

KENNETH M ABRAMOVITZ 's FCI
FCI-33028
03/03/2022 11:40 AM
IO# (b)(6) Denver III (IO) Field Office

LICENSEE INFORMATION

Applicant Name
KENNETH M ABRAMOVITZ
(Sole Proprietor)

RDS Key
5-84-08833

License/Permit Number
5-84-059-01-3M-08833

License Type
01 - Dealer License

Business Type
Sole Proprietorship

Premises Address

Mailing Address

Premises Ownership Type
Owned

Same as Premises Address

Premises Location Type
Single Family Dwelling

Address
9673 W VIRGINIA DR
Unit N/A
LAKEWOOD, Colorado 80226-0000
JEFFERSON United States

Phone Type	Phone Number	Remarks
Business	+1 720-255-8087	

RECOMMENDATIONS

Final Decision
Revocation
Date
02/22/2022

Details

UPDATE: A Final Notice of Revocation was mailed on February 22, 2022; and delivered on February 28, 2022. License was revoked effective February 22, 2022. On February 14, 2022, ATF reviewed licensee's acquisition and disposition records and any ATF Forms 4473 currently on hand. (b)(3) (112 Public Law 55 125 Stat 552), (b)(6)

Out of Business Records and Inventory Management

Licensee Records

Licensee Inventory

✔ Submitted to an ATF Employee

✔ Inventory transferred to self

ATF Employee Name

(b)(6)

Deputy Assistant Director Hans Hummel's Recommendation
Revocation

Details

Concur with recommendation of DIO

Special Agent in Charge David Booth's Recommendation

I concur with DIO on revocation

Division Counsel (b)(6) review

Details

none

Director of Industry Operations Rebecca Solis's Recommendation
Revocation

Details

Revocation is recommended.

This compliance inspection was the first inspection where violations have been cited. The last inspection in 2009 resulted in no violations and the 2007 inspection also resulted in no violations. The original license was issued in 2002.

The licensee failed to initiate a background check prior to the transfer of a firearm in one instance. In response, the responsible person (RP) stated, "Oversight, "Whatever it doesn't even matter anyways." Note, the individual was not prohibited.

The licensee also failed to retain [redacted] ATF Forms 4473s, and failed to execute [redacted] ATF Form 4473, which involves the same transaction as the failed background check. The RP stated he did not know where the forms were located and stated the basement was a mess at the time and did not know what happened.

In addition, the licensee failed to ensure the acquisition and disposition record was properly completed for [redacted] acquisitions and [redacted] disposition. No firearms were missing after reconciliation. In response the RP stated, "Could have been prevented if I paid more attention. Should have taken more "concern to doing business correctly. Too many things have been happening, the last six months have been shit."

The licensee had [redacted] ATF Forms 4473 on file for the inspection period. The licensee failed to ensure the ATF Forms 4473s were properly completed (27 CFR 478.124 (c)(1)) on [redacted] forms with [redacted] instances and failed to ensure the forms were completed as prescribed (27 CFR 478.21(a)) on [redacted] forms with [redacted] instances. Again, the RP indicated in response to both these violations, "Could have been prevented if I paid more attention. Should have taken more "concern to doing business correctly. Too many things have been happening, the last six months have been shit."

The licensee also failed to verify or record an identification document on [redacted] ATF Form 4473 with [redacted] instance and failed to record NICS contact information on [redacted] ATF Forms 4473 with [redacted] instances. As noted above, the RP made the same comments about the violations that they could have been prevented, and the RP should have had more concern and too many things were happening.

Revocation is recommended based on the failure to conduct the required background check. Further, there is no indication of any extenuating circumstances or reasons why the background check was not completed.

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

Details

On December 14, 2021, a full scope DE firearms compliance inspection was conducted. The inspection was completed on December 17, 2021. The licensee has held a Type 01 – Dealer of Firearms since September 2002 per FLS. Previous inspection history includes a Forward Trace Initiative inspection (788020-2010-0049) in November 2009 and a DE Non VCIT compliance inspection (785035-2007-0525) in August 2007 that both resulted in No Violations, No Further Action, and No Referrals. Licensee was cited for eight (8) violations. One (1) violation is a zero tolerance violation, 27 CFR 478.102(a) Failure to complete a NICS/POC background check. This merits a revocation. ATF Investigator has recommended Revocation. I concur with the Investigator's recommendation of Revocation.

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

Details

Revocation, Completed Firearms Disposition Emphasis Inspection. NCIC conducted with no hits. Submitted December 17, 2021. Onsite dates December 14, 15, and 17, 2021.

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

Details

Revocation, Completed Firearms Disposition Emphasis Inspection. NCIC conducted with no hits. Submitted December 17, 2021. Onsite dates December 14, 15, and 17, 2021.

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] percent or more of the Forms 4473 examined.
- 9. Failure to execute a Form 4473 (Exception: Select findings 6, 7, and 8 above for consignment sales, transfers to law enforcement officers for personal use, and FFL responsible persons; if the transferee is NOT prohibited).
- 11. Failure to retain required GCA records for transferred firearms for period of time specified by regulation.

NICS

- 4. Failure to conduct a NICS check or obtain an alternate permit.
- 6. Failure to record NICS or Point of Contact background check information on [redacted] percent or more of Forms 4473 examined, with a minimum of [redacted] instances.

ELIGIBILITY VERIFICATION

Business Information Verification

Property Ownership Verification

Premises Ownership Type	Premises Location Type	Has the property ownership been verified?
Owned	Single Family Dwelling	Yes

Address
9673 W VIRGINIA DR
Unit N/A
LAKEWOOD, Colorado 80226-0000
JEFFERSON United States

Additional Findings
Investigator [redacted] (b)(6) verified property ownership through Jefferson County Property Records.

Attachment(s):
Assessor Property Records Search - Property Details.pdf

Trade Name/DBA Verification

Trade Name/DBA
DLM SPORTING GOODS

Is the trade name/DBA registered?
Yes

Additional Findings
Investigator (b)(6) verified that the Trade Name is registered and in good standing with the Secretary of State of the State of Colorado.

Attachment(s):
Trade Name.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings
All businesses operating in Lakewood must obtain a City of Lakewood sales and use tax license; service-oriented businesses that do not "sell" anything are required to obtain a use tax license only.

Attachment(s):
License My Business - City of Lakewood.pdf

APPOINTMENT DETAILS

Interview Date
12/14/2021

Address
9673 W VIRGINIA DR, Unit N/A, LAKEWOOD, Colorado 80226-0000

Responsible Attendee(s) **Non-Responsible Person(s)**

KENNETH M ABRAMOVITZ No Items

RESPONSIBLE PERSON(S)

KENNETH M ABRAMOVITZ

Name	Gender	Race	Ethnicity
KENNETH M ABRAMOVITZ	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

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Criminal History Check Comments
No hits

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

Kenneth M Abramovitz dba DLM Sporting Goods operate (b)(6). The primary business activity is facilitating dealer and private party transfers to the general public. The licensee does not operate as a gunsmithing, sell, amend, or attend gun shows. The licensee is not an SOT. Investigator (b)(6) determined that the Type 01 license is appropriate for the licensee's business operations. The licensee's business operations do not require any additional ATF licenses/permits.

Do they need an additional license or permit?

No

Who are their primary suppliers?

The licensee acquired approximately (b)(4) firearms and disposed of approximately (b)(4) firearms during the review period. The primary suppliers were (b)(4)

(b)(4)

Business Activities

Internet Sales/Transfers

Retail

Internet Sales/Transfers Website

www.gunbroker.com

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping

Controlled Access to Keys

PREMISES INFORMATION

Inspection Area Description

The business is in a single-family dwelling located at 9673 W Virginia Dr, Lakewood, CO 80226. The licensee sells new and used firearms in addition to facilitating dealer and private party transfers to the general public. (b)(6)

(b)(6)

Investigator (b)(6) verified and noted that the licensee had posted an active business license with the City of Lakewood and a Sales tax License.

Primary Activity

Retail

GPS Coordinates

Latitude

39.70804

Longitude

-105.10565

Selected Physical Security Measures

Deadbolts

Safe(s)/Vault(s)

INTERVIEW NOTES

On December 15, 2021, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Industry Operations Investigator (b)(6) began a Disposition Emphasis (DE) Compliance inspection of Kenneth M Abramovitz dba DLM Sporting Goods. The inspection covered the period of December 15, 2020, through December 14, 2021. Investigator (b)(6) attempted an unannounced visit on December 14, 2021, but Mr. Abramovitz was not home so a business card was left with his wife and the inspection was initiated the following day. Investigator (b)(6) completed the onsite inspection and closing on December 17, 2021.

Prior to arriving onsite Investigator (b)(6) reviewed the Federal Licensing System (FLS) and identified Kenneth Abramovitz as the only Responsible Person (RP). Investigator (b)(6) conducted NCIC checks on the RP with no prohibiting hits. During the inspection, Investigator (b)(6) interviewed the owner and responsible persons (RPs) Kenneth Abramovitz. The licensee has held a Type 01 – Dealer of Firearms since September 2002 per FLS.

Previous inspection history includes a Forward Trace Initiative inspection (788020-2010-0049) in November 2009 and a DE Non VCIT compliance inspection (785035-2007-0525) in August 2007 that both resulted in No Violations, No Further Action, and No Referrals.

The licensee maintains a handwritten A&D record. Investigator (b)(6) reconciled 25 forms to the A&D record and no discrepancies were noted. The licensee had one denial during the review period which he was unable to provide so denied forms were not cross checked to the A&D record. This accounts for one of the two instances of violating 27 CFR 478.129(b): Failure to retain ATF F 4473.

The licensee was cited for (b)(3) (112 Public Law 55 125 Stat 552) Acquisition and Disposition Record Discrepancies: instance of failure to timely record the disposition of a firearm (b)(3) (112 Public Law 55 125 Stat 552) (b)(3) (112 Public Law 55 125 Stat 552) Mr. Abramovitz stated that (b)(6) picked up the firearm that day (b)(3) (112 Public Law 55 125 Stat 552) (b)(3) (112 Public Law 55 125 Stat 552) Additionally, a F4473 and background check was not conducted for this transfer. Investigator (b)(6) verified through the CBI Audit Log that all background checks completed since October 2021 are accounted for with a F4473 (b)(3) (112 Public Law 55 125 Stat 552) Mr. Abramovitz contacted (b)(6) who provided a picture of the receiver on December 16, 2021, proving that the firearm was transferred. On November 10, 2021 (b)(6) completed a F4473 with and approved background check, proving the transferee was not prohibited. This resulted in the licensee be cited for instance of violating 27 CFR 478.125 (e): Failure to maintain an accurate/complete/timely disposition record of firearms, one instance of 27 CFR 478.102(a): Failure to complete a NICS/POC background check and instance of 27 CFR 478.124(a): Failure to execute an ATF F 4473.

The licensee was also cited for instances of 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition record of firearms for not recording the required firearm information for the receivers in inventory. All A&D discrepancies were discovered during the inventory process.

The licensee submitted one theft or loss report during the inspection period (b)(3) (112 Public Law 55 125 Stat 552) When questioned about this incident Mr. Abramovitz stated that he had the firearm in his office area and was having new carpet installed so he moved everything out of the office and into a spare bedroom. After the work was completed, he was unable to locate the firearm, so he reported it missing. The pistol was ultimately found in the spare bedroom.

(b)(3)(26 USC § 6103) ,(b)(6)

Investigator (b)(6) did not discover any obliterated serial numbers. No law enforcement letterhead transfers occurred during the inspection period. Sales to other licensees were properly conducted and copies of other licensees were requested and maintained as required to verify licensed status.

There have been no changes in ownership, control, or business structure. There are no No-Record Persons to be added. Hidden ownership is not suspected.

During the review period one firearm was traced. There were no open or completed traces while onsite. Investigator (b)(6) did not conduct a secondary market analysis due to the licensee only having three new receivers in inventory. The licensee filed (b)(6) Multiple Handgun Sales (F 3310.4) involving (b)(6) firearms.

ONSITE SUMMARY

Total # of ATF F 4473 Reviewed

Total # of Open Dispositions in A & D Record

Total # of Firearms in Inventory
3

Total # of Firearms Missing after Reconciliation
0

Total # of Acquisitions in the Last 12 Months
(b)(4)

Total # of Dispositions in the Last 12 Months
(b)(4)

Additional Comments

Investigator (b)(6) compared 100% of CBI transaction numbers from the CBI audit log to completed ATF Forms 4473 (F4473) with two discrepancies. The licensee was cited for (b)(6) instances of violating 27 CFR 478.129(b): Failure to retain ATF F 4473.

The licensee had (b)(6) open dispositions in the A&D record and had three firearms in inventory. The licensee failed to timely record the disposition of one firearm of 27 CFR 478.125 (e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms.

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
1 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. Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.	NICS Violation (b)(6)
2 27 CFR 478.129(b): Failure to retain ATF F 4473 ATF Forms 4473: (b)(6) Number of Instances: (b)(6)	Identify and separately retain all denied (completed and future) ATF Forms 4473, for a period not less than 5 years. Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
3 27 CFR 478.124(a): Failure to execute an ATF F 4473 ATF Forms 4473: (b)(6) Number of Instances: (b)(6)	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
4 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms Number of Instances: (b)(6)	Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm disposition information.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473	Ensure that all required ATF Form 4473 Section A items are completed/provided by the	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

ATF Forms 4473
Number of Instances

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.

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

5

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

ATF Forms 4473
Number of Instances

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

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

6		<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</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>(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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

Regulation	Corrective Actions	Licensee Response	Status Details
<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p>	<p>Oversight, "Whatever it doesn't even matter anyways"</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/17/2021</p>
<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</p>	<p>Identify and separately retain all denied (completed and future) ATF Forms 4473, for a period not less than 5 years.</p> <p>Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.</p>	<p>I don't know where they are at.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/17/2021</p>
<p>27 CFR 478.124(a): Failure to execute an ATF F 4473</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Basement was a mess at that time and I don't know what happened.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/17/2021</p>
<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: [redacted]</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>Could have been prevented if I paid more attention. Should have taken more "concern to doing business correctly. Too many things have been happening, the last six months have been shit"</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 12/17/2021</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</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>Could have been prevented if I paid more attention. Should have taken more "concern to doing business correctly. Too many things have been happening, the last six months have been shit"</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/17/2021</p>
<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</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>Could have been prevented if I paid more attention. Should have taken more "concern to doing business correctly. Too many things have been happening, the last six months have been shit"</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 12/17/2021</p>
<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473: [redacted]</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>Could have been prevented if I paid more attention. Should have taken more "concern to doing business correctly. Too many things have been happening, the last six months have been shit"</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p>

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

In the matter of License Number 5-84-059-01-3M-08833, as a/an

Dealer in Firearms Other Than Destructive Devices issued to:

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

Abramovitz, Kenneth M.
DLM Sporting Goods
9673 West Virginia Drive
Lakewood, Colorado 80226

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 950 17th Street, Suite 1800, Denver, Colorado 80202, 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	(b)(6)
02/01/2022	Paul W. Brown Director, Industry Operations	

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: 70122210000109689697 Or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	(b)(6)
02/01/2022	Director, Industry Operations	

Print Name and Title of Person Served _____ Signature of Person Served (*if applicable*) _____

Address Where Notice Served
9673 West Virginia Drive Lakewood, Colorado 80226

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 Kenneth Abramowitz d/b/a DLM Sporting Goods (“Licensee”), as a Dealer in Firearms Other Than Destructive Devices. Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Denver 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 originally issued a Federal firearms license to Licensee in 2002. ATF subsequently conducted compliance inspections of Licensee in 2007 and 2009. The laws and regulations issued under the GCA were reviewed as part of the application and compliance inspections.

Current Inspection

On December 14, 2021, ATF Industry Operations Investigator (b)(6) conducted a compliance inspection at Licensee’s premises that revealed the following:

1. On one occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System (“NICS”) and obtaining a unique identification number before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a). See Appendix ¶ 1.
2. On [] instances, involving [] ATF Forms 4473, 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, as the forms were incomplete or blank in each instance, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1)). See Appendix ¶ 2.
3. On [] instances, involving [] ATF Forms 4473, 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 ¶ 3.
4. On [] instances, involving [] ATF Forms 4473, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the National Instant Criminal Background Check System (“NICS”), any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix ¶ 4.

Appendix

Paragraph 1

On one occasion, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System (“NICS”) and obtaining a unique identification number before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a).

#	Date	Transferee	Discrepancy
1	10/21/21	(b)(6)	The licensee failed to complete a NICS/POC background check.

Paragraph 2

On [redacted] instances, involving [redacted] ATF Forms 4473, 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, as the forms were incomplete or blank in each instance, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1)).

#	Date	Tranferee	Discrepancy
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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

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

Paragraph 3

On instances, involving ATF Forms 4473, 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).

#	Date	Transferee	Discrepancy
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Paragraph 4

On [] instances, involving [] ATF Forms 4473, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the National Instant Criminal Background Check System (“NICS”), any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv).

#	Date	Transferee	Discrepancy
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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

**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 5-84-059-01-3M-08833 as a/an
Dealer in Firearms Other Than Destructive Devices, issued to:

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

Abramovitz, Kenneth M.
DLM Sporting Goods
9673 West Virginia Drive
Lakewood, Colorado 80226

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 February 22, 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).
- 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 _____

_____ 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	(b)(6)
02/22/2022	Paul W. Brown Director, Industry Operations	

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: 7017107000089871060 Or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	(b)(6)
02/22/2022	Director, Industry Operations	

Print Name and Title of Person Served	Signature of Person Served
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Address Where Notice Served
9673 West Virginia Drive Lakewood, Colorado 80226

Note: Previous Edition is Obsolete

Kenneth M. Abramovitz, (“Licensee”), d/b/a DLM Sporting Goods, holds Federal Firearms License 5-84-059-01-3M-08833, as a dealer of 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 February 1, 2022, ATF issued a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4) (“Notice to Revoke”) advising Licensee that ATF intended to revoke its License. The Notice to Revoke was served upon Licensee via certified mail on February 4, 2022.

The Notice to Revoke alleged that Licensee willfully violated the provisions of the GCA, and the regulations issued thereunder. The Notice to Revoke further specified that if Licensee wished to challenge the revocation, it may file a request with ATF within 15 days from the date of receipt of the Notice. See 18 U.S.C. § 923(f)(2); 27 C.F.R. § 478.73(b).

Although the Notice to Revoke was served upon Licensee on February 4, 2022, no request for a hearing was filed with ATF within 15 days of the date on which the Notice was served.

For the reasons set forth in the Notice to Revoke or Suspend License and/or Impose a Civil Fine issued on February 1, 2022, the Federal Firearms License held by Kenneth M. Abramovitz, d/b/a DLM Sporting Goods, is hereby revoked.

Dated this 22nd day of February, 2022.

(b)(6)

Paul W. Brown
Director, Industry Operations
Denver Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington DC

www.atf.gov

IMPORTANT NOTICE

Selling Firearms AFTER Revocation, Expiration, or Surrender of a Federal Firearms License

Former Federal Firearms licensees (FFLs) who continue to sell firearms after the revocation, expiration, or surrender of their license are subject to the same rules as persons who have never been licensed, in determining whether they are "engaged in the business" of selling firearms without a license in violation of 18 U.S.C. § 922(a)(1)(A), and 27 CFR 478.11 and 478.41. Accordingly, former licensees who wish to dispose of any remaining business inventory must adhere to the statutory and regulatory restrictions that are applicable to all unlicensed persons selling firearms.

All firearms formerly in the business inventory must be disposed of by the former FFL in a manner that, objectively, does not constitute being engaged in the business of dealing in firearms, using the same facts and circumstances test that would apply to persons who have never been licensed.

The preferred manner of disposition of firearms is for the former licensee to:

- Arrange for another FFL to purchase the business inventory; or
- Consign the inventory of firearms to another FFL to sell on consignment, or at auction.

Should a former FFL decide against those options, he/she should be aware that future firearms sales – whether from his/her personal firearms collection or otherwise – will be evaluated for a potential violation of 18 U.S.C. § 922(a)(1)(A), just as would occur with a person who had never been licensed.

If a former FFL is disposing of business inventory, the fact that no firearms purchases are made after the date of license revocation, expiration, or surrender does not immunize him/her from potential violations of 18 U.S.C. § 922(a)(1)(A). Instead, business inventory acquired through repetitive purchases while licensed are attributed to the former FFL when evaluating whether subsequent firearms sales constitute engaging in the business of dealing in firearms without a license.

ATF remains committed to assisting former licensees in complying with Federal firearms laws. If you have questions, please contact your local ATF office.

(b)(6)

Digitally signed by
MEGAN BENNETT
Date: 2021.06.02
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Megan A. Bennett
Deputy Assistant Director (Industry Operations)
Field Operations