

KWANG JOON AN Jr.'s FCI
FCI-26992
01/12/2023 05:33 PM
IO: (b)(6) Tucson III (IO) Field Office

GENERAL INFORMATION

IOI Hours Spent on Inspection
0.0
Due Date
9/24/21 3:00 AM

LICENSEE INFORMATION

Applicant Name
KWANG JOON AN Jr.
(Sole Proprietor)

RDS Key
9-86-15422

License/Permit Number
9-86-019-01-3H-15422

License Type
01 - Dealer License

Business Type
Sole Proprietorship

Premises Ownership Type
Owned

Premises Address
6097 N RELIANCE DR, Unit N/A,
TUCSON, Arizona 85704

Premises Location Type Required
Single Family Dwelling

Address
6097 N RELIANCE DR
Unit N/A
TUCSON, Arizona 85704
PIMA
United States

Address
6097 N RELIANCE DR
Unit N/A
TUCSON, Arizona 85704
PIMA
United States

Phone Type	Phone Number	Remarks
Business	+1 424-346-2119	

Email Address	Email Remarks
(b)(6)	

RECOMMENDATIONS

Final Decision Date
Revocation 10/07/2022

Details

License is revoked as of October 7, 2022. On October 25, 2022 Area Supervisor (b)(6) inquired with Mr. An on the status of the FFL Records. Mr. An said he would ship the records to ATF-OBRC "as soon as I can." In addition, Mr. An stated that all firearms in inventory will be retained by him.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to the Federal Licensing Center

Licensee Inventory

✔ Inventory transferred to self

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

Details

Briefed to Acting DAD(IO) on 3/1/22. Alternate was discussed at that time but not concurred with due to no extraordinary circumstance. Please have DIOs recommendation reflect Revocation.

Acting Special Agent in Charge (b)(6) Recommendation

Per DAD Gilbert the recommendation has been changed by the DIO to reflect revocation. A/SAC (b)(6)

Division Counsel 's Review

Details

(b)(5) DPP

Director of Industry Operations Kristina Babcock's Recommendation
Revocation

Details

5/5/2022 - Per DAD recommendation, DIO to change recommendation to Revocation.

DIO initial recommendation:

Inspection was reopened by ATF HQ.

An alternate recommendation of Warning Letter is being made due to the following:

Although the licensee was cited under 478.102(a), failure to conduct a NICS background check, the licensee stated that he believed that he conducted a NICS check on the purchaser and rushed filling out the form. The IOI could not determine that a NICS check was not completed however the IOI cited the licensee for failing to conduct a NICS background check due to the NICS information on the ATF Form 4473 being blank. The purchaser was not prohibited.

This is the licensee's first compliance inspection since obtaining his FFL in July of 2020. The current inspection was initiated due to the licensee's qualification inspection being conducted by telephone due to the COVID-19 pandemic. ATF has determined that all licensees that were subject to a phone qualification inspection during the COVID-19 pandemic are required to have an educational follow-up inspection conducted and this inspection was the educational follow-up inspection.

Mr. An was issued a warning letter on September 22, 2021, as a result of the current inspection and the inspection was closed.

Area Supervisor: (b)(6) Recommendation
Warning Letter

Details

Due to this being Mr. An's first compliance inspection, his belief that he conducted the NICS check and failed to record the information on the ATF Form 4473 and the purchaser not being prohibited, and no firearms trace history; the recommendation of a Warning Letter, as previously issued in accordance with the Administrative Action Policy at the time of inspection, is recommended in lieu of Revocation. Given the new Administrative Action Policy, a Recall Inspection will be staged for Fiscal Year 2023.

IOI uncovered no prohibiting information.

Industry Operations Investigator: (b)(6) Recommendation
Warning Letter

Details

The alternate recommendation of a Warning Letter is made due to the violation of failing to conduct a NICS check or obtain an alternative permit for the transfer of a firearm to a person who is not prohibited would result in a warning letter under the adverse action policy in effect at the time the violation occurred.

This inspection was the licensee's first compliance inspection since being interviewed via teleconference in accordance with COVID policies at the time of the qualification inspection.

No hidden ownership was suspected.

Deconfliction did not reveal any prohibiting information.

Inspection Findings

NICS

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

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
6097 N RELIANCE DR
Unit N/A
TUCSON, Arizona 85704
PIMA
United States

Additional Findings

The business premises is a residence owned by licensee Kwang Joon An according to the Pima County Assesor website.

Attachment(s):

Pima County - Parcel Detail.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?

Yes

Additional Findings

Senior Planner (b)(6) states the business activity remains in compliance with zoning.

The attached (b)(6) Mr. An informed IO (b)(6) that (b)(6) and he was looking to move premises. IO (b)(6) informed him to contact the Licensing Center and provided Mr. An with an Application for an Amended Firearms License.

Contact Information

Name (b)(6) Date Contacted 09/01/2021
Organization
Pima County Planning and Development
Job Title
Senior Planner

Table with 3 columns: Phone Type, Phone Number, Remarks. Row 1: Business, +1 520-724-9596,

Attachment(s):
6097 N. Reliance Dr. Permit.pdf

APPOINTMENT DETAILS

Interview Date 09/01/2021
Address 6097 N RELIANCE DR, Unit N/A, TUCSON, Arizona 85704
Remarks This was an announced visit due to Licensee not being present due to medical appointments, and a rescheduled visit was planned.

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

KWANG JOON AN Jr. No Items

RESPONSIBLE PERSON(S)

KWANG JOON AN Jr.

Name Mr. KWANG JOON AN Jr. Gender Male Race Asian or Pacific Islander Ethnicity Not Hispanic or Not Latino
Date of Birth (b)(6) SSN (b)(6) Job Title OWNER

Physical Identifiers

Height Weight Hair Color Eye Color

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

Table with 4 columns: ID Type, Country, State, ID Number. Row 1: Driver's License, United States, Arizona, (b)(6)

Table with 3 columns: Phone Type, Phone Number, Remarks. Row 1: Mobile, (b)(6),

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
06/29/2021

Criminal History Check Comments
Criminal history check was conducted with negative results.

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
The business activity is the retail sales and transfer of new pistols, revolvers, rifles and shotguns. Mr. An does not conduct consignment sales. He does not participate in gun shows, nor deals in ammunition. Mr An does not deal in NFA firearms or black powder. He does not do any gunsmithing. According to Mr. An his customers are the general public and are currently not allowed at his residence unless known to him. He mostly conducts transfers to other FFLs at this time.

Do they need an additional license or permit?
No

Who are their primary suppliers?

(b)(4)

Business Activities

Internet Sales/Transfers
Retail
Gunsmith

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping
Controlled Access to Keys
Suspicious persons/activities reporting protocols

Internet Sales/Transfers Website
www.jgbtactical.com

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

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

(b)(4)

Who has keys to the premises?
Mr. An.

Who has keys to locked inventory?
Mr. An.

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

Is financial backing provided by anyone that is not a responsible person on the license/permit?
No

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

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

SECURITY WALKTHROUGH

Inspection Area Description

(b)(4)

Primary Activity
Retail

Selected Physical Security Measures

Deadbolts
Motion Sensors
Safe(s)/Vault(s)
Security Cameras

GPS Coordinates

Latitude
32.31734

Longitude
-110.97378

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed
(b)(4)

Total Number of Open Dispositions in A & D Record
(b)(4)

Total Number of Firearms in Inventory
21

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

A 100% physical inventory was conducted and there were 21 firearms in inventory. A review of the licensee's handwritten A&D Record revealed [redacted] open dispositions. The firearms in inventory were compared to the licensee's A&D Record with no discrepancies found.

No theft/loss were reported during the inspection period or as a result of the inspection [redacted] ATF Forms 4473 were reviewed with four discrepancies found. There was one instance of not completing any portion of Block 27 and Mr. An was issued a violation for 27CFR478.102(a) Failure to complete a NICS/POC background check. An NCIC check was conducted on the purchaser which resulted in no prohibiting factors found. There were two NICS checks that resulted in delayed, no response. IOI [redacted] conducted NCIC checks on both purchasers with nothing prohibiting found on either.

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 478.124(c)(1): Failure to obtain a completed ATF F 4473 ATF Forms 4473: [redacted] Number of Instances: [redacted]	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
3 27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: [redacted] Number of Instances: [redacted]	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. 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 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473 ATF Forms 4473: [redacted] Number of Instances: [redacted]	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Execute a required NICS/POC background check for all future over-the-counter firearm transactions.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
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.	I believe I did one but rushed filling out the paper work. I will ensure form completion in the future.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/16/2021
27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473 ATF Forms 4473: [] Number of Instances: []	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	rushed filling out the paper work. I will ensure form completion in the future.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/16/2021
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. Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	I rushed filling out the paper work. I will ensure form completion in the future.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/16/2021
27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473 ATF Forms 4473: [] Number of Instances: []	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Execute a required NICS/POC background check for all future over-the-counter firearm transactions.	I rushed filling out the paper work. I will ensure form completion in the future. Especially NICS information.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/16/2021

CLOSING CONFERENCE

(9/16/2021)

09/16/2021

Attachment(s)

Attendee(s)

KWANG JOON AN Jr.

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 9-86-15422 Inspection Results
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
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Correspondence	DADIO Curtis Gilbert Returned Inspection FCI-26992
Correspondence	
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
UpdateLicensingCenter	AN 9-86-15422 Final exhibit 8C FCI-26992.pdf
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
UpdateLicensingCenter	Intial 8C FCI-26992 An, Kwang J - 9-86-15422.docx
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
Correspondence	Spartan Notification RE: 9-86-15422 Monitored Case
UpdateLicensingCenter	AN 9-86-15422 Initial exhibit 8C FCI-26992.docx
Correspondence	Spartan Notification RE: 9-86-15422 Inspection Results
WarningLetterReturnEmail	Receipt Email.pdf
Correspondence	Action required concerning your Federal Firearms License
Correspondence	
Correspondence	
Correspondence	Action required concerning your Federal Firearms License
WarningLetter	Warning Letter.pdf
Correspondence	Information Concerning Your Federal License/Permit
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
ZoningVerification	6097 N. Reliance Dr. Permit.pdf
PropertyOwnershipVerification	Pima County - Parcel Detail.pdf

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

In the matter of License Number 9-86-019-01-3H-15422, as a/an

Type 01 - Dealer in firearms other than explosives issued to:

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

Kwang Joon An, Jr.
6097 N Reliance Drive
Tucson, AZ 85704

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 40 North Central Avenue, Suite 1000, Phoenix, AZ 85004, 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 07/18/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Kristina Babcock, Director, Industry Operations	Signature KRISTINA BABCOCK <small>Digitally signed by KRISTINA BABCOCK Date: 2022.07.18 09:23:48 -0700'</small>
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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: 70220410000081497533 Or Delivering a copy of the notice to
the address shown below.

Date Notice Served 07/18/2022	Title of Person Serving Notice Executive Assistant	Signature of Person Serving Notice (b)(6)
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Print Name and Title of Person Served Kwang Joon An, Jr., Federal Firearms Licensee	Signature of Person Served (<i>if applicable</i>)
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Address Where Notice Served
6097 N Reliance Drive, Tucson, AZ 85704

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 Kwang Joon An, Jr. (“Licensee”), a Dealer in Firearms other than Destructive Devices. Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Phoenix 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 2020. The laws and regulations issued under the GCA were reviewed with Licensee, as part of the application inspection.

Current Inspection

Beginning on or about August 1, 2021, ATF Industry Operations Investigator (b)(6) conducted a compliance inspection of Licensee’s premises that covered the period of approximately August 1, 2020 to August 1, 2021.

The inspection revealed that on October 23, 2020, Licensee willfully transferred (b)(3) (112 Public Law 55 125 Stat 552) (b)(3) (112 Public Law 55 125 Stat 552) 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 Warning Letter was issued on September 22, 2021, for the violations found during the inspection. Upon further review by ATF, this matter was re-opened.

**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 9-86-019-01-3H-15422 as a/an
Type 01 - Dealer in Firearms other than Destructive Devices, issued to:

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

Kwang Joon An, Jr.
10515 North Autumn Hill Lane
Oro Valley, AZ 85737-9266

Notice is Hereby Given That:

- A request for hearing pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5) was not timely filed. Based on the findings set forth in the attached document, your
 license described above is revoked pursuant to 18 U.S.C., 923(e), 922(t)(5) or 924(p), effective:
 15 calendar days after receipt of this notice, or _____,
 license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
 licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- After due consideration following a hearing held pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5), and on the basis of findings set out in the attached copy of the findings and conclusions, the Director or his/her designee concludes that your
 application for license described above is denied, pursuant to 18 U.S.C., 923(d).
 application for renewal of license described above is denied pursuant to 18 U.S.C. 923(d), effective:
 15 calendar days after receipt of this notice, or _____
 license described above is revoked pursuant to 18 U.S.C., 923(e), 922(t)(5) or 924(p), effective:
 15 calendar days after receipt of this notice, or _____
 license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
 licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 40 North Central Avenue, Suite 1000, Phoenix, AZ 85004

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 09/19/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Kristina Babcock, Director, Industry Operations	Signature KRISTINA BABCOCK <small>Digitally signed by KRISTINA BABCOCK Date: 2022.09.19 18:36:53 -0700</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: 70212720000211935422

 Or

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

Date Notice Served 09/19/2022	Title of Person Serving Notice Executive Assistant	Signature of Person Serving Notice (b)(6)
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Print Name and Title of Person Served Kwang Joon An, Jr.: Licensee	Signature of Person Served
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Address Where Notice Served
10515 North Autumn Hill Lane, Oro Valley, AZ 85737-9266

Note: Previous Edition is Obsolete



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 an FFL

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). Accordingly, former licensees who wish to dispose of any remaining business inventory must adhere to the following guidance:

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 is for the former licensee to:

- Arrange for another FFL to purchase the business inventory (and other assets) of the business; or
- Consign the inventory 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 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 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 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.

**CURTIS
GILBERT** Digitally signed by
CURTIS GILBERT
Date: 2022.04.04
16:12:22 -04'00'

Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations