternative permit in lieu of a NICS check  Number of Instances: 0	The business will ensure to verify that the NICS alternative permit is valid and has not expired. Ensure that a qualifying NICS alternative permit is properly obtained, validated and verified for all applicable future over-the-counter firearm transactions. Ensure that a qualifying NICS alternative permit is properly obtained and verified for all applicable future over-the-counter firearm transactions.	Violation Rescinded.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 10/19/2021
2	27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms  Number of Instances: 1	The missing acquisition dates were reconciled using the pawn tickets. The missing disposition information was reconciled using the ATF Forms 4473. Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm disposition information.	Mr. Harmon stated they made the corrections and added the missing acquisition and disposition dates in the log book.	Status Correction Verified  Verified Method In Person  Date Correction Verified 10/19/2021
3	27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473  ATF Forms 4473: 1 Number of Instances: 1	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	Mr. Harmon stated he needs to make an example 4473 Form to go by that is completed correctly and use that as a guide so he can reduce the amount of mistakes.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 10/19/2021
4	27 CFR 478.21(a): Failure to complete forms as prescribed  ATF Forms 4473: 1 Number of Instances: 1	Complete all forms as prescribed. Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions. Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.	Regarding the customers who checked "yes" and "no" on Item #21a, Mr. Harmon stated that the customers checked "no" by mistake and he forgot to have them draw a line through the no and initial and date. Mr. Harmon stated that he sometimes forgets to check Item #7 for a pawn redemption and was confused about recording the line numbers.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 10/19/2021
5	27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473  ATF Forms 4473: 1 Number of Instances: 1	Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	Mr. Harmon stated he needs to make an example 4473 Form to go by that is completed correctly and use that as a guide so he can reduce the amount of mistakes.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 10/19/2021
	27 CFR 478.124(c)(3)(i): Failure to verify or record Identification	Ensure that expired identification information is not accepted. If	RP Jimmie Harmon said must have forgot to put "AR" for the Issuing	Status Licensee Notified

6	document on ATF F 4473  ATF Forms 4473: [ ] Number of Instances: [ ]	the transferee's identification information does not show the current residence address, ensure that a supplemental government issued documentation is obtained and documented on the ATF Form 4473.  Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	Authority. Mr. Harmon stated he didn't realize he had to obtain a supplemental government issued document if the address on the driver's license doesn't match the current address listed.	Verified Method In Person  Date Licensee Notified 10/19/2021
7	27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473  ATF Forms 4473: [ ] Number of Instances: [ ]	Ensure that all required firearm information is obtained and accurately recorded on all future ATF Forms 4473, Section A.  Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section D.	Mr. Harmon stated he was sure that shotgun did not have a serial number. He just forgot to put "None" on the Form 4473.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 10/19/2021
8	27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473  ATF Forms 4473: [ ] Number of Instances: [ ]	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.	Mr. Harmon acknowledged that they made mistakes on the transfer dates and (b)(6) forgot to record the transfer date on one of the forms.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 10/19/2021
9	27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm  ATF Forms 4473: 1 Number of Instances: 1	For no NICS responses, ensure to wait the minimum three business day requirement before transferring a firearm.  Ensure that the minimum time period of three business days (meaning days on which State offices are open).	Mr. Harmon stated that he was sure that someone called him back with a Proceed response, he must have just forgot to record the response on the form. Mr. Harmon was adamant that someone must have called him back and stated he would not have intentionally transferred the firearm before the three business day requirement without getting a proceed response back.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 10/19/2021
10	27 CFR 478.102(a): Failure to complete a NICS/POC background check  ATF Forms 4473: 1 Number of Instances: 1	Execute a required NICS/POC background check for all future over-the-counter firearm transactions.	RP Jimmie Harmon stated that he must have overlooked the expiration date. He stated the permit was only expired by a couple days and didn't know he needed to complete a NICS check for that.	Status Licensee Notified  Verified Method In Person  Date Licensee Notified 12/29/2021

**CLOSING CONFERENCE**

Review Regulations conducted offline

( 10/19/2021 )  
10/19/2021

Closing Conference Additional Notes

On 10/19/21, Investigator (b)(6) held the closing conference with Responsible Person Jimmie Harmon. The Report of Violations was reviewed. Mr. Harmon was provided with the following documents

- Copy of Acknowledgement
- Copy of Report of Violations

Attachment(s)

Attendee(s)

JIMMIE LEE HARMON

**EXHIBITS**

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 5-71-00969 Inspection Results
FinalDecision	FNR - JS Harmon (Issued 8-12-22)signed.pdf
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 National Licensing Center
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
UpdateLicensingCenter	Hearing Request - J&S Harmon (Rcv'd 4-7-22).pdf
UpdateLicensingCenter	NOR - Delivery Confirmation (Green Card) - J&S Harmon 3-31-12.pdf
UpdateLicensingCenter	NOR - JS Harmon (signed 3-25-22, issued 3-28-22).pdf
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
UpdateLicensingCenter	Exhibit 8c (Final) - JS Harmon Inc (Signed 3-11-22).pdf
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
Correspondence	Spartan Notification RE: 5-71-00969 Monitored Case
UpdateLicensingCenter	Exhibit 8c (initial) - J&S Harmon Inc.docx
ReturnedSignedROV	Amended Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
BusinessVerification	J&S Harmon, Inc-Corporate Officer Statement.pdf
RentalLeaseVerification	Lease Verification Statement.pdf
AdditionalBackgroundCheck	(b)(6)
AdditionalBackgroundCheck	(b)(6)-Court Docket Info.pdf
AdditionalBackgroundCheck	GWPD-Incident-Report-12-00147 (b)(6).pdf
AdditionalBackgroundCheck	NCIC Information (b)(6).pdf
AdditionalBackgroundCheck	(b)(6)-NTN ReCheck.pdf
AdditionalBackgroundCheck	(b)(6)3,23,21-27d blank.pdf
AdditionalBackgroundCheck	DL Information (b)(6).pdf
OnSiteSummaryInformation	5173 Kimber Pistol-NCIC Hit, A&D entry, Pawn ticket, Pictures.pdf
OnSiteSummaryInformation	Referral Notes-Kimber Pistol Reported as Stolen.docx
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
RentalLeaseVerification	Lease Verification.pdf
ZoningVerification	garland county zoning information.pdf
TradeNameVerification	Trade Name Verification.pdf
BusinessVerification	Business Verification.pdf
PropertyOwnershipVerification	Property Ownership Verification.pdf
ApplicationPDF	Harmon Property Card.pdf

SAR-1436

Category	Attachment Name
Correspondence	Industry Operations Report of Suspicious Activity (b)(6)

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

In the matter of License Number 5-71-051-02-2F-00969, as a/an  
dealer, including pawnbroker, in firearms issued to:  
Name and Address of Licensee (Show number, street, city, State and ZIP Code)

J&S Harmon, Inc., d/b/a Jim's Pawn  
3256 AIRPORT ROAD  
PEARCY, AR 71964

### Notice Is Hereby Given That:

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

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

Pursuant to U.S.C. 923(f)(2) and/or 922(t)(5), you may file a request with the Director of Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, at 1 Galleria Boulevard, Suite 1700, Metairie, LA 70001, in duplicate, for a hearing to review the revocation, suspension and/or fine of your license. The request must be received at the above address within 15 days of your receipt of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing; and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed. The hearing will be held as provided in 27 CFR Part 478.

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

- Please see included brochure

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
03/25/2022	Valentina Close, Director, Industry Operations, New Orleans Field Division	VALENTINA CLOSE <small>Digitally signed by VALENTINA CLOSE Date: 2022.03.25 11:51:18 -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: 7021 2720 0000 1865 3772 Or  Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
03/28/2022	Senior Operations Officer	(b)(6)

Print Name and Title of Person Served	Signature of Person Served (if applicable)
J&S Harmon, Inc., d/b/a Jim's Pawn	

Address Where Notice Served  
3256 AIRPORT ROAD PEARCY, AR 71964

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given that that the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") intends to revoke the Federal firearms license held by J&S Harmon, Inc., d/b/a Jim's Pawn ("Licensee"). Specifically, the Director, Industry Operations, United States Department of Justice, ATF, New Orleans Field Division, has reason to believe that Licensee willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively, "GCA") as described herein.

### **Compliance History**

ATF first issued a Federal firearms license to Licensee in 2004. The laws and regulations issued under the GCA were reviewed as part of the application inspection. Subsequently, ATF conducted compliance inspections of Licensee in 2007, 2009, 2014, 2017 and 2021. As a result of the 2014 inspection, Licensee received a Warning Letter in 2015 advising that future violations could be viewed as willful and may result in revocation of the license. As a result of the 2017 inspection, Licensee attended a Warning Conference in which the violations and proposed corrective actions were reviewed and followed by a letter advising that future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of the license."

### **Current Inspection**

In 2021, ATF conducted a compliance inspection of Licensee's premises that revealed the following some of which were repeated violations from prior inspections:

1. On [redacted] occasions, Licensee willfully failed to record the acquisition and disposition of firearms, in violation of 18 U.S.C. §§ 923(g)(1)(A) and 478.125(e). See Appendix A.
2. 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 when transferring a firearm to [redacted (b)(6)] on March 23, 2021.
3. On one occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the NICS and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102 when transferring a firearm to [redacted (b)(6)] on 12/12/20.
4. On [redacted] 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 B.

5. On  occasions, Licensee willfully transferred a firearm to a nonimmigrant alien non-licensee without noting the type of documentation on and/or attaching a copy of the documentation to the Firearms Transaction Record, ATF Form 4473, that establishes an exception to the prohibition in 922(g)(5)(B), in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iii). See Appendix C.
6. On  occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the NICS, any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix D.
7. On  occasions, Licensee willfully failed to sign and/or date the Firearms Transaction Record, ATF Form 4473 certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5). See Appendix E.
8. On  occasions, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a). See Appendix F.

**Appendix A**

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

**Appendix B**

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

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

**Appendix C**

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

**Appendix D**

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

(b)(6),(b)(7)(C)

**Appendix E**

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

Appendix F

(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 5-71-051-02-5F-00969 as a/an \_\_\_\_\_,  
issued to: \_\_\_\_\_

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

J&S Harmon, Inc. d/b/a Jim's Pawn J&S Harmon, Inc. d/b/a Jim's Pawn  
3256 Airport Road  
Percy, Arkansas 71964

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

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 1 Galleria Boulevard, Suite 1700, Metairie, LA 70001

prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

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

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

Date 08/12/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Valentina Close, Director, Industry Operations	Signature VALENTINA CLOSE <small>Digital: signed by VALENTINA CLOSE Date: 2022.08.12 16:46:25 -0500</small>
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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: **7021 0950 0001 7273** Or  Delivering a copy of the notice to  
**3773** the address shown below.

Date Notice Served 08/15/2022	Title of Person Serving Notice Senior Operations Officer	Signature of Person Serving Notice <b>(b)(6)</b>
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Print Name and Title of Person Served J&S Harmon, Inc. d/b/a Jim's Pawn	Signature of Person Served
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Address Where Notice Served  
3256 Airport Road, Percy, Arkansas 71964

Note: Previous Edition is Obsolete

## Background

J&S Harmon, Inc. doing business as Jim's Pawn ("Licensee"), holds a Federal firearms license #5-71-051-02-5F-00969 as a dealer, including pawnbroker, in firearms other than destructive devices issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") pursuant to the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively "GCA").

On March 25, 2022, ATF issued a Notice to Revoke or Suspend License and/or Impose Civil Fine, ATF Form 5300.4, to Licensee. By an undated letter, ATF timely received Licensee's request for a hearing to review that Notice.

A hearing was held on July 13, 2022, at the United States Courthouse Grand Jury Room, 100 Reserve Street, Hot Springs, Arkansas, 71901. The hearing was conducted by Valentina Close, Director, Industry Operations for the New Orleans Field Division. ATF was represented by Division Counsel (b)(6). ATF Industry Operations Investigator (IOI) (b)(6) appeared as witnesses on behalf of the Government. Jimmie Lee Harmon appeared as the sole witness for the Licensee. The hearing was recorded and transcribed. The Government and Applicant offered testimony, and the Government offered exhibits. The testimony and exhibits introduced at the hearing constitute the record in this proceeding.

## Findings of Fact

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

The Notice, as amended at hearing<sup>1</sup>, alleged the following violations:

1. On (b)(6) occasions, Licensee willfully failed to record the acquisition and disposition of firearms, in violation of 18 U.S.C. §§ 923(g)(1)(A) and 478.125(e).<sup>2</sup>
2. 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 when transferring a firearm to (b)(6) on March 23, 2021.
3. On one occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the NICS and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102 when transferring a firearm to (b)(6) on 12/12/20.
4. On (b)(6) 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).

<sup>1</sup> Licensee did not object to the amendment of the notice.

<sup>2</sup> The specific instances of multiple violations cited in the notice are as found in the appendices to the original notice.

5. On [ ] occasions, the Licensee willfully transferred a firearm to a non-licensee without verifying the identity and examining the identification document presented and noting the type 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)(i).
6. On [ ] occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the NICS, any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv).
7. On [ ] occasions, Licensee willfully failed to sign and/or date the Firearms Transaction Record, ATF Form 4473 certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5).
8. On [ ] occasions, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a).

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

#### **Conclusions of Law**

1. Pursuant to the GCA and as found at 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license when a licensee willfully violates the GCA, and regulations promulgated thereunder.
2. Licensees are responsible for knowing the rules and regulations of the GCA and have a duty to follow the law and regulations while applying for, and conducting, regulated business activities. *See Trader Vic's v. O'Neill*, 169 F.Supp.2d 957 (N. D. Ind. 2001).
3. For purposes of the regulatory provisions of the GCA, a "willful" violation is committed when a known legal obligation is purposefully disregarded or not fulfilled because of a plain indifference to the requirements. *See Stein's Inc. v. Blumenthal*, 649 F. 2d 463 (7th Cir.1980). Courts have held that willful violations can occur as the result of a reckless disregard of the statutory requirements. *See Goodman v. Benson*, 286 F. 2d 896 (7th Cir. 1961). Willful violations have been defined as those demonstrating an applicant/licensee's awareness of the proper requirements coupled with acts in contravention of those requirements.

Willful violations can include violations committed by a careless disregard for the statutory requirements. *See Trader Vic's v. O'Neill*, supra, citing *Stein's Inc. v. Blumenthal*, 649 F.2d 463 (7<sup>th</sup> Cir. 1980), *Perri v. Department of Treasury*, 637 F.2d 1332 (9<sup>th</sup> Cir. 1981), *Goodman v. Benson*, 286 F.2d 896 (7<sup>th</sup> Cir. 1961). Post-notice compliance is irrelevant to a determination of willfulness. *See Thurmond v. U.S. Department of Justice*, No. 4:13-CV-2290 CEJ, 2014 WL 5320487 (E.D. Mo. Oct. 17, 2014).

4. There is no necessity that the government establish that a licensee committed the violation as the result of a bad purpose or evil motive. *See Cucciara v. Secretary of Treasury*, 652 F. 2d 28 (9<sup>th</sup> Cir. 1981); *Stein's Inc. v. Blumenthal*, 649 F. 2d 463 (7<sup>th</sup> Cir.1980); *Lewin v. Blumenthal*, 590 F. 2d 268 (8<sup>th</sup> Cir. 1979); *Cisewski v. Department of the Treasury*, 773 F. Supp. 148 (E.D. Wis. 1991) and *Shyda v. Bureau of Alcohol, Tobacco and Firearms*, 448 F. Supp. 409 (M.D. Pa. 1977).
5. Having established Licensee violated the GCA and the regulations issued thereunder, it must be determined whether such violations were willfully committed. For the reasons stated below, I conclude Licensee's conduct was willful.
6. The record reveals Licensee understood the law and regulations as related to the violations cited. In this regard, J&S Harmon, Inc, has held a corporate Federal firearms license (FFL) since 2004. Mr. Jimmie Lee Harmon is the sole responsible person on that FFL. Prior to this license, Jimmie Lee Harmon, held an individual FFL in his name which was originally issued in 1992. Prior to J&S Harmon, Inc. being licensed, the law and regulations were reviewed with Licensee.
7. After receiving an FFL authorizing J&S Harmon, Inc. to engage in the business of dealing firearms other than destructive devices, ATF conducted compliance inspections in 2007, 2009, 2014 and 2017. As a result of the 2007, 2014 and 2017 compliance inspections ATF issued Reports of Violations and Licensee received copies of those reports. At the close of each compliance inspection ATF conducted reviews of the Federal firearms laws and regulations which were acknowledged by Mr. Harmon on behalf of Licensee.
8. After the 2014 compliance inspection ATF issued a Warning Letter which, in part, advised Licensee that future violations, repeat or otherwise could result in revocation of the FFL.
9. After the 2007 and 2017 compliance inspection, ATF held Warning Conferences with Licensee and Mr. Harmon appeared in person and participated in these meetings. The violations and the law were again discussed with Mr. Harmon on behalf of the FFL. After both these conferences, ATF issued a letter documenting the meetings, violation and law and regulations related to the requirements.

10. In 2021, ATF conducted the fifth compliance inspection. As a result of that inspection, a Report of Violations was issued December 29, 2021, which was followed by the instant Notice to Revoke, Suspend and/or Impose Civil fine being issued. After issuance of the notice, Licensee timely requested a hearing which was scheduled and held. Mr. Jimmie Lee Harmon appeared as the sole witness for Licensee.
11. Mr. Harmon, the sole responsible person and the only witness on behalf of Licensee, did not dispute that on eight occasions, Licensee failed to record the acquisition and disposition of firearms, in violation of 18 U.S.C. §§ 923(g)(1)(A) and 478.125(c). Licensee stated, "People get busy. People make mistakes, and just like that letter that you all sent me. It was on the wrong day". (TR p. 51, L 2-4). Mr. Harmon went on to admit he understood the law and regulations related to these violations when he stated, "I understand it...I'm responsible for it being wrong". (TR p. 51 L 15-19). Prior to these violations occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2007, 2009, 2014 and 2017 reviews ATF conducted which included a review of the law and regulations on this requirement. Licensee had previously been cited for committing the same violation in the Reports of Violations after the 2007, 2014 and 2017 inspections which resulted in a 2007 Warning Letter and 2014 Warning Conference with a follow up letter. Most recently, in regard to this same violation, Mr. Harmon, on behalf of Licensee, participated in a 2017 Warning Conference where this violation was discussed again and received the follow up letter following that conference again documenting the law and regulations on this requirement. I find these violations were committed willfully.
12. Licensee did not dispute that a firearm was transferred 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 when transferring a firearm to (b)(6) on March 23, 2021. Licensee stated "... that gun and that man, I know personally, and we may have just wrote the wrong dates down. I -- because sometimes I get confused with the dates". (TR p. 64, L 5-9). In later testimony related to this violation Mr. Harmon stated "...I didn't willfully do it to break the law. If I had, I would have covered it up...well, if you do something against the law are you going to tell everybody about it?". (TR p.73, L 5-11). Later, Mr. Harmon admitted that he violated the law and regulations because he did not pay attention to the dates. (TR p. 77, L 14-18). Prior to these violations being cited, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2007, 2009, 2014 and 2017 reviews conducted by ATF of the law and regulations which specifically included this requirement. I find his explanation of what occurred less than credible, and

that Licensee committed this violation willfully which resulted in the transfer of a firearm to a person who was prohibited by law from possessing same.

13. Licensee did not dispute that on one occasion, Licensee transferred a firearm to an unlicensed person without first contacting the NICS and obtaining a unique identification number and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102 when transferring a firearm to (b)(6) on 12/12/20. Mr. Harmon testified that “[he] didn’t notice it was expired” referring to the permit documented on the ATF Form 4473. (TR p. 77, L17-18). Prior to this violation occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2007, 2009, 2014 and 2017 reviews conducted by ATF of the law and regulations which included a review of this requirement. Additionally, Licensee had previously been cited for committing the same violation in the Report of Violations issued after the 2017 inspection following which Mr. Harmon participated in a Warning Conference, discussed the law related to this same violation and after which he received a follow-up letter. I find these violations were committed willfully.
14. Licensee did not dispute that on [ ] occasions Licensee 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). During testimony related to this violation, Mr. Harmon stated “I didn't cross all the T's. I didn't dot all the I's...” (TR p.98, L 13-15). Prior to this violation occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2007, 2009, 2014 and 2017 reviews conducted by ATF of the law and regulations which included a review of this requirement. Additionally, Licensee had previously been cited for committing the same violation in the Reports of Violations issued after the 2014 and 2017 inspections and participated in the 2017 post-inspection Warning Conference where this same violation and the law and regulations related to this violation were discussed again. Thereafter, Licensee received the follow-up letter. I find these violations were committed willfully.
15. Licensee did not dispute that on [ ] occasions, the Licensee transferred a firearm to a non-licensee without verifying the identity and examining the identification document presented and noting the type 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)(i). Related to this violation, Mr. Harmon stated “I’m just old, and

I'm not a good bookkeeper". (TR p. 107, L 10-11). Prior to this violation occurring, Licensee had been advised of the law and regulations regarding this requirement on multiple occasions including the 2007, 2009, 2014 and 2017 reviews conducted by ATF of the law and regulations which included a review of this requirement. Additionally, Licensee had previously been cited for committing the same violation in previous inspections. I find these violations were committed willfully.

16. Licensee did not dispute that on  occasions, Licensee transferred a firearm to a non-licensee without recording the date the Licensee contacted the NICS, any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). In response to questioning related to this violation, Mr. Harmon, on behalf of Licensee stated, "I'm sure I made a lot of mistakes, and I see some of my help make mistakes..." (TR p. 125, L 2-3). Additionally, Licensee had previously been cited for committing the same violation in the Reports of Violations issued after the 2007 and 2017 inspections which were both followed by a Warning Conference wherein the law and regulations regarding this specific requirement were reviewed. Thereafter, Licensee received a 2017 follow-up letter documenting the meeting and including the law and regulations related to this requirement. I find these violations were committed willfully.
17. Licensee admitted that on  occasions, Licensee failed to sign and/or date the Firearms Transaction Record, ATF Form 4473 certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5). In this regard, Mr. Harmon stated that "Yeah, they happened. It's just something that happens all the time." (TR p. 145, L 13-14). Further, Licensee had previously been cited for committing the same violation in the Reports of Violations issued after the 2007 and 2017 inspections which were both followed by a Warning Conference wherein the law and regulations regarding this specific requirement were reviewed. Thereafter, Licensee received the 2017 follow-up letter conference letter documenting the meeting and including the law and regulations related to this requirement. I find these violations were committed willfully.
18. Toward the end of the hearing, Mr. Harmon, as the sole responsible person and witness for the Licensee, admitted all the violations stating that "I just didn't get it done" (TR. p.136, L 5).

19. In accord with 18 U.S.C. § 923(d) and 27 C.F.R. § 478.73 and after consideration of the record, which includes the facts, evidence, and testimony, the Federal firearms license held by J&S Harmon, Inc. doing business as Jim's Pawn is hereby REVOKED.

Dated this 12th day of August 2022.

Digitally signed by  
VALENTINA CLOSE  
Date: 2022.08.12  
16:42:11 -0500

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