

NEAL A OSTERMANN 's FCI
FCI-32218
12/14/2022 10:23 AM
IOI: (b)(6) Kansas City III (IO) Field Office

GENERAL INFORMATION

IOI Hours Spent on Inspection
40.0
Due Date
7/2/22 8:00 PM

LICENSEE INFORMATION

Applicant Name
NEAL A OSTERMANN
(Sole Proprietor)

RDS Key
5-47-33418

License/Permit Number
5-47-067-01-3M-33418

License Type
01 - Dealer License

Business Type
Sole Proprietorship

Premises Ownership Type
Owned

Premises Address
2116 GARFIELD, Unit N/A,
BEATRICE, Nebraska 68310-0000

Premises Location Type Required
Single Family Dwelling

Address
2116 GARFIELD
Unit N/A
BEATRICE, Nebraska 68310-0000
GAGE
United States

Address
2116 GARFIELD
Unit N/A
BEATRICE, Nebraska 68310-0000
GAGE
United States

Phone Type	Phone Number	Remarks
Business	+1 402-239-7994	

Email Address	Email Remarks
(b)(6)	

RECOMMENDATIONS

Final Decision Date
Revocation 10/03/2022

Details
FCI-32218
Lead IOI: (b)(6)
Inspection Date: 4/21/22

Summary: A compliance inspection was conducted for the above referenced licensee.

Recommendation: REVOCATION

Per the DOJ Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety, the inspection meets revocation standards based upon the following:

Failure of the licensee to complete a NICS background check

Violation #2 - 27CFR 478.102(a) – 1 instance

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

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(b)(6) presented Nebraska Retired Police credential **(b)(6)** in lieu of the NICS check. The credentials cannot be used as a NICS exemption per Nebraska state law. The FFL failed to conduct the required NICS check. The licensee stated that he did not realize that documentation was not acceptable. It is noted that the licensee typically accepts a Nebraska Firearms Purchase Permit for this purchaser however it expired on 1/24/22. The individual obtained a Nebraska Concealed Carry Permit and the licensee accepted it for a purchase after this purchase because the Nebraska Concealed Carry Permit did not become valid until the end of February 2022.

Notice of Revocation - 8/12/2022

No Revocation Hearing requested by licensee.

Final Notice of Revocation - 10/3/2022

FFL Submitted original license and records to OOBRC, received 11/29/2022

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to the Federal Licensing Center

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

Details

Briefed to DAD(IO) on August 3, 2022. Proceed with the issuance of a Notice of Revocation.

Special Agent in Charge Frederic Winston's Recommendation

Based upon the above violations, I concur.

Division Counsel **(b)(6)** Review

Details

Counsel reviewed and proceeding with a revocation action on the NICS violation appears appropriate at this time under the legal standard for revocations and in accordance with policy.

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

Details

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Area Supervisor **(b)(6)** Recommendation
Revocation

Details

FCI-32218

Lead IOI: (b)(6)

Inspection Date: 4/21/22

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Permit and the licensee accepted it for a purchase after this purchase because the Nebraska Concealed Carry Permit did not become valid until the end of February 2022.

Industry Operations Investigator (b)(6) commendation
Warning Conference

Details

Recommend a warning conference in lieu of revocation due to the licensee never being inspected before (since 1990) and the licensee allowed a retired LE identification in lieu of background check on a repeat purchaser. The purchase was made during the month that the Nebraska firearms purchase permit had expired and the Nebraska concealed carry permit had become valid.

Inspection Findings

Records and Forms

3. Failure by the licensee to obtain complete and accurate information for any item(s) on Forms 4473, question 21 (2020 ATF F 4473 version) or questions 11 & 12 (2016 ATF F 4473 version), 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 on [redacted] percent or more of the Forms 4473 examined.

NICS

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

ELIGIBILITY VERIFICATION

Business Information Verification

Property Ownership Verification

Premises Ownership Type Owned Premises Location, Town (b)(6) Has the property ownership been verified? Yes

Address
2116 GARFIELD
Unit N/A
BEATRICE, Nebraska 68310-0000
GAGE
United States

Additional Findings
According to Gage County property assessors office the property is owned by (b)(6)

Attachment(s):
property ownership.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings
According to Gage County, City of Beatrice home businesses are permitted.

Attachment(s):
Gage County-Beatrice Zoning.pdf

APPOINTMENT DETAILS

Interview Date
04/20/2022
Address
2116 GARFIELD, Unit N/A, BEATRICE, Nebraska 68310-0000

Responsible Attendee(s) **Non-Responsible Person(s)**
NEAL A OSTERMANN No Items

RESPONSIBLE PERSON(S)

NEAL A OSTERMANN

Name NEAL A OSTERMANN Gender Male Race White Ethnicity Not Hispanic or Not Latino
Date of Birth (b)(6) SSN (b)(6) Job Title OWNER FP

Physical Identifiers

Height Weight Hair Color Eye Color

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Place of Birth

Country
United States Of America

State
(b)(6)

City

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
04/12/2022

Criminal History Check Comments
A background check was conducted with no prohibiting factors found.

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
The licensee mainly only conducts transfers for customers now.

Do they need an additional license or permit?
No

Who are their primary suppliers?
The licensee stated his primary supplier is probably (b)(4) because one of his customers transfer several firearms from this dealer often. He does not order firearms for general resale.

Other State or Local Permits

Type	Number	Expiration
State Sales Tax		

Business Activities

Retail

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?
(b)(6)

Who has keys to the premises?
Only the licensee and his wife has keys to the premises.

Who has keys to locked inventory?
Only the licensee and his wife has keys to the safe.

Who is operating the business on a day-to-day basis?
Mr. Neal Ostermann runs the business daily.

Is financial backing provided by anyone that is not a responsible person on the license/permit?
There is no financial backing to the license.

Are any employees known to be prohibited?

There are no employees.

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

SECURITY WALKTHROUGH

Inspection Area Description

The licensee is a type 01 dealer located in Beatrice, NE. The licensee (b)(6) who conducts transfers for his existing Snap-On tool customers, friends and family. The licensee deals in (b)(4) hand guns (b)(4) long guns. The licensee does not conduct business at gun shows. The licensee not conduct business in NFA weapons or gunsmith activities. The licensee deals in 100% new firearms unless the customer has a used firearm transferred to him. The licensee deals in 100% retail. The licensee stated his primary supplier is (b)(4) but when it comes to his transfers in they come from all over. The licensee has held the Type 01 dealer of firearms FFL since December 1990. The Type 01 FFL remains appropriate for the licensee's described business activities. The licensee maintains a full time job with Snap-On Tools.

(b)(6)

Primary Activity
Retail

Selected Physical Security Measures

(b)(6)

GPS Coordinates

Latitude
40.27671

Longitude
-96.72473

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

(b)(6)

Total Number of ATF F 4473 Reviewed

(b)(6)

Total Number of Open Dispositions in A & D Record

0

Total Number of Firearms in Inventory

0

Actual Number of Firearms Verified

0

Number of Firearms Missing Before Reconciliation

0

Total Number of Firearms Missing After Reconciliation

0

Total Number of Acquisitions in the Last 12 Months

(b)(4)

Total Number of Dispositions in the Last 12 Months

(b)(4)

Onsite Start Date
04/21/2022

Onsite End Date
06/03/2022

Number of Reported Lost/Stolen Firearms During Inspection Period

0

Total Number of Traces During Inspection Review Period

0

Total Number of Those Traces That Were Unresolved

0

Inspection Period Start Date
04/20/2021

Inspection Period End Date
04/20/2022

Number Of Traces Resolved By IOI
0

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

Compliance History

The licensee has been in business since December of 1990. The licensee has not had any further inspections since inception.

Additional Comments

ACQUISITION & DISPOSITION RECORD-INVENTORY

There were no firearms in inventory. A review of the A&D Record revealed there were no open entries. The licensee did not file any theft/loss reports during the inspection period nor was one submitted as a result of this inspection. The licensee maintains a handwritten A&D record which contained all information required by 27 CFR 478.126. There were no violations cited.

There were approximately (b)(6) firearms traced through the licensee's records.

The licensee stated he does not keep an inventory he only receives firearms in for transfers to his customers.

ATF FORMS 4473 - NICS & OTHER DISPOSITIONS

The licensee has (b)(6) ATF F 4473 for the review period, which was reviewed with the following discrepancies identified:

- Failed to conduct one background check. See Violation #2. The licensee accepted a retired law enforcement ID in lieu of a background check on 02/10/2022. The licensee typically accepts a Nebraska Firearms purchase permit for this purchaser but it expired 01/24/2022. The licensee obtained a Nebraska concealed carry permit for this same purchaser for the transaction following 02/10/2022, however, the concealed carry permit did become valid until the end of February. A background check was conducted on the purchaser with no prohibiting factors found.
- Failed to complete firearm information of (b)(6) ATF F 4473. See Violation #3.
- Failed to accurately complete items 21a, 24 and 33 on (b)(6) 4473's with (b)(6) instances. See Violation #4.
- Item #21i, MCDV, was left blank on (b)(6) form. See Violation #5. A background check was conducted with no prohibiting factors found.

• Failed to obtain identification on item 26a of [redacted] forms. See Violation #6.

The licensee does not make transfers to other licensees. The licensee has not made transfers to law enforcement officers during the review period, however, is aware of the proper procedures. A secondary market analysis was conducted on approximately 4 firearms with no discrepancies found. There were no NTN's on the audit log. The licensee stated he does not conduct background checks, he requires all of his customers to obtain a Nebraska concealed carry permit or a Nebraska firearms purchase permit.

MULTIPLE SALES

According to VCAB there were no multiple sales reported. The licensee had [redacted] unreported multiple sales for the review period. Which were cited, see violation #1 on the report of violations. The multiple sales were completed at the time of inspection.

SUSPICIOUS / PROHIBITED PURCHASERS

No potential traffickers, straw purchasers, or any other suspicious purchasers were identified as a result of this inspection. There were 2 individuals and 5 firearms were ran through Etrace and a criminal history was done with no prohibiting factors determined.

TRACE ACTIVITY

The licensee had [redacted] traces and 0 uncompleted traces within the last 12 months.

NFA / IMPORTER / COLLECTOR / MANUFACTURER

The licensee does not conduct any NFA, Manufacturer, Importer or Collector activities.

OTHER

IO [redacted] (b)(6) reminded the licensee per ATF F 5300.42 that a safety device must be provided with each handgun sale/transfer and the youth handgun safety act brochure must also be provided.

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
1 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.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
2 27 CFR 478.102(a): Failure to complete a NICS/POC background check ATF Forms 4473: 1 Number of Instances: 1	Ensure that you only use a valid Nebraska Firearms purchase permit or concealed carry permit in lieu of a background check in all future over-the-counter firearm transactions Execute a required NICS/POC background check for all future over-the-counter firearm transactions.	NICS Violation: (b)(6)
3 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 and accurately recorded on all future ATF Forms 4473, Section D.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
4 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. 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)
5 27 CFR 478.124(c)(1): Failure to obtain a completed 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.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
27 CFR 478.124(c)(3)(i): Failure to verify or record Identification	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)

document on ATF F 4473

Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.

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

ATF Forms 4473
Number of Instances

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473 Number of Instances</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. 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>The licensee stated that he did not realize that this had to be done. Licensee stated he ordered the forms the same day.</p>	<p>Status Licensee Notified</p> <p>Verified Method Phone</p> <p>Date Licensee Notified 06/03/2022</p>
<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>Ensure that you only use a valid Nebraska Firearms purchase permit or concealed carry permit in lieu of a background check in all future over-the-counter firearm transactions Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p>	<p>The licensee stated he did not realize that documentation was not acceptable.</p>	<p>Status Licensee Notified</p> <p>Verified Method Phone</p> <p>Date Licensee Notified 06/03/2022</p>
<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473 Number of Instances</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>The licensee stated that he forgot to put the model number in for the second firearm on the form. Probably because it was the same as the first firearm and he was in a hurry.</p>	<p>Status Licensee Notified</p> <p>Verified Method Phone</p> <p>Date Licensee Notified 06/03/2022</p>
<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473 Number of Instances</p>	<p>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. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>The licensee stated that (b)(6) probably didn't read it close enough and he didn't look at it close enough when he was completing the form. The licensee further stated that he didn't realize the name and address had to be in box 33. "I thought just the FFL number did."</p>	<p>Status Licensee Notified</p> <p>Verified Method Phone</p> <p>Date Licensee Notified 06/03/2022</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473 Number of Instances</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>"I did not look it over carefully enough. I got in a hurry I suppose. I normally watch them fill it out."</p>	<p>Status Licensee Notified</p> <p>Verified Method Phone</p> <p>Date Licensee Notified 06/03/2022</p>
<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473 Number of Instances</p>	<p>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 and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>The licensee stated he overlooked it. He thinks he had multiple guys he was doing transfers for at the house and overlooked it.</p>	<p>Status Licensee Notified</p> <p>Verified Method Phone</p> <p>Date Licensee Notified 06/03/2022</p>

CLOSING CONFERENCE

Review Regulations conducted offline

(6/3/2022)

06/03/2022

Closing Conference Additional Notes

During the closing conference on June 3, 2022, the Acknowledgement of Federal Firearms Regulations and the Report of Violations were reviewed online telephonically with Mr. Neal Ostermann. A signed copy of both documents were obtained and provided by email to the licensee.

Investigator (b)(6) provided the licensee with the following information via email: ATF F 3310.11 Theft/Loss Report, ATF Form 3310.4 Multiple Sale Form, ATF Form 4473 Firearm Transaction Record, ATF Information 3310.3 Misdemeanor Crimes of Domestic Violence and Federal Firearms Prohibitions, ATF Information 3310.2 Protection Orders and Federal Firearms Prohibitions and the Safety and Security Profile. The following information was also provided: Gun Free School Zone brochure, Child Safety Lock Act of 2005, Youth Handgun Safety Act brochure and poster, Firearms Identification Info (including measurement & Pistol-grip SG info), A&D Record Example pages, Gun Show Information sheet, NFA Branch brochure ATF Publication 5320.7, Child Safety Lock Act of 2005, Computerized Record Information, NICS Reference Sheet and the NICS Index were all provided to the licensee. As well, as phone numbers for local ATF Industry Operations and Criminal Enforcement and the contact numbers for the ATF Hotline, the National Licensing Center, and the Distribution Center. The licensee was given a list of helpful websites to include FFL EZ check and Don't Lie for the Other Guy and was advised to use these helpful websites.

Investigator (b)(6) answered all of the licensee's questions and stressed that he contact IOI (b)(6) for the local ATF office in the future, as questions arise.

Attachment(s)

Attendee(s)

NEAL A OSTERMANN

EXHIBITS

Inspection

Category	Attachment Name
PostInspection	FW_Spartan Notification RE_ 5-47-33418 Inspection Results.msg
Correspondence	Spartan Notification RE: 5-47-33418 Inspection Results
FinalDecision	OSTERMAN, NEAL 47-01-33418 - FINAL NOTICE OF REVOCATION 10-03-2022.pdf
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Special Attention Flag (SAF)
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
UpdateLicensingCenter	Final 8c - OSTERMAN.pdf
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
Correspondence	Spartan Notification RE: 5-47-33418 Monitored Case
UpdateLicensingCenter	OSTERMAN, NEAL A - 8C.docx
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationCorrection	<u>(b)(6)</u> corrected.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
OnSiteSummaryInformation	FLS.pdf
OnSiteSummaryInformation	FFL SFL Audit Report - Feb 2022.pdf
OnSiteSummaryInformation	FFL SFL Audit Report - All Times Eastern.pdf
OnSiteSummaryInformation	Query Request #222117.pdf
ZoningVerification	Gage County-Beatrice Zoning.pdf
PropertyOwnershipVerification	property ownership.pdf

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

In the matter of License Number 5-47-067-01-3M-33418, as a/an A Dealer in Firearms Other Than Destructive Devices

issued to:

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

NEAL A. OSTERMANN
2116 GARFIELD
BEATRICE, NEBRASKA 68310

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 1251 NW Briarcliff Parkway, Suite 600 Kansas City MO 64116, in duplicate, for a hearing to review the revocation, suspension and/or fine of your license. The request must be received at the above address within 15 days of your receipt of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing; and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed. The hearing will be held as provided in 27 CFR Part 478.

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

- Please see included brochure

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
08/12/2022	William J. Miller, Director, Industry Operations, ATF Kansas City Field Division	(b)(6)

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: 7020181000005217494 Or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
8/15/22	Administrative Assistant	(b)(6)

Print Name and Title of Person Served	Signature of Person Served
Neal A. Ostermann	

Address Where Notice Served
2116 Garfield, Beatrice Nebraska 68310

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given that the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) intends to revoke the Federal firearms license held by Neal A. Ostermann (“Licensee”), a Dealer in Firearms Other Than Destructive Devices. Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Kansas City 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.

Current Inspection

On April 21, 2022, ATF began a compliance inspection of Licensee’s premises that revealed the following:

Background Check Violation:

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

APPENDIX

NOTICE Paragraph 1 [27 C.F.R. § 478.102 NICS Violation]:

Transferee’s Name	Date	Description
(b)(6)	2/10/2022	Failure to Conduct NICS Check

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:

License Number 5-47-067-01-3M-33418 as a/an Dealer in Firearms Other than Destructive Devices

_____, issued to:

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

NEAL A. OSTERMANN
2116 GARFIELD
BEATRICE NEBRASKA 68310

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 upon notice receipt _____,
 - 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 1251 NW Briarcliff Parkway Suite 600 Kansas City MO 64116, 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 10/03/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official William J. Miller, Director, Industry Operations ATF Kansas City Field Division	Signature (b)(6)
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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: 70201810 000521 7432
- Or
 Delivering a copy of the notice to the address shown below.

Date Notice Served 10/3/22	Title of Person Serving Notice Administrative Assistant	Signature of Person Serving Notice (b)(6)
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Print Name and Title of Person Served NEAL A. OSTERMANN	Signature of Person Served
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Address Where Notice Served 2116 GARFIELD, BEATRICE NEBRASKA 68310

Note: Previous Edition is Obsolete

Page 2 – ATF Form 5300.13, Final Notice of Denial of Application, Revocation,
Suspension and/or Fine of Firearms License

Neal A. Ostermann, 2116 Garfield, Beatrice, Nebraska 68310 (“Licensee”) holds Federal firearms license #5-47-067-01-3M-33418, a dealer in firearms other than destructive devices, which was 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 August 12, 2022, ATF issued a Notice to Revoke License, ATF Form 4500, to Licensee. This Notice was sent to Licensee’s known licensed business premises. Receipt of the Notice was confirmed via USPS certified mail on August 25, 2022.

Said Notice alleged that Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. The Notice further specified that if Licensee wished to challenge the revocation, he may file a request with ATF for a hearing “within 15 days after receipt of this notice.” See 18 U.S.C. § 923(f)(2); 27 C.F.R. § 478.73(b). No request for hearing was filed with ATF in accordance with the provisions of the GCA.

For the reasons set forth in the Notice to Revoke License issued on August 12, 2022, the Federal firearms license held by Licensee, Neal A. Ostermann, is hereby **REVOKED**.

Accordingly, the firearms business records for Licensee’s discontinued business must be sent to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, West Virginia 25401, pursuant to the requirements under 18 U.S.C. § 923(g)(4) and 27 C.F.R. § 478.127. The records shall be delivered within thirty (30) days following the business discontinuance.

For any questions regarding this matter, please contact the ATF area office at (816) 410-6000.



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

Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations