

MAGFUSSION ENTERPRISES LLC's FCI
FCI-26422
08/25/2022 01:44 PM
IOI (b)(6), Phoenix VI (IO) Field Office

LICENSEE INFORMATION

Licensee Name
MAGFUSSION ENTERPRISES LLC
RDS Key
9-86-03905
License/Permit Number
9-86-013-07-2D-03905
License Type
07 - Manufacturer of Firearms License
Business Type
Limited Liability Company (LLC)

Premises Address

Premises Ownership Type
Leased/Rented
Premises Location Type
Store Front
Address
4323 E BROADWAY #117
Unit N/A
MESA, Arizona 85206
MARICOPA
United States

Mailing Address

Same as Premises Address

Phone Type	Phone Number	Remarks
Business	+1 480-788-5759	
Email Address	Email Remarks	
(b)(6)		

RECOMMENDATIONS

Final Decision
Revocation
Date
08/19/2022
Details

REVOCAION. The results of the inspection warrant revocation based on the following: For failing to complete a NICS Background on four occasions; for fraudulently entering data onto ATF Forms 4473 in [redacted] instances, for failing to complete an ATF F 3310.4 Report of Multiple Sale or Other Disposition of Pistols in [redacted] instances; failure to record required disposition information into the A&D Record in [redacted] instances, and for other forms violations to include failing to obtain a completed ATF Form 4473 on [redacted] instances and failing to complete forms as prescribed in [redacted] instances.

This was the licensee's fifth compliance inspection, to which they failed to show any significant improvement from previous inspections. Four of the six violations cited in this inspection were repeat violations cited in previous inspections with the most serious being NICS violations and making false entries on ATF Forms 4473.

Revocation Hearing was conducted on March 15, 2022. As a result, it was determined that the licensee had willfully violated the provisions of the GCA and the regulations issued thereunder.

Effective August 19, 2022, this license is considered revoked. All records and original license were retrieved by IOI (b)(6) on August 24, 2022.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to an ATF Employee
ATF Employee Name
IOI (b)(6)

Licensee Inventory

✔ Inventory transferred to another licensee/permittee
Date of Inventory Transfer
08/18/2022

Transferee RDS Key
98615029
Licensee / Permittee
EAST VALLEY TACTICAL LLC
Business Name
MR SILENCER / EAST VALLEY TACTICAL
Business Premise Address
4323 E BROADWAY RD STE 117
MESA, AZ 85206

✔ Inventory transferred to self

✔ Inventory sold to non-licensee or non-permittee

Deputy Assistant Director - Industry Operations Megan Bennett's Recommendation

Revocation

Details

I concur with the recommendation of revocation as the licensee made false statements, failed to conduct NCIS checks and repeat violations.

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

I concur with the findings of both counsel and DIO based on licensee's citing for false statements in current inspection and history of false statements in past inspections.

Division Counsel (b)(6)'s Review

Details

Revocation is in line with the Administrative Action policy. The results of the inspection warrant Revocation due to repeat violations in which the licensee admittedly failed to conduct a required background check and the licensee's falsification of the form 4473 in this same instance. The licensee further failed to file multiple sales reports. The Licensee was the subject of a previous DIO let warning conference, where in the failure to file required reports was previously addressed.

Director of Industry Operations Kristina Babcock's Recommendation

Revocation

Details

Revocation is recommended as this recommendation is in line with the Administrative Action policy as well as the Presidential Administrative Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety. The results of the inspection warrant Revocation due to repeat violations in which the licensee failed to conduct the required background checks, the licensee's falsification of required records and no significant improvement from previous inspections.

Area Supervisor (b)(6)'s Recommendation

Revocation

Details

REVOCATION. The results of the inspection warrant revocation based on the following: For failing to complete a NICS Background on [redacted] occasions; for fraudulently entering data onto ATF Forms 4473 in [redacted] instances, for failing to complete an ATF F 3310.4 Report of Multiple Sale or Other Disposition of Pistols in [redacted] instances; failure to record required disposition information into the A&D Record in [redacted] instances, and for other forms violations to include failing to obtain a completed ATF Form 4473 on [redacted] instances and failing to complete forms as prescribed in [redacted] instances.

This is the licensee's fifth compliance inspection, and he has failed to show any significant improvement from his previous inspections. Four of the six violations being cited in this inspection are repeat violations cited in previous inspections with the most serious being NICS violations and making false entries on ATF Forms 4473.

Industry Operations Investigator (b)(6)'s Recommendation

Revocation

Details

From July 14, 2021 till August 6, 2021 IOI (b)(6), IOI (b)(6), and IOI (b)(6) conducted an on site in person Firearms Compliance Inspection of Magfussion Enterprises LLC, DBA Mr. Silencer. The licensee maintains a Type 07 Manufacturer of Firearms Other than Destructive Devices. The inspection took place at the business premises located at 4323 E. Broadway #117, Mesa, AZ 85206. Present for the inspection was RP Bruce Stevens. IOI (b)(6) received a verbal confirmation from the licensee that the FFL is intended to be used as a for profit business, and not for the sole purpose of purchasing personal firearms.

IOI (b)(6) also reviewed the Acknowledgement of Federal Firearms Regulations with RP Stevens. No other issues or concerns were found as a result of this inspection. Based on the current inspection violations and the licensee's inspection history with two DIO let warning conferences, IOI (b)(6) recommends revocation. Nothing further.

Inspection Findings

Records and Forms

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

NICS

4. Failure to conduct a NICS check or obtain an alternate permit (Exception: Select findings 1, 2, and 3 above for consignment sales, transfers to law enforcement officers for personal use, and FFL responsible persons if the transferee is NOT prohibited).

Failure to Report

1. Failure to file Reports of Multiple Sale or Other Disposition of Pistols and Revolvers (F 3310.4) or Reports of Multiple Sales or Dispositions of Certain Rifles (F 3310.12) (Southwest Border states only) when legally required and with a minimum of 5 instances.

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

MAGFUSSION ENTERPRISES LLC

Business Type

Limited Liability Company (LLC)

Is the business valid?

Yes

Additional Findings

magfussion Enterprises LLC is an Arizona Limited Liability Company registered and in good standing with the Arizona Corporation Commission (L15679883). Bruce Stevens is the only registered principal.

Attachment(s):

MAGFUSSION ENTERPRISES LLC.pdf

Property Ownership Verification

Premises Ownership Type

Leased/Rented

Premises Location Type

Store Front

Has the property ownership been verified?

Yes

Address

4323 E BROADWAY #117

Unit N/A

MESA, Arizona 85206

MARICOPA

United States

Additional Findings

A query of the Maricopa County Recorder's Office shows the business property to be a commercial parcel located in Mesa, AZ. The property is owned by (b)(4)

Attachment(s):

4323 E BROADWAY RD MESA 85206.pdf

Trade Name/DBA Verification

Trade Name/DBA

MR SILENCER

Is the trade name/DBA registered?

Yes

Additional Findings

Arizona does not require the registration of a trade name.

Attachment(s):

trade-names-trademarks.pdf

Rental/Lease Verification

Is the proposed business activity permitted by the property owner?

Yes

Additional Findings

There is a valid lease agreement on file between the licensee and the property owner.

Attachment(s):

Lease agreement.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?

Yes

Additional Findings

The business premises is a store front and complies with Mesa zoning ordinances for store front businesses.

Attachment(s):

Mesa Zoning Ordinance.pdf

APPOINTMENT DETAILS

Interview Date

07/13/2021

Address

4323 E BROADWAY #117, Unit N/A, MESA, Arizona 85206

Responsible Attendee(s)

BRUCE LOWELL STEVENS

Non-Responsible Person(s)

No Items

RESPONSIBLE PERSON(S)

BRUCE LOWELL STEVENS

Name

Mr. BRUCE LOWELL STEVENS
Gender
Male
Race
White
Ethnicity

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

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)

United States

Additional Names

Citizenship

United States

ID Type	Country	State	ID Number
Driver's License	United States	Arizona	(b)(6)
Phone Type	Phone Number	Remarks	
Mobile	(b)(6)		
Email Address	Email Remarks		
(b)(6)			

Criminal History Check

Date Criminal History Check Conducted
07/13/2021

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
The licensee is in the business of selling (b)(3)(26 USC § 6103) and GCA firearms to the general public. The licensee occasionally manufacture (b)(3)(26 USC § 6103) arms and provides gunsmithing activities to the general public.
Do they need an additional license or permit?
No
Who are their primary suppliers?
The primary supplier of firearms is (b)(4)

Business Activities

(b)(3)(26 USC § 6103)
Retail

Selected Operational Security Measures

- Controlled Access to ATF Recordkeeping
- Controlled Access to Keys

Formal Employee Training
Current & Active Security Plan
Suspicious persons/activities reporting protocols

PREMISES INFORMATION

Inspection Area Description

The licensee's business premises is a commercially zoned store front located in a strip mall in the City of Mesa, AZ. The inspection took place throughout the business premises. Firearms and records are stored onsite. The licensee has firearms stored in various Gun-Safes throughout the property. There are no offsite storage of firearms.

Primary Activity

Retail

GPS Coordinates

Latitude

33.40800

Longitude

-111.73810

Selected Physical Security Measures

Alarm Monitoring (with Cellular Back-Up)

Deadbolts

Local Audible Alarm

Safe(s)/Vault(s)

Security Cameras

Window Film/Tinting/Mirroring

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

[REDACTED]

Total Number of Open Dispositions in A & D Record

[REDACTED]

Total Number of Firearms in Inventory

3714

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation

[REDACTED]

Total Number of Acquisitions in the Last 12 Months

(b)(4)

Total Number of Dispositions in the Last 12 Months

(b)(4)

Onsite Start Date

Onsite End Date

Number of Reported Lost/Stolen Firearms During Inspection Period

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](#)

(b)(3)(26 USC § 6103)

AFMER Verified

Yes

(b)(3)(26 USC § 6103)

Additional Comments

Traces Completed: None

NICS Checks verified: 168

Suspicious Purchasers: [REDACTED] suspicious Purchasers were identified. [REDACTED] (b)(6)

Firearms Verified: 15 firearms were identified and run through NCIC resulting in zero hits

Number of Thefts/Losses reported in the last 12 Mos.: None

From July 14, 2021 till August 6, 2021 IOI [REDACTED] (b)(6), IOI [REDACTED] (b)(6), and IOI [REDACTED] (b)(6) conducted an on site in person Firearms Compliance Inspection of Magfussion Enterprises LLC, DBA Mr. Silencer. The licensee maintains a Type 07 Manufacturer of Firearms Other than Destructive Devices. The inspection took place at the business premises located at 4323 E. Broadway #117, Mesa, AZ 85206. Present for the inspection was RP Bruce Stevens. IOI [REDACTED] (b)(6) received a verbal confirmation from the licensee that the FFL is intended to be used as a for profit business, and not for the sole purpose of purchasing personal firearms.

IOI [REDACTED] (b)(6) conducted a 100% inventory and review of all 4473s. A total of [REDACTED] ATF Forms 4473 were reviewed. The licensee had [REDACTED] open dispositions in the A&D Record and 3714 total firearms in inventory. IOI [REDACTED] (b)(6) identified [REDACTED] silencer was lost in transit to the licensee. The silencer is reported as lost in transit by the manufacturer. During the inspection, [REDACTED] suspicious purchasers were identified: (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) [REDACTED] suspicious purchaser information was forwarded to Criminal Enforcement for further consideration. As a result of the review, IOI [REDACTED] (b)(6) identified the following violation:

1. 27 CFR 478.102(a): Failure to complete a NICS/POC background check in four instances.

2. 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers in [redacted] instances.
3. 27 CFR 478.121(c): Making false entry, omitting entry, or failing to properly maintain required recordkeeping in [redacted] instances. IOI [redacted] (b)(6) contacted [redacted] (b)(6) and confirmed he never purchased a Taurus from Mr. Silencer. [redacted] (b)(6) further stated he never purchased any firearms from Mr. Silencer. A memorandum of conversation is attached to this file describing the conversation between [redacted] (b)(6) and IOI [redacted] (b)(6).
- IOI [redacted] was able to confirm with Mr. Silencer that [redacted] (b)(6) purchased [redacted] firearms on 7/8/21. RP Bruce contacted [redacted] (b)(6) and placed him on speaker. [redacted] (b)(6) stated he received [redacted] (b)(6) firearms.
4. 27 CFR 478.21(a): Failure to complete forms as prescribed in [redacted] instances.
5. 27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473 in [redacted] instances.
6. 27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record in [redacted] instances. The licensee was able to reconcile the discrepancy and provided IOI [redacted] a receipt of the sale showing the date of sale for both lowers. Additionally, RP Bruce showed IOI [redacted] an ATF Form 4473 showing all receivers purchased by [redacted] (b)(6). The ATF Form 4473 had a supplemental form showing the [redacted] additional receivers that were not disposed of in the A&D record.

In a previous inspection on 4/8/2020, the licensee was cited in [redacted] instances for falsely completing ATF Forms 4473 with 27 CFR 478.128(c): False statement made by a licensee on any ATF Records. The correct citation for the violation should be 27 CFR 478.121(c).

Magfussion Enterprises was issued a Federal Firearms License on 03/09/2010. The licensee has had four previous inspections with the following results:

1. 785110-2010-0090 - Violations only
2. 785110-2016-0178 - DIO lead warning conference in lieu of revocation.
3. 785110-2018-0016 - Violations/Warning Letter only.
4. FCI - 17750 - DIO lead warning conference.

IOI [redacted] reviewed all violations with the licensee. The licensee stated he will do what is needed to ensure all violations are corrected and do not occur again in future inspections. IOI [redacted] also reviewed the Acknowledgement of Federal Firearms Regulations with RP Stevens. No other issues or concerns were found as a result of this inspection. Based on the current inspection violations and the licensee's inspection history with two DIO lead warning conferences, IOI [redacted] recommends revocation. Nothing Further.

(b)(3)(26 USC § 6103)

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: 4 Number of Instances: 4	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, [redacted] (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) NICS Violation, NICS Violation, NICS Violation,
2 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473: [redacted] Number of Instances: [redacted]	Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.	[redacted] (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
3 27 CFR 478.121(c): Making false entry, omitting entry, or failing to properly maintain required recordkeeping ATF Forms 4473: [redacted] Number of Instances: [redacted]	Cease and desist from engaging in deceptive practices.	[redacted] (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
27 CFR 478.21(a): Failure to	Complete all forms as prescribed.	[redacted] (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

4	complete forms as prescribed ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
5	27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
6	27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record Number of Instances: <input type="checkbox"/>	Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm disposition information.	(b)(3) (112 Public Law 55 125 Stat 552)

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
1 27 CFR 478.102(a): Failure to complete a NICS/POC background check ATF Forms 4473: 4 Number of Instances: 4	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 the NICS system is not releasing NTN so that they can process another check. However, using an old NTN number is my fault.	Status Licensee Notified Verified Method In Person Date Licensee Notified 08/03/2021
2 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.	Claim ignorance on the 5 consecutive business day. There is a possibility of multi forms that were not scanned in properly. Will look a lot closer on the multiple sale forms for future transactions.	Status Licensee Notified Verified Method In Person Date Licensee Notified 08/03/2021
3 27 CFR 478.121(c): Making false entry, omitting entry, or failing to properly maintain required recordkeeping ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Cease and desist from engaging in deceptive practices.	Applies as the first violation. Swear that somewhere the wrong form was shredded. There will be no hindrance on tracing because the correct form would be printed, the error with the form in the box would be identified.	Status Licensee Notified Verified Method In Person Date Licensee Notified 08/03/2021
4 27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Complete all forms as prescribed. Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions.	All the forms pretty much the same forms that were identified with previous violations. Will not let the system grab a similar NTN number again. Was trying to process forms as quickly as possible due to increase in customer demand.	Status Licensee Notified Verified Method In Person Date Licensee Notified 08/03/2021
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 transferee/buyer on all future	If item number one was corrected, there would be no violations. This is a result of the initial forms with errors on	Status Licensee Notified

ATF Forms 4473 Number of Instances:	transactions.	NTN. Feel responsible for this happening.	Verified Method In Person Date Licensee Notified 08/03/2021
27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record Number of Instances:	Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm disposition information.	The items were stuck in the system.	Status Licensee Notified Verified Method In Person Date Licensee Notified 08/06/2021

CLOSING CONFERENCE

(8/3/2021)
 08/03/2021
 Attachment(s)

Attendee(s)

BRUCE LOWELL STEVENS

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 9-86-03905 Inspection Results
Correspondence	Spartan Notification RE: 9-86-03905 Monitored Case
Correspondence	Spartan Notification RE: 9-86-03905 Monitored Case
Correspondence	Spartan Notification RE: 9-86-03905 Monitored Case
Correspondence	Spartan Notification RE: 9-86-03905 Monitored Case
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	Case
Correspondence	Spartan Notification RE: 9-86-03905 Monitored Case
Correspondence	DIO Kristina Babcock Returned Inspection FCI-26422
Correspondence	Spartan Notification RE: 9-86-03905 Monitored Case
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	ATF ROV 9-17-21 signed.pdf
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	ATF ROV 9-17-21 signed.pdf
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	Report of Violations corrected 9-15-2021.pdf
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	ATF ROV 21 clear signed scan.pdf
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	ATF ROV 21 clear signed scan.pdf
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ReturnedSignedROV	AFT ROV 21 signed.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
ReturnedSignedROV	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning

Correspondence	Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
RentalLeaseVerification	Lease agreement.pdf
ZoningVerification	Mesa Zoning Ordinance.pdf
TradeNameVerification	trade-names-trademarks.pdf
PropertyOwnershipVerification	4323 E BROADWAY RD
BusinessVerification	(b)(4)

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

In the matter of License Number 9-86-013-07-210-03905, as a/an

Manufacturer of Firearms Other than Destructive Devices issued to:

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

Magfussion Enterprises LLC
dba Mr Silencer
4323 E Broadway #117
Mesa, AZ 85206

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 Ave, 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 11/29/2021	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: 2021.11.29 07:40:53 -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: 70200640000076162478

Or

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

Date Notice Served 11/29/2021	Title of Person Serving Notice Executive Assistant	(b)(6)
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Print Name and Title of Person Served Bruce Stevens	Signature of Person Served (if applicable)
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Address Where Notice Served
4323 E Broadway #117, Mesa, AZ 85206

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 Magfussion Enterprises LLC, DBA Mr. Silencer, 4323 E. Broadway #117, Mesa, Arizona 85206 (“Licensee”), a Manufacturer 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 2010. The laws and regulations issued under the GCA were reviewed with Licensee Responsible Person Bruce L. Stevens as part of the application inspection. Subsequently, ATF conducted compliance inspections of Licensee in 2013, 2016, 2018 and 2020.

As a result of the 2016 and 2020 inspections, Licensee Responsible Person Bruce L. Stevens attended a warning conference with the Director of Industry Operation in which violations and proposed corrective actions were reviewed. Following each of the warning conferences, ATF sent Licensee a letter stating that “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license”

In addition, following the 2018 inspection, Licensee Responsible Person Bruce L. Stevens received a warning letter from ATF in which violations were noted and stated that “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.”

Current Inspection

Beginning on or about July 14, 2021, ATF Industry Operations Investigators (b)(6) (b)(6) conducted a compliance inspection of the licensee’s premises that covered the period of July 15, 2020 to July 14, 2021. The revealed the following:

Background Check Violations

1. On two occasions, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a). See Appendix ¶ 1.

Falsified Statement in Records

2. On (b)(6) occasions, Licensee willfully made a false statement or representation with respect to any information required by the GCA, , in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c). See Appendix ¶ 2.

Failure to Report Multiple Sales

3. On occasions, Licensee willfully failed to timely and/or accurately report the sale or other disposition of two or more pistols and/or revolvers during any five consecutive business days to an unlicensed person, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. See Appendix ¶ 3.

ATF Form 4473 Violations

4. On occasion, Licensee willfully sold or disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.121(c)(4). See Appendix ¶ 4.
5. On occasions, Licensee willfully failed to obtain/execute a completed 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)(1). See Appendix ¶ 5.
6. On occasions, Licensee willfully failed to obtain/execute a 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 ¶ 6.

Acquisition and Disposition Record Violations

7. On occasions, Licensee willfully failed to timely and/or accurately record the disposition of a firearm, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(d). See Appendix ¶ 7.

Appendix

Paragraph 1

Transferee's Name	Date	Discrepancy
(b)(6)	07/06/2021	No NICS check conducted
	07/17/2021	No NICS check conducted

Paragraph 2

Transferee's Name	Date	False or Material Mistatement
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)		

Paragraph 3

Transferee's Name	Date	Firearm Description
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)		

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

Paragraph 4

Transferee's Name Date Discrepancy

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

Paragraph 5

Transferee's Name Date Discrepancy

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

Paragraph 6

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

Paragraph 7

Firearm Description	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552)	

**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 manufacturer of firearms other than destructive devices, filed by:

or

License Number 9-86-013-07-2D-03905 as a/an
manufacturer of firearms other than destructive devices, issued to:

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

Magfussion Enterprises, LLC
dba Mr. Silencer
Attn: Bruce Stevens
4323 East Broadway, #117
Mesa, AZ 86206

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	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official
05/25/2022	Kristina Babcock, Director, Industry Operations

(b)(6)

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: 7021035000079957964

Or

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

Date Notice Served	Title of Person Serving Notice
05/25/2022	Executive Assistant

(b)(6)

Print Name and Title of Person Served
Bruce Stevens, Licensee Responsible Person

Signature of Person Served

Address Where Notice Served
4323 East Broadway, #117, Mesa, AZ 86206

Note: Previous Edition is Obsolete

Background

Magfussion Enterprises LLC (“Licensee”), holds Federal firearms license 9-86-013-07-2D-03905 as a Manufacturer 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”).¹

On November 29, 2021, 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. By letter dated December 13, 2021, Licensee timely requested a hearing to review that Notice.

The hearing occurred on March 15, 2022, at ATF’s Phoenix Field Division office. The hearing was conducted by ATF Director of Industry Operations (DIO) Kristina Babcock who acted as the Hearing Officer. ATF was represented by Division Counsel (b)(6) and the sole ATF witness was Industry Operations Investigator (b)(6). Licensee Responsible Person Bruce Stevens was present at the hearing to represent the Licensee. Court reporter (b)(6) was also present and transcribed the hearing. Both the Government and Licensee offered testimony and 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:

1. ATF first issued a Federal firearms license to Licensee in 2010. The laws and regulations issued under the GCA were reviewed with Licensee Responsible Person Bruce Stevens as part of the application inspection as evidenced by his signature on an Acknowledgement of Federal Firearms Regulations dated January 28, 2010. Subsequently, ATF conducted compliance inspections of Licensee in 2013, 2016, 2020, and 2021.
2. ATF also reviewed the relevant laws and regulations with Licensee Responsible Person Bruce Stevens following the 2013 inspection, as evidenced by his signature on an Acknowledgement of Federal Firearms Regulations dated September 27, 2013.
3. As a result of the 2016 and 2020 inspections, Licensee (specifically, RP Stevens) attended a warning conferences with the Director of Industry Operations. The 2016 warning conference occurred on October 20, 2016, with DIO Marianna Mitchem. The 2020 warning conference occurred April 13, 2020, with DIO Terry Dogan. At each conference, the violations cited

¹ Federal Firearms License 9-86-013-07-2D -03905 expired on April 1, 2022. Licensee timely filed a Federal Firearms License (FFL) RENEWAL Application, ATF Form 8 (5310.11) Part II, dated March 10, 2022, seeking to renew its license. This automatically converted this action from revocation of the Federal firearms license to denial of the renewal application for the same license. See *Willingham Sports, Inc. v. ATF*, 415 F.3d 1274, 1275 n.1 (11th Cir. 2005). This action now concerns the renewal application. ATF has issued a Letter of Authorization to Licensee allowing it to continue operating while this matter is pending.

from the related prior inspection and proposed corrective actions were reviewed. Following each warning conference, ATF sent a letter to Licensee stating “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license”

4. On June 14, 2021, ATF initiated a compliance inspection of Licensee. The violations uncovered during that inspection formed the basis for the Notice to Revoke in this case. Specifically, the Notice to Revoke alleged that Licensee willfully:

- transferred a firearm to an unlicensed person on two occasions without first contacting the National Instant Criminal Background Check System in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a);
- made a false statement or representation with respect to any information required by the provisions of Title 18, United States Code, Chapter 44 or Title 27, Code of Federal Regulations, Part 478, on [] occasions, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c);
- failed to timely and accurately report the sale or other disposition of two or more pistols and/or revolvers to an unlicensed person on [] occasions, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a;
- failed to identify [] firearm to be transferred on a Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4);
- failed to obtain/execute [] completed 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. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1).
- failed to obtain/execute a Firearms Transaction Record, ATF Form 4473, as indicated by the headings on the form and the instructions on or pertaining to the form on [] occasions, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a);
- failed to timely and/or accurately record the disposition of [] firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(d).

After review of the record in this matter, I find that the facts as set forth in the Notice to Revoke occurred. Evidence entered into the record at the administrative hearing also revealed that ATF previously cited Licensee with violating a number of these same regulations during previous inspections. In this regard, ATF cited Licensee with violating 27 C.F.R. §§ 478.102(a) and 478.123(d) as a result of the 2016 compliance inspection; and with violating 27 C.F.R. §§ 478.123(d), 478.124(c)(4) and 478.126a as a result of the 2020 compliance inspection.

Conclusions of Law

1. The GCA mandates that ATF shall issue a firearms license to a qualified applicant. 18 U.S.C. § 923(c); 27 C.F.R. § 478.47(a).
2. An application for a Federal firearms license shall be denied if the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly, or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) has willfully violated any provision of the GCA or regulations issued thereunder. *See* 18 U.S.C. § 923(d)(1)(C); 27 C.F.R. § 478.47(b)(3).
3. For purposes of the regulatory provisions of the GCA, a “willful” violation is committed when the applicant or licensee knows of its legal obligations and purposefully disregarded or was plainly indifferent to those requirements. *General Store, Inc. v. Van Loan*, 560 F.3d 920, 923 (9th Cir. 2009)
4. Having established that 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 that Licensee’s conduct constitutes willful violations.
5. The evidence and testimony presented at the hearing reveals that the Licensee understood the requirements concerning conducting a background check prior to the transfer of a firearm to an unlicensed person, making false statements in its required records, reporting the sale or other disposition of multiple pistols and/or revolvers, recording the transfer of a firearm to an unlicensed person on properly executed ATF Form 4473, and timely and accurately recording the disposition of a firearm. In this regard, ATF reviewed the applicable laws and regulations with Licensee Responsible Person Bruce Stevens during the 2010 qualification inspection and the 2013, 2016, and 2020 compliance inspections. In addition, many of the violations cited during the 2021 inspection were repeat violations from prior inspections. In this regard, ATF cited Licensee with a background check violation following the 2016 inspection; failure to report multiple sales following the 2020 inspection; failure to complete Forms 4473 following the 2020 inspection; and failure to accurately record the acquisition and/or disposition of a firearm following the 2016 and 2020 inspections. Significantly, Licensee received a Warning Letter from ATF following the 2018 inspection and Licensee Responsible Person Bruce Stevens attended DIO-led Warning Conferences following the 2016 and 2020 inspections at which time ATF advised that future violations, repeat or otherwise, could result in revocation.
6. Even though Licensee understood its responsibilities under the GCA, the evidence reveals that Licensee was plainly indifferent to, or purposefully disregarded the firearms laws and regulations.

7. As such, I conclude that Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. Accordingly, as provided by 18 U.S.C. § 923(e), 27 C.F.R. § 478.73, and *Willingham Sports, Inc.*, the renewal application submitted by Licensee is DENIED and the Federal firearms license held by Magfussion Enterprises LLC is hereby REVOKED.

Dated this 24 day of May, 2022.

**KRISTINA
BABCOCK**

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KRISTINA BABCOCK
Director, Industry Operations
Phoenix Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
United States Department of Justice



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
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Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations