

MAX LLC's FCI
 FCI-25860
 05/19/2022 11:24 AM
 IO: (b)(6) Rapid City II (IO) Satellite Office

LICENSEE INFORMATION

Licensee Name MAX LLC	RDS Key 3-46-01620	License/Permit Number 3-46-103-07-2A-01620	License Type 07 - Manufacturer of Firearms License
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Business Type
 Limited Liability Company (LLC)

Premises Address

Mailing Address

Premises Ownership Type
 Leased/Rented

Same as Premises Address

Premises Location Type
 Store Front

Address
 601 12TH ST SUITE 1
 Unit N/A
 RAPID CITY, South Dakota 57701
 PENNINGTON United States

Phone Type	Phone Number	Remarks
Business	+1 605-787-2141	

Email Address	Email Remarks
(b)(6)	Business email as listed on application

RECOMMENDATIONS

Final Decision
 Revocation
 Date
 04/30/2022

Details

License has been revoked and records were obtained and will be shipped to OOB.

Out of Business Records and Inventory Management

Licensee Records

Licensee Inventory

✓ Submitted to an ATF Employee

✓ Inventory transferred to another licensee/permittee

ATF Employee Name
 (b)(6)

Date of Inventory Transfer
 04/30/2022
 Transferee RDS Key
 34600863
 Licensee / Permittee
 MOUNTAIN TIME INC
 Business Name
 PRESIDENTIAL PAWN
 Business Premise Address
 610 7TH STREET
 RAPID CITY, SD 57701

Deputy Assistant Director - Industry Operations Megan Bennett's Recommendation
 Revocation

Details

I concur with the recommendation of revocation; (b)(6) they stopped maintaining an A&D record and has a blatant disregard for the regulations.

Special Agent in Charge William McCrary's Recommendation

SAC St Paul concurs with the preceding recommendations for REVOCATION. The licensee has displayed a blatant disregard for ATF regulations, on multiple occasions, including in moving the business, failing to do paperwork, missing inventory, and in addition to the multiple violations noted above, is (b)(6) I see no mitigating circumstances or other reasons to consider anything less than a revocation as the appropriate ATF response to the licensee's actions.

Senior Attorney (b)(6) Review

Details

This inspection has been reviewed and I concur with revocation. ACC (b)(6) has assessed the proposed Notice to Revoke, setting forth 9 willful violations, and has also concurred. The nature of the violations (b)(6) and callous attitude toward compliance all support the willful nature of these violations and the proposed revocation.

Director Industry Operations Hans Hummel's Recommendation

Revocation

Details

Revocation is warranted based on the findings of the inspection. The inspection disclosed that Max LLC had numerous violations to include failure to maintain an A&D record for approximately 2 1/2 months prior to initiation of the inspection of instances of A&D violations, with missing firearms after reconciliation. Additionally the licensee had conducted firearms transfers and manufactured firearms at unlicensed locations. Lastly, the FFL had made a false statement with regard to completion and handling of a 4473. The FFL had stated that he had conducted two background checks without completing 4473s, however he had told the Special Agent who had followed up on one of these denials that he had discarded the 4473.

Area Supervisor: (b)(6) Recommendation
Revocation

Details

AS Concurrs with Revocation.

Industry Operations Investigator: (b)(6) Recommendation
Revocation

Details

Revocation

Inspection Findings

Records and Forms

- 1. Failure to timely and/or correctly maintain records of receipt, manufacture, importation or other acquisition of percent or more of the licensee's total acquisitions during the inspection period, with a minimum of instances.
- 2. Failure to timely and/or correctly maintain records of sales or other dispositions of percent or more of the licensee's total dispositions during the inspection period, with a minimum of instances.
- 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 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).
- 10. Failure to create or discontinue use of required GCA records.

Transfer of Firearm

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

Firearms

- 1. Missing firearms after inventory reconciliation (e.g., no records of disposition, required or otherwise).
- 2. Failure to mark imported or manufactured firearms appropriately.

License Type

- 2. Conducting business at locations not authorized as an extension of the licensed business premises.

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 instances.

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
MAX LLC	Limited Liability Company (LLC)	Yes

Additional Findings

Verified with South Dakota Secretary of State website

Attachment(s):
FilingInfo.pdf
B0147-2676.pdf

Property Ownership Verification

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

Address
601 12TH ST SUITE 1
Unit N/A
RAPID CITY, South Dakota 57701
PENNINGTON United States

Additional Findings
Verified with Rapid City Zoning.
Owner is Metz Building, LLC, 615 12th St., Rapid City, SD.

Contact Information

Name	Date Contacted
(b)(6)	04/28/2021

Organization
Rapid City Zoning

Job Title
Zoning

Phone Type	Phone Number	Remarks
Business	+1 605-394-4120	

Attachment(s):

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
ZULU FOXTROT GUNS & WEAPONRY	Yes

Additional Findings
Verified with South Dakota Secretary of State website

Attachment(s):
DBA - RegistrationConfirmation.pdf

Rental/Lease Verification

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

Additional Findings
Lease agreement acquired from licensee.
IO: (b)(6) made contact with (b)(6)
Vice President (b)(6) stated that they are full aware of what they do over there. (b)(6) also stated that they are in the same building.

Attachment(s):
Lease - Max LLC 2020June19 - Signed.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings
Left message with (b)(6) from Rapid City Zoning.
3/30/2021 VERIFIED WITH (b)(6)

Contact Information

Name	Date Contacted
(b)(6)	02/01/2021

Organization
Rapid City Zoning

Job Title
Zoning

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

Attachment(s):

APPOINTMENT DETAILS

Interview Date

02/01/2021

Address

601 12TH ST SUITE 1, Unit N/A, RAPID CITY, South Dakota 57701

Responsible Attendee(s)

Non-Responsible Person(s)

(b)(6)

(b)(6)

MELISSA ANDREA MAX

RESPONSIBLE PERSON(S)

(b)(6)

(Deactivated)

Name
(b)(6)

Gender
Male

Race
White

Ethnicity
Not Hispanic or Not Latino

Date of Birth
(b)(6)

SSN
(b)(6)

Job Title
OWNER

Physical Identifiers

Height
(b)(6)

Weight
(b)(6)

Hair Color
(b)(6)

Eye Color
(b)(6)

Place of Birth

Country
United States Of America

State
(b)(6)

City
(b)(6)

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
02/01/2021

Criminal History Check Comments
(b)(6)
(b)(6)
(b)(6)

(b)(6) is still listed on the LLC according to the South Dakota Secretary of State.

MELISSA ANDREA MAX

Name
MELISSA ANDREA MAX

Gender
Female

Race

Ethnicity

Date of Birth
(b)(6)

SSN
(b)(6)

Job Title
CO 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

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
02/01/2021

Criminal History Check Comments
NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX (III)

NON-RESPONSIBLE PERSON(S)
(b)(6)

Name	Date of Birth	Job Title
(b)(6)	(b)(6)	(b)(6)

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

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
Firearm Sales, Custom building Rifles/Pistols.
Licensee runs a retail store selling firearms and firearms accessories. They also custom build AR style pistols and rifles from receivers and parts.

Do they need an additional license or permit?
No

Who are their primary suppliers?
(b)(4)

Business Activities

(b)(3)(26 USC § 6103)

Retail
Gunsmith

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping
Controlled Access to Keys

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

If there is a security system, who has access to the security codes?
Each employee has specific codes for alarm and entry.

Who has keys to the premises?
Melissa and (b)(6) MAX
Skyline Engineering has keys but not access to the alarm.
Knox Box for the fire department.

Who has keys to locked inventory?

All employees

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

Melissa does all paperwork in background.

(b)(6) to sales of items.

(b)(6) started and does sales. During the inspection (b)(6) received a position with another company and he no longer is employed by MAX LLC.

Shipping of products (b)(6) and Melissa

Receiving of products (b)(6) and Melissa

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

Business line of credit First Interstate Bank.

No other partners.

Are any employees known to be prohibited?

(b)(6)

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

No

PREMISES INFORMATION

Inspection Area Description

Retail storefront location.

Primary Activity

Retail

GPS Coordinates

Latitude

44.08166

Longitude

-103.23848

Selected Physical Security Measures

Alarm Monitoring (with Cellular Back-Up)

Alarm Monitoring/Other Signage

Bars on Doors

Bars on Windows

Deadbolts

Floodlights

Glass Breakage Detection

Local Audible Alarm

Lockable Display Rack(s)/Case(s)

Locked Gates

Motion Sensors

Reinforced Heavy Duty Doors/Frames

Safe(s)/Vault(s)

Security Cameras

Window Film/Tinting/Mirroring

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

Total Number of Open Dispositions in A & D Record

Total Number of Firearms in Inventory

260

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation

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)

NFA Documents Verified

(b)(3) (26 USC § 6103)

Additional Comments

Purpose and Scope of Inspection: Type 07 FFL Compliance Inspection

IOIs assisting (b)(6)

Onsite start and end dates: 2/1/2021 – 4/30/2021 (Closing Conference on 4/30/2021)

Inspection Period: 2/1/2020 – 2/1/2021

Any variances in place: None

Sampling: None

State of records and how maintained:

Upon arrival on 2/1/2021, it was found that the A&D records haven't been maintained. When IOIs arrived on 2/1/2021, A&D records haven't been done since 11/16/2020 (2 1/2 months). Melissa and (b)(6) MAX stated that they have just been too busy and couldn't keep up with the paperwork.

Records were being kept on an excel spreadsheet. Records are now being kept using EZ Bound Book software program starting on or about 3/8/2021.

ATF Form 4473s were in alphabetical order. This has been changed to chronological since the inspection started and MAX LLC saw that this would be more logical.

Relevant inventory information:

Missing firearms. Theft / Loss report was completed and submitted (b)(6)

Firearms Marking Violations:

At the time of inspection IOIs discovered 2 manufactured firearms on site that did not have markings (b)(3) (26 USC § 6103). It was also discovered that 215 other rifles and pistols were already transferred after being manufactured from receivers with no markings (MAX LLC RAPID CITY, SD). Most of these firearms were made from Aero Precision receivers and some Palmetto receivers. They didn't have any means to mark the firearms until early in the inspection a laser engraver was purchased. Laser engraver arrived on or about 2/11/2021.

The firearms are now being properly marked with MAX LLC and Rapid City, SD. There were a total of 217 firearms that were manufactured that did not receive markings. IOI (b)(6) instructed licensee to make the proper corrections in the A&D records to reflect the manufacturing being done and to properly dispose them as a rifle or pistol from the A&D records. (Disposed as receiver to self, acquired from self as rifle/pistol, then transferred out)

Licensed Premise:

MAX LLC has been operating from an unlicensed location for approximately 7 months. In July of 2020 MAX LLC applied for a Change of Address (COA). It was discovered that IOI (b)(6) and SA (b)(6) served (b)(6) with a Cease and Desist letter on July 8, 2020. IOI (b)(6) and SA (b)(6) explained the details of the Cease and Desist and how it pertains to MAX LLC. Since the RP was prohibited, the COA could not be approved (b)(6) (b)(6) signed a withdrawal for the COA. IOI (b)(6) and SA (b)(6) explained to (b)(6) that firearms transfers could NOT be conducted at the 12th street location and that they could only be conducted from their residence where MAX LLC is currently licensed at (b)(6). (b)(6) indicated that he understood. See attachments.

Upon inspection, it was discovered that MAX LLC has been conducting firearms transfers and manufacturing firearms from the same unlicensed location since July of 2020, even after the COA was withdrawn. This was discovered through conversation with Melissa and (b)(6) MAX, two employees (b)(6), and through some ATF 4473s that showed the unlicensed address as the licensee address.

According to FLS, MAX LLC applied again for a COA and it was approved on 11/24/2020. Even after the COA was completed and MAX LLC was operating from the new location, (b)(6) was taking firearms home (the old licensed location) to do cerakoting on firearms. This was discovered through conversation and questioning of where certain firearms were leaving to during the inspection. On 2/25/2021, IOI (b)(6) gave (b)(6) a verbal Cease and Desist and explained why he wasn't able to legally do this.

4473 Denials Not Found
On (b)(6) occasions IOIs were unable to locate denied 4473s. Upon questioning Melissa and (b)(6) MAX about the missing 4473s (b)(6) stated the 4473s were never completed. This was asked on 2 separate occasions just to be sure the answer didn't change.

(b)(6) stated that one background check was completed for a friend of his (b)(6) to see if he could pass the background check. (b)(6) stated that he ran a background check on himself to see if he was still prohibited. Keep in mind that this was done while (b)(6) When (b)(6) was denied, ATF was notified and SA (b)(6) responded. (b)(6) gave SA (b)(6) a slightly different story. According to SA (b)(6) stated that he shredded the 4473 when he was denied. On other occasions, MAX LLC couldn't produce 4473s.

4473s

ATF Form 4473s had many random violations. It was apparent that the 4473s were not being reviewed for accuracy.

Multiple Sales
MAX LLC hadn't reported any Multiple Sale Reports for handguns since in operation. During the inspection it was discovered that (b)(6) Multiple Sale Reports were not completed. IOI (b)(6) instructed MAX LLC to complete the forms and submit them.

Firearms Transferred to Out of State Resident

MAX LLC transferred a firearm to an out of state resident (b)(3) (112 Public Law 55 125 Stat 552) (b)(3) (112 Public Law 55 125 Stat 552)

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>27 CFR 478.50: Locations covered by license</p> <p>Number of Instances: <input type="text"/></p>	<p>Licensee has been conducting firearm transfers at unlicensed location. Transfers were made prior to approval of Change of Address (COA) that received final approval on 11/24/2020. Licensee has already completed and submitted the ATF Form 5310.12.</p> <p>Cease and desist conducting business away from licensed premises (or other locations authorized as an extension of the licensed premises).</p> <p>Complete and submit a new ATF Form 7 (5310.12 - Application for Federal Firearms License) to properly address current/proposed non-licensed business activity.</p>	<p style="text-align: center;">(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF</p>
<p>27 CFR 478.94: Failure to verify the identity and licensed status of a FFL transferee prior to transacting firearms</p> <p>Number of Instances: <input type="text"/></p>	<p>Obtain and verify the licensed status of a FFL transferee prior to transferring firearms.</p>	<p style="text-align: center;">(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF</p>
<p>27 CFR 478.124(a): Failure to execute an ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/></p> <p>Number of Instances: <input type="text"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/></p> <p>Number of Instances: <input type="text"/></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 style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473: <input type="text"/></p> <p>Number of Instances: <input type="text"/></p>	<p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection.</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

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

		<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>11</p> <p>27 CFR 478.92(a)(1)(ii)(A): Failure to properly mark firearm (s) with designated model</p> <p>Number of Instances: 1</p>	<p>Cease and desist transacting firearms until required identification markings are properly engraved, casted, stamped or otherwise conspicuously placed on each firearm.</p>	<p>MAX LLC, SBA30-P1, (b)(6) SILENCER, 30</p>
<p>12</p> <p>27 CFR 478.92(a)(1)(ii)(B): Failure to properly mark firearm (s) with caliber or gauge</p> <p>Number of Instances: 1</p>	<p>Cease and desist transacting firearms until required identification markings are properly engraved, casted, stamped or otherwise conspicuously placed on each firearm.</p>	<p>MAX LLC, SBA30-P1, (b)(6) SILENCER, 30</p>
<p>27 CFR 478.123(b): Failure to maintain an accurate/complete/timely licensee disposition record</p> <p>Number of Instances: [redacted]</p>	<p>Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information. Resume proper maintenance of required acquisition and disposition record. Amend/Update consolidated A&D record to conform with conditions set forth under ATF Ruling 2016-3. Create A&D Record from all available sources of record (i.e. invoices, work/claim tags, receipts, etc).</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

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

27 CFR 478.123(a): Failure to maintain an accurate/complete/timely manufacture or acquisition record

Number of Instances:

Accurately, completely & timely record all required future firearm acquisition information.
Amend/Update A&D Record to accurately record all required firearm acquisition information.
Resume proper maintenance of required acquisition and disposition record.
Amend/Update consolidated A&D record to conform with conditions set forth under ATF Ruling 2016-3.
Create A&D Record from all available sources of record (i.e. invoices, work/claim tags, receipts, etc).

(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

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.

Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.

Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.

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

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

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

ATF Forms 4473
Number of Instances

Complete all forms as prescribed.
Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions.
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.
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.
Ensure that the required transferor/seller printed name and title is obtained, validated and

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

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

accurately recorded on all future ATF Forms
4473, Section D.
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)

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

27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473

ATF Forms 4473
Number of Instances:

Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.

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

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

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.
Ensure that all required NICS/POC background
check information is obtained, validated and
accurately recorded on all future ATF Forms
4473, Section B.

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

27 CFR 478.102(a): Failure to complete a NICS/POC background check

Execute a required NICS/POC background check for all future over-the-counter firearm transactions.

NICS Violation

(b)(6)

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

19 ATF Forms 4473: 1 Number of Instances: 1	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.	
20 27 CFR 478.124(c)(4): Failure to record firearm 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. Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
21 27 CFR 478.124(c)(5): Failure by transferor to sign and/or date 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. Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
22 27 CFR 478.128(c): False statement made by a licensee on any ATF record Number of Instances: [redacted]	Cease and desist from engaging in deceptive practices.	The FFL [redacted] (b)(6) stated that 4473s were never completed on 2 occasions. One background check was completed of [redacted] (b)(6) to see if he could pass the background check, and the other was run on himself to see if he was still prohibited. [redacted] (b)(6) IOIs asked on 2 separate occasions and received this same answer. This was also confirmed a third time during the closing. However, when ATF SA [redacted] (b)(6) responded to the [redacted] (b)(6) NICS denial he was told that the 4473 was shredded.

THEFT/LOSS REPORT

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

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

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
<p>27 CFR 478.50: Locations covered by license</p> <p>Number of Instances: 12</p>	<p>Licensee has been conducting firearm transfers at unlicensed location. Transfers were made prior to approval of Change of Address (COA) that received final approval on 11/24/2020. Licensee has already completed and submitted the ATF Form 5310.12.</p> <p>Cease and desist conducting business away from licensed premises (or other locations authorized as an extension of the licensed premises).</p> <p>Complete and submit a new ATF Form 7 (5310.12 - Application for Federal Firearms License) to properly address current/proposed non-licensed business activity.</p>	<p>Melissa MAX asked about how COA works. IOI (b)(6) explained. MAX made the comment that they should not have done that. IOI (b)(6) referenced the COA Withdrawal in 2020 and the Cease Desist. IOI (b)(6) asked again if MAX LLC was operating and transferring from the store (Unlicensed 12th Street location) prior to the COA in November and she confirmed that they had been.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 04/30/2021</p>
<p>27 CFR 478.94: Failure to verify the identity and licensed status of a FFL transferee prior to transacting firearms</p> <p>Number of Instances: 3</p>	<p>Obtain and verify the licensed status of a FFL transferee prior to transferring firearms.</p>	<p>Melissa MAX said, "OK." (b)(6) explained to her what they had done wrong.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 04/30/2021</p>
<p>27 CFR 478.124(a): Failure to execute an ATF F 4473</p> <p>ATF Forms 4473: (b)(6) Number of Instances: (b)(6)</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>(b)(6) responded, "Ya." Melissa MAX said, "OK, we have to keep denied separate?" It should also be noted that (b)(6) told Special Agent (b)(6) that he had shredded his 4473 when he was denied. (b)(6) K told IOI (b)(6) that he never filled out the 4473 on himself.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 04/30/2021</p>
<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p>	<p>Identify and separately retain all denied (completed and future) ATF Forms 4473, for a period not less than 5 years.</p>	<p>Melissa MAX said, "OK."</p>	<p>Status Correction Verified</p>

4	ATF Forms 4473 Number of Instances:	Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.	Verified Method In Person Date Correction Verified 04/30/2021
5	27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473 Number of Instances:	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.	Melissa MAX said, "OK." Status Correction Verified Verified Method In Person Date Correction Verified 04/30/2021
6	27 CFR 478.102(a)(2)(i): Failure to obtain a NICS/POC response ATF Forms 4473 Number of Instances:	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.	Melissa MAX said, "OK. What happens when NICS comes back denied after firearm is transferred?" IOI (b)(6) explained NICS process. Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021
7	27 CFR 478.99(a): Unlawful sale or delivery of a handgun to an out of state resident and/or transfer of a long gun in violation of state law ATF Forms 447 Number of Instances:	Cease and desist all firearm transfers (including lower receivers) other than a rifle or shotgun, to residents of another state.	Melissa MAX said, "OK." (b)(6) MAX explained that it could have been a shotgun. Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021
8	27 CFR 478.92(a)(1)(ii)(C): Failure to properly mark firearm(s) with licensee name Number of Instances: 217	Cease and desist transacting firearms until required identification markings are properly engraved, casted, stamped or otherwise conspicuously placed on each firearm.	We didn't have our LLC on there. Now we have the laser. Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021
9	27 CFR 478.92(a)(1)(ii)(D): Failure to properly mark firearm(s) with manufacturer city and state Number of Instances: 217	Cease and desist transacting firearms until required identification markings are properly engraved, casted, stamped or otherwise conspicuously placed on each firearm.	Melissa MAX said, "OK." Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021
10	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. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information. Resume proper maintenance of required acquisition and disposition record. Amend/Update consolidated A&D record to conform with conditions set forth under ATF Ruling 2016-3. Create A&D Record from all available sources of record (i.e.	Melissa MAX said, "OK. How long do I have to mark?" (b)(6) explained the process to Melissa and how (b)(6) (employee) would be providing firearms to (b)(6) to engrave as they are built. Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021

		invoices, work/claim tags, receipts, etc).	
11	27 CFR 478.92(a)(1)(ii)(A): Failure to properly mark firearm(s) with designated model Number of Instances: 1	Cease and desist transacting firearms until required identification markings are properly engraved, casted, stamped or otherwise conspicuously placed on each firearm.	Melissa MAX said, "OK." Status Correction Verified Verified Method In Person Date Correction Verified 04/30/2021
12	27 CFR 478.92(a)(1)(ii)(B): Failure to properly mark firearm(s) with caliber or gauge Number of Instances: 1	Cease and desist transacting firearms until required identification markings are properly engraved, casted, stamped or otherwise conspicuously placed on each firearm.	Melissa MAX said, "OK." Status Correction Verified Verified Method In Person Date Correction Verified 04/30/2021
13	27 CFR 478.123(b): Failure to maintain an accurate/complete/timely licensee disposition record Number of Instances: [redacted]	Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information. Resume proper maintenance of required acquisition and disposition record. Amend/Update consolidated A&D record to conform with conditions set forth under ATF Ruling 2016-3. Create A&D Record from all available sources of record (i.e. invoices, work/claim tags, receipts, etc).	Melissa MAX said, "OK." Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021
14	27 CFR 478.123(a): Failure to maintain an accurate/complete/timely manufacture or acquisition record Number of Instances: [redacted]	Accurately, completely & timely record all required future firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm acquisition information. Resume proper maintenance of required acquisition and disposition record. Amend/Update consolidated A&D record to conform with conditions set forth under ATF Ruling 2016-3. Create A&D Record from all available sources of record (i.e. invoices, work/claim tags, receipts, etc).	Melissa MAX said, "OK." Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021
15	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. Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	Melissa MAX said, [redacted] (b)(6) did that." (Prior employees) Meaning that [redacted] (b)(6) didn't check forms for accuracy. Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021
16	27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473 [redacted] Number of Instances: [redacted]	Complete all forms as prescribed. Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions. 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. 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. Ensure that the required transferor/seller printed name and title is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	[redacted] (b)(6) explained the new procedure. Melissa MAX said, "OK." Status Licensee Notified Verified Method In Person Date Licensee Notified 04/30/2021

17	<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] Number of Instances: [redacted]</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>Melissa MAX said, "OK. Yep. Or they put their birthdate in there. How do you record a passport?" IO: (b)(6) explained.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/30/2021</p>
18	<p>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on 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>Ensure that all required NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>Melissa MAX said, "Yep, OK."</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/30/2021</p>
19	<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>Melissa MAX said, "That was (b)(6) our old employee. He didn't run a check."</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/30/2021</p>
20	<p>27 CFR 478.124(c)(4): Failure to record firearm information on 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>Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>Melissa MAX said, "Can we leave it still as a multi if it's just a lower?" Melissa MAX said, "OK."</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/30/2021</p>
21	<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date 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>Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>Melissa MAX said, "Didn't date, OK."</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/30/2021</p>
22	<p>27 CFR 478.128(c): False statement made by a licensee on any ATF record</p> <p>Number of Instances: 1</p>	<p>Cease and desist from engaging in deceptive practices.</p>	<p>TBD. Will update after issued during revocation hearing. Date is not set at this time.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 07/22/2021</p>

REFERRAL(S)

ID	Status	Agency	Outcome
R-1968	Referral Approved	CGIC ATF Arizona	Referral sent

Review Regulations conducted offline

(4/30/2021)

04/30/2021

Attachment(s)

Attendee(s)

MELISSA ANDREA MAX

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 3-46-01620 Inspection Results
FinalDecision	Max LLC-Revocation date Extension 1-28-22 SIGNED.pdf
FinalDecision	Max, LLC Final Revocation Notice 5300.13.pdf
Correspondence	Spartan Notification RE: 3-46-01620 Monitored Case
Correspondence	Spartan Notification RE: 3-46-01620 Monitored Case
Correspondence	Spartan Notification RE: 3-46-01620 Monitored Case
Correspondence	Spartan Notification RE: 3-46-01620 Monitored Case
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Correspondence	Spartan Notification RE: 3-46-01620 Monitored Case
Correspondence	Spartan Notification RE: 3-46-01620 Monitored Case
ReturnedSignedROV	MAX VIOLATIONS.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationsPDF	Report of Violations.pdf
RentalLeaseVerification	Lease - Max LLC 2020June19 - Signed.pdf
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
FirearmTheftLossList	Firearm Theft Loss List.pdf
ComplianceActionItemsPDF	Compliance Action Items.pdf
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
ComplianceActionItemsPDF	Compliance Action Items.pdf

License

Category	Attachment Name
Other	Case PCR20-216593.pdf

R-1968

Category	Attachment Name
ReferralDocument	Referral.pdf

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

In the matter of License Number 3-46-103-07-2A-01620, 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)

Max, LLC
Zulu Foxtrot Guns & Weaponry
601 12th Street
Suite 1
Rapid City, South Dakota
57701

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 30 7th Street East, Suite 1900, St. Paul, MN 55101, 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 10/25/2021	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Hans C. Hummel, Director, Industry Operations	Signature <i>on behalf of Hans Hummel</i> (b)(6)
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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: 7017 0530 0000 6115 2675

Or

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

Date Notice Served 10/25/2021	Title of Person Serving Notice Executive Assistant	Signature of Person Serving Notice (b)(6)
Print Name and Title of Person Served Max, LLC		Signature of Person Served (if applicable)

Address Where Notice Served
601 12th Street, Suite 1, Rapid City, South Dakota 57701

MAX, LLC
d/b/a/ Zulu Foxtrot Guns & Weaponry
601 12th Street
Suite 1
Rapid City, South Dakota 57701
FFL# 3-46-103-07-2A-01620

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given of the revocation of the Federal firearms license specified above, in that the Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), St. Paul Field Division, has reason to believe that MAX, LLC ("Licensee"), a Manufacturer in Firearms Other Than Destructive Devices, 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").

Compliance History

ATF issued a Federal firearms license to Licensee following a qualification inspection conducted in 2018. At that time, the Licensee reviewed and signed an Acknowledgement of Regulations dated December 6, 2018. ATF also personally engaged with the Licensee on July 8, 2020 when the sole responsible person (b)(6) was advised of the restrictions on his receipt, transfer and shipment of firearms due to (b)(6). Melissa Max was added as a responsible persons in July 2020 and (b)(6) removed himself as a responsible person in November 2020.

Current Inspection

On February 1, 2021, ATF conducted a compliance inspection of Licensee's premises which revealed the following:

1. Licensee willfully engaged in an activity for which it was not licensed, in violation of 18 U.S.C. § 922(a)(1)(A) and 27 C.F.R. § 478.41. Specifically, while Licensee was licensed as a manufacturer in firearms, it engaged in business at a location not covered by the license, to wit: Licensee operated from 601 12th Street Suite 1, Rapid City, South Dakota prior to November 24, 2020, and from 4514 Steamboat Circle, Rapid City, South Dakota after November 24, 2020.
2. On [] occasions, Licensee willfully made a false entry in receipt, sale, or other disposition record as required by the GCA, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.121(c). See Appendix.
3. From approximately November 16, 2020 to February 1, 2021, Licensee willfully failed to record the acquisition and disposition information for each firearm manufactured or

otherwise acquired and disposed of in violation of 18 U.S.C. 923(g)(1)(A) and 27 C.F.R. § 478.123(a), (b) & (d).

4. Prior to November 16, 2020, the Licensee willfully failed to document the manufacture and disposition of fully assembled firearms for [redacted] firearms in violation of 18 U.S.C. 923(g)(1)(A) and 27 C.F.R. § 478.123(a), (b) & (d). See Appendix.
5. On [redacted] occasions, the Licensee willfully failed to maintain records of dispositions made to non-licensees/licensees as prescribed by regulation in violation of 18 U.S.C. 923(g)(1)(A) and 27 C.F.R. § 478.123 (b) & (d). Specifically, the Licensee failed to document the disposition of firearms that were not located in inventory at the time of the inspection, therefore disposition information was untimely. See Appendix.
6. On [redacted] occasions, the Licensee willfully failed to legibly identify each firearm manufactured as required by regulation in violation of 18 U.S.C. 923(i) and 27 CFR § 478.92(a)(1). See Appendix.
7. On [redacted] occasions, Licensee willfully failed to timely and 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.
8. On 1 occasion, Licensee willfully made a false statement or representation with respect to information required by the GCA. Specifically, statements made by the FFL regarding a NICS check and associated whereabouts of a 4473 for [redacted] were made in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c).
9. On 1 occasion, Licensee willfully made a false statement or representation in applying for/amending its Federal firearms license in violation of 924(a)(1)(A). Specifically, Licensee misrepresented who would be acting in the capacity of a Responsible Person after November 12, 2020.
10. On [redacted] occasions, Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to attempting to make an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix.

Appendix

Violation #2: §478.121(c)

Record	Date	False statement
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Violation #4: §478.123(a), (b) & (d)

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

Violation #5: §478.123 (b) & (d)

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

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

Violation #6 §478.92(a)(1)

	Firearm		Violation	
1.	AERO PRECISION INC., M16A4,	(b)(6)	PISTOL MULTI	Failure to Mark with Name, City, State
2.	AERO PRECISION INC., M16A4		RIFLE, MULTI	Failure to Mark with Name, City, State
3.	AERO PRECISION INC., M16A4		RIFLE, MULTI	Failure to Mark with Name, City, State
4.	AERO PRECISION INC., M16A4		PISTOL, MULTI	Failure to Mark with Name, City, State
5.	AERO PRECISION INC., M16A4		PISTOL, MULTI	Failure to Mark with Name, City, State
6.	AERO PRECISION INC., M16A4		RIFLE, MULTI	Failure to Mark with Name, City, State
7.	AERO PRECISION INC., M16A4		PISTOL, MULTI	Failure to Mark with Name, City, State
8.	AERO PRECISION INC., M16A4		PISTOL, MULTI	Failure to Mark with Name, City, State
9.	AERO PRECISION INC., M16A4		PISTOL, MULTI	Failure to Mark with Name, City, State
10.	AERO PRECISION INC., M16A4		RIFLE, MULTI	Failure to Mark with Name, City, State
11.	AERO PRECISION INC., M16A4		RIFLE, MULTI	Failure to Mark with Name, City, State
12.	AERO PRECISION INC., M16A4		RIFLE, MULTI	Failure to Mark with Name, City, State
13.	AERO PRECISION INC., FREEDOM, MULTI	(b)(6)	JULY4, RIFLE,	Failure to Mark with Name, City, State
14.	AERO PRECISION INC., FREEDOM, MULTI		JULY4, PISTOL,	Failure to Mark with Name, City, State
15.	AERO PRECISION INC., FREEDOM, MULTI		JULY4, RIFLE,	Failure to Mark with Name, City, State
16.	AERO PRECISION INC., FREEDOM, 4JULY MULTI	(b)(6)	RIFLE,	Failure to Mark with Name, City, State
17.	AERO PRECISION INC., FREEDOM, 4JULY MULTI		RIFLE,	Failure to Mark with Name, City, State
18.	BALLISTIC ADVANTAGE, LLC, DCP3 MULTI	(b)(6)	RIFLE,	Failure to Mark with Name, City, State
19.	BALLISTIC ADVANTAGE, LLC, DCP3 MULTI		PISTOL,	Failure to Mark with Name, City, State
20.	BALLISTIC ADVANTAGE, LLC, DCP3 MULTI		PISTOL,	Failure to Mark with Name, City, State
21.	PALMETTO STATE ARMORY, BUILD THE WALL, (b)(6) RIFLE, MULTI			Failure to Mark with Name, City, State
22.	AERO PRECISION INC., X15 (b)(6) RIFLE, MULTI			Failure to Mark with Name, City, State
23.	AERO PRECISION INC., LBRTYM4 (b)(6) RIFLE, MULTI			Failure to Mark with Name, City, State
24.	AERO PRECISION INC., LBRTYM4, MULTI	(b)(6)	RIFLE,	Failure to Mark with Name, City, State
25.	AERO PRECISION INC., LBRTYM4, MULTI		PISTOL,	Failure to Mark with Name, City, State
26.	AERO PRECISION INC., LBRTYM4, MULTI		RIFLE,	Failure to Mark with Name, City, State

27.	AERO PRECISION INC., LBRTYM4	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
28.	AERO PRECISION INC., M5	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
29.	AERO PRECISION INC., M16A	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
30.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
31.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
32.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
33.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
34.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
35.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
36.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
37.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
38.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
39.	AERO PRECISION INC., M4E1 WYLDE		RIFLE, 223	Failure to Mark with Name, City, State
40.	AERO PRECISION INC., M4E1		PISTOL, MULTI	Failure to Mark with Name, City, State
41.	AERO PRECISION INC., M4E1		PISTOL, MULTI	Failure to Mark with Name, City, State
42.	AERO PRECISION INC., M4E1		PISTOL, MULTI	Failure to Mark with Name, City, State
43.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
44.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
45.	AERO PRECISION INC., M4E1		PISTOL, MULTI	Failure to Mark with Name, City, State
46.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
47.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
48.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
49.	AERO PRECISION INC., M4E1		PISTOL, MULTI	Failure to Mark with Name, City, State
50.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
51.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
52.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
53.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
54.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
55.	AERO PRECISION INC., M4E1		PISTOL, MULTI	Failure to Mark with Name, City, State
56.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
57.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State
58.	AERO PRECISION INC., M4E1		PISTOL, MULTI	Failure to Mark with Name, City, State

59.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
60.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
61.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
62.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
63.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
64.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
65.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
66.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
67.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
68.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
69.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
70.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
71.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
72.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
73.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
74.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
75.	AERO PRECISION INC., M4E	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
76.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
77.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
78.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
79.	AERO PRECISION INC., M4E RECEIVER/FRAME, MULTI			Failure to Mark with Name, City, State
80.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
81.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
82.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
83.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
84.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
85.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
86.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
87.	AERO PRECISION INC., M4E		PISTOL, MULTI	Failure to Mark with Name, City, State
88.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
89.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State
90.	AERO PRECISION INC., M4E		RIFLE, MULTI	Failure to Mark with Name, City, State

124.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State	
125.	AERO PRECISION INC., M4E1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State	
126.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State	
127.	AERO PRECISION INC., M4E1		RIFLE, MULTI	Failure to Mark with Name, City, State	
128.	MAX LLC, (b)(6) MACHINE GUN, 300BLK			Failure to Mark with Name, City, State	
129.	AERO PRECISION INC., M4E1, M4E1, RIFLE, MULTI			Failure to Mark with Name, City, State	
130.	NOMAD, NOMAD 9	(b)(6)	PISTOL, 9MM	Failure to Mark with Name, City, State	
131.	NOMAD, NOMAD 9		PISTOL, 9MM	Failure to Mark with Name, City, State	
132.	PALMETTO STATE ARMORY, PA-15	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State	
133.	AERO PRECISION INC., AP15	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State	
134.	AERO PRECISION INC., AP15		PISTOL, MULTI	Failure to Mark with Name, City, State	
135.	PALMETTO STATE ARMORY, PA-10	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State	
136.	PALMETTO STATE ARMORY, PA-10 RECEIVER/FRAME, MULTI			Failure to Mark with Name, City, State	
137.	MAX LLC, SBA30-P1	(b)(6)	SILENCER, 30	Failure to Mark with Name, City, State	
138.	AERO PRECISION INC., TR15,	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State	
139.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
140.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
141.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
142.	AERO PRECISION INC., TR15,		PISTOL, MULTI	Failure to Mark with Name, City, State	
143.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
144.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
145.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
146.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
147.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
148.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
149.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
150.	AERO PRECISION INC., TR15,		RIFLE, MULTI	Failure to Mark with Name, City, State	
151.	AERO PRECISION INC., M5		(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
152.	AERO PRECISION INC., M5			PISTOL, MULTI	Failure to Mark with Name, City, State
153.	AERO PRECISION INC., M5	RIFLE, MULTI		Failure to Mark with Name, City, State	
154.	AERO PRECISION INC., M5	RIFLE, MULTI		Failure to Mark with Name, City, State	
155.	AERO PRECISION INC., M5	RIFLE, MULTI		Failure to Mark with Name, City, State	

156.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
157.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
158.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
159.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
160.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
161.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
162.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
163.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
164.	AERO PRECISION INC., MS	PISTOL, MULTI	Failure to Mark with Name, City, State
165.	AERO PRECISION INC., MS	PISTOL, MULTI	Failure to Mark with Name, City, State
166.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
167.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
168.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
169.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
170.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
171.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
172.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
173.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
174.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
175.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
176.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
177.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
178.	AERO PRECISION INC., MS	PISTOL, MULTI	Failure to Mark with Name, City, State
179.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
180.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
181.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
182.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
183.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
184.	AERO PRECISION INC., MS	RIFLE, 308	Failure to Mark with Name, City, State
185.	AERO PRECISION INC., MS	UNKNOWN TYPE, MULTI	Failure to Mark with Name, City, State
186.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State
187.	AERO PRECISION INC., MS	RIFLE, MULTI	Failure to Mark with Name, City, State

(b)(6)

188.	AERO PRECISION INC., M5	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
189.	AERO PRECISION INC., M5	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
190.	AERO PRECISION INC., M5	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
191.	PALMETTO STATE ARMORY, M4 CARBINE, RIFLE, 556	(b)(6)		Failure to Mark with Name, City, State
192.	AERO PRECISION INC., M4 CARBINE, 5.56	(b)(6)	RIFLE,	Failure to Mark with Name, City, State
193.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
194.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
195.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
196.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
197.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
198.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
199.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
200.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
201.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
202.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
203.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
204.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
205.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
206.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
207.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
208.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
209.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
210.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
211.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
212.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
213.	AERO PRECISION INC., X1	(b)(6)	PISTOL, MULTI	Failure to Mark with Name, City, State
214.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
215.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
216.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State
217.	AERO PRECISION INC., X1	(b)(6)	RIFLE, MULTI	Failure to Mark with Name, City, State

Violation #7 §478.126a

Handguns transferred	Purchaser/Date	Error
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)		

Violation #10 § 478.124(c)(1)

Transaction	Date	Error
(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 3-46-103-07-2A-01620 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*)

MAX, LLC
d/b/a Zulu Foxtrot Guns & Weaponry
601 12th Street
Suite 1
Rapid City, South Dakota 57701

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 30 E 7th St. Suite 1900, St Paul, MN 55101

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 01/13/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Hans C. Hummel/ Director, Industry Operations	Signature (b)(6) <small>Digitally signed by HANS HUMMEL Date: 2022.01.13 16:33:24 -0500</small>
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I certify that, on the date below, I served the above notice on the person identified below by:

Certified mail to the address shown below:
Tracking Number: 7017 0530 0000 6115 2682

Or

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

Date Notice Served 1/13/2022	Title of Person Serving Notice Executive Assistant	Signature of Person Serving Notice (b)(6)
Print Name and Title of Person Served Max, LLC		Signature of Person Served
Address Where Notice Served 601 12th Street, Suite 1, Rapid City, SD 57701		
Note: Previous Edition is Obsolete		

MAX, LLC
d/b/a/ Zulu Foxtrot Guns & Weaponry
601 12th Street
Suite 1
Rapid City, South Dakota 57701
FFL# 3-46-103-07-2A-01620

Max, LLC (“Licensee”), Manufacturer of Firearms Other Than Destructive Devices, holds the Federal firearms license listed above issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On February 1, 2021, ATF initiated a compliance inspection at the Licensee’s premise. As a result of the inspection, ATF issued a Notice of Revocation and/or Fines of License, ATF Form 4500, on October 25, 2021 to the Licensee. By letter dated October 29, 2021, the Licensee, through responsible person Melissa Max, timely requested a hearing to review that Notice. Ms. Max indicated an intent to withdraw her request for a hearing on December 13, 2021. Responsible person, Wayne Swier contacted ATF on December 14 and expressed his intention to attend the hearing on behalf of the Licensee along with Adam Max. The hearing was conducted, as scheduled on December 15, 2021.

The hearing was held remotely via conference call. The hearing was conducted by ATF Director, Industry Operations (DIO) Hans Hummel. ATF was represented by ATF Attorney Theresa Hummel. ATF Industry Operations Investigators (IOIs) (b)(6) (b)(6) appeared as witnesses on behalf of the Government. The Licensee was represented by Wayne Swier (manager) and Adam Max (owner). The hearing was recorded and transcribed by the Government through a court reporter service. Both sides 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:

At the hearing, ATF introduced documentary and testimonial evidence of an in-person qualification inspection conducted by ATF in December 2018. ATF introduced a signed Acknowledgements of Federal Firearms Regulations demonstrating that ATF had reviewed the legal requirements applicable to the Federal firearm licenses. (See ATF Ex. 7). ATF presented additional exhibits and testimony indicating that Adam Max was aware of the definition and authorities applicable to a person identified as a “responsible person” on the license.

Following the issuance of the license, a year and a half later, in 2020 the Licensee filed an Application for Amended Federal Firearms License, specifically to change the location of the licensed business premises. At this time, it came to ATF’s attention that the Licensee’s sole responsible person, Adam Max, was (b)(6) (b)(6) was prohibited from receiving, shipping or transporting firearms. Mr.

Max submitted the Application despite the fact that it required a certification that no responsible person on the license was prohibited from shipping, transporting in interstate or foreign commerce or possessing in or affecting commerce any firearm or ammunition. (See ATF Ex. 8). An ATF Special Agent and IOI presented Mr. Max with a letter warning him of the limitations on his ability to receive and ship firearms on July 8, 2020. (See ATF Ex. 11).

ATF had additional contact with the Licensee regarding the addition of Melissa Max as a responsible person to the Licensee in July 2020 and removal of Adam Max as a responsible person in November 2020. The application to amend the licensed business premises was approved November 25, 2020 and sent to the Licensee. In January 2021, an ATF Special Agent contacted Adam Max at the licensed premise in regards to a criminal investigation into the attempted purchase of a firearm by [redacted (b)(6)] and subsequent "denial" of that purchase by the FBI National Instant Criminal Background Check System. (See ATF Ex. 32).

On February 1, 2021, the ATF IOIs initiated a compliance inspection that continued over the course of three months. At the conclusion of the inspection, IOIs identified regulatory and statutory violations. Ten of those violations were included in the Notice of Revocation of License issued to Max, LLC. After presiding over the hearing and reviewing the record in this matter, I find that the facts as set forth in the Notice of Revocation of License for Max, LLC occurred.

Specifically:

1. Licensee willfully engaged in an activity for which it was not licensed, in violation of 18 U.S.C. § 922(a)(1)(A) and 27 C.F.R. § 478.41. This finding is based upon evidence of dealing in firearms from a premises not licensed (601 12th Street, Suite 1, Rapid City, South Dakota) and is not based upon a finding of willfully manufacturing from the unlicensed location of 4514 Steamboat Circle, Rapid City, South Dakota after November 24, 2020.
2. Licensee willfully made a false entry in receipt sale or other disposition record as required by the GCA, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.121(c).
3. Licensee willfully failed to record the acquisition and disposition information for each firearm manufactured or otherwise acquired and disposed of in violation of 18 U.S.C. 923(g)(1)(A) and 27 C.F.R. § 478.123(a), (b) & (d).
4. Licensee willfully failed to document the manufacture and disposition of fully assembled firearms for [redacted] firearms in violation of 18 U.S.C. 923(g)(1)(A) and 27 C.F.R. § 478.123(a), (b) & (d).
5. Licensee willfully failed to maintain records of dispositions made to non-licensees/licenses as prescribed by regulation in violation of 18 U.S.C. 923(g)(1)(A) and 27 C.F.R. § 478.123 (b) & (d).
6. Licensee willfully failed to legibly identify each firearm manufactured as required by regulation in violation of 18 U.S.C. 923(i) and 27 CFR § 478.92(a)(1).
7. Licensee willfully failed to timely and 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.

8. Licensee willfully made a false statement or representation with respect to information required by the GCA in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c).
9. Licensee willfully made a false statement or representation in applying for/amending its Federal firearms license in violation of 18 U.S.C. § 924(a)(1)(A).
10. Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to attempting to make an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1).

Conclusions of Law

Pursuant to the GCA, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license if the licensee has willfully violated any provision of the GCA or the regulations issued thereunder. 18 U.S.C. § 923(e); 27 C.F.R. § 478.73.

For purposes of the regulatory provisions of the GCA, a “willful” violation is committed when the licensee knows of [his/her/its] legal obligations and purposefully disregarded or was plainly indifferent to those requirements. There is no requirement of bad purpose or evil motive. Armalite v. Lambert, 544 F.3d 644 (6th Cir. 2008), Article II Gun Shop, Inc. v. Gonzales, 441 F.3d 492 (7th Cir. 2006), Appalachian Resources Development Corporation v. McCabe, 387 F.3d 461 (6th Cir. 2004); Procaccio v. Lambert, 223 Fed. App’x. 554 (6th Cir. May 29, 2007); 3 Bridges, Inc. v. O’Neill, 216 F.Supp. 2d 655 (E.D. Ky. 2002).

It is noted that Licensee does not have an extensive compliance history with ATF and has only held a license since 2018. However, in that time, ATF was in contact with Licensee multiple times for multiple reasons, including to provide guidance and advise on lawful conduct. “[I]t is clear that a licensee may be found to have willfully violated the Gun Control Act even if he has never previously been cited for violations. See e.g., Nat’l Lending Group v. Mukasey, 2008 WL 5329888, at *8 n. 13 (D.Az. Dec. 19, 2008) (no requirement that there have been prior warnings to establish willfulness); Manuele v. Acting Director, ATF, 2008 WL 2168761, at *5 (C.D.Ill May 22, 2008); Francis v. ATF, 2006 WL 1047026, at *4 (E.D.Okla. Apr.20, 2006). Courts have consistently held that “[c]ompliance with the GCA is the licensee’s responsibility. “[A] federal firearms licensee ... [has] a duty to be cognizant of the rules and regulations issued by the Bureau of Alcohol, Tobacco, and Firearms and to follow those mandates.” Trader Vic’s Ltd. V. O’Neill, 169 F.Supp.2d 957, 960 (N.D.Ind.2001). Therefore, a lack of repeat violations or past inspections does not negate willful misconduct.

Courts have supported the revocation of a Federal firearms license based upon the quality of the violation, not the quantity. “A single willful violation of the GCA is enough to deny a federal firearms license application or revoke a federal firearms dealer’s license.” Shaffer v. Holder, No. 1:09-0030, 2010 WL 1408829, at *10 (M.D. Tenn. Mar. 30, 2010) (citing Appalachian Resources Dev. Corp. v. McCabe, 387 F.3d 461, 464 (6th Cir.2004).) See also, Fairmont Cash v. James, 858 F.3d 356 (5th Cir. 2017). Also of note, a false statement is a sufficient violation for ATF to take action. Fulkerson dba Whittaker v. Sessions, 2018 WL 3726278 (6th Cir. 3/23/18).

Arguing that errors were the result of human mistakes or harmless misunderstandings of clearly documented regulatory requirements is irrelevant to the standard of willfulness. “The recordkeeping requirements imposed by the GCA are, by their very nature, highly technical. Compliance therefore requires extreme vigilance.” Garner v. Lambert, 558 F.Supp.2d 794, 804 (N.D. Ohio 2008). “Improper recordkeeping is a serious violation. When the Act was enacted, Congress was concerned with the widespread traffic in firearms and with their general availability to those whose possession thereof was contrary to the public interest.” Fin & Feather Sport Shop, Inc. v. U.S. Treasury Dept., 481 F.Supp. 800 (Neb. 1979). Therefore, record keeping requirements are a critical basis for the regulation of the firearms industry, and indifference to those requirements can result in revocation.

Finally, remedial efforts by a licensee presented after a Notice to Revoke has been issued do not negate the nature of the original violations. “[A]fter-the-fact efforts to correct the specific violations ‘are irrelevant to the issue of willfulness at the time the errors occurred.’” Weaver v. Harris, 856 F. Supp. 2d 854, 858 (S.D. Miss.), *aff’d*, 486 F. App’x 503 (5th Cir. 2012) *citing*; Suydam v. United States Bureau of Alcohol, Tobacco, Firearms & Explosives, 847 F.Supp.2d 146, 158, No. 2:11-cv-00055-JAW, 2012 WL 589519, at *8 (D.Me. Feb. 22, 2012) (quoting Sturdy v. Bentsen, 129 F.3d 122, at *2 (8th Cir.1997) (unpublished table decision)).

For the reasons stated below, I conclude that the Licensee willfully violated law and regulations set forth in the Notice of Revocation of Licenses.

License has been purportedly under the management and control of three different people for varying time periods since it was issued; Adam Max, Melissa Max, and Wayne Swier. Adam and Melissa Max were identified as responsible persons for at least some timeframe during the inspection period of February 2020-February 2021. Mr. Swier was added to the license after the inspection in November 2021. Because the license was issued to an LLC, this action and supporting analysis is based upon the admissions and conduct of all persons acting on behalf and under the authority of Max, LLC. Furthermore, despite being removed on paper as a responsible person, Adam Max continues to serve in that capacity for the reasons cited below as well as his presence at the hearing as a representative of Licensee. As such, it was a willful omission when Adam Max was falsely removed from the Application as a responsible person.

To that end, the record is rife with evidence of willful violations and admissions to those violations. ATF established Licensee’s knowledge of the legal requirements by citing to a thorough qualification inspection. Additionally, the IOIs’ testimony provided examples of Licensee’s admissions to knowledge and demonstration of knowledge through past compliant conduct. At the hearing, those representing Licensee admitted to conduct such as operating from an unlicensed location, documenting false information on required forms (Tr. 97), as well as failure to keep the most basic required records such as the A&D book (Tr. 104-105) and Multiple Sales Reports (Tr. 134). For violations that were not related to records, such as failing to mark manufactured firearms and making false statements, no justification was provided and the non-complaint conduct was also admitted to. (Tr 129, 144, 160). There can be no doubt that Licensee was aware of its obligation to mark firearms (Tr. 25) and no doubt that it was aware of a legal obligation to be truthful. Licensee claimed that once these violations were brought to its attention it then remedied the situation. However, based upon the witness statements and totality

of the circumstances it appears more likely that once Licensee was caught violating the legal requirements then and only then did it take action to cease the non-compliant conduct. Because of the very nature of these violations, the thorough qualification inspection in 2018, the demonstrated past compliant conduct and admissions by Licensee's representatives, the record establishes that all violations were willfully committed.

Despite Mr. Swier's assertions that the Licensee's struggles are in the past and corrective actions will be implemented, the fact is that the Licensee's de facto owner and unnamed responsible person is still under indictment and still serving as a responsible person by managing the policies and practices of the firearms business. The Licensee has blamed employees and being very busy for far too many errors (Tr. 57, 75, 105, 114); neither of these excuses negate the plain indifference that Licensee demonstrated on too many occasions during the first 2 years of operation.

As such, I conclude that t Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. Accordingly, as provided by 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, the Federal firearms license held by Max, LLC hereby REVOKED.



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.

(b)(6) Digitally signed by
MEGAN BENNETT
Date: 2020.07.13
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Megan A. Bennett
Deputy Assistant Director (Industry Operations)
Field Operations