

PANHANDLE PAWN AND GUN LLC's FCI
 FCI-30014
 01/12/2023 07:45 PM
 IO# (b)(6), Jacksonville III (IO) FO

GENERAL INFORMATION

IOI Hours Spent on Inspection
 162.0
 Due Date
 9/30/21 12:00 AM

LICENSEE INFORMATION

Licensee Name PANHANDLE PAWN AND GUN LLC	RDS Key 1-59-10008	License/Permit Number 1-59-063-02-1K-10008	License Type 02 - Pawnbroker License
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Business Type
 Limited Liability Company (LLC)

Premises Ownership Type Owned	Premises Address 2545 COMMERCIAL PARK DR, Unit N/A, MARIANNA, Florida 32448
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Premises Location Type Required

Office

Address
 2545 COMMERCIAL PARK DR
 Unit N/A
 MARIANNA, Florida 32448
 JACKSON
 United States

Address
 2545 COMMERCIAL PARK DR
 Unit N/A
 MARIANNA, Florida 32448
 JACKSON
 United States

Phone Type	Phone Number	Remarks
Business	+1 850-482-0349	
Fax	+1 850-482-2905	

Online Presence Type	Online Presence URL	Remarks
Facebook	https://www.facebook.com/pages/category/Pawn-Shop/Panhandle-PawnGun-883002141887875/	

RECOMMENDATIONS

Final Decision Date
 Revocation 11/16/2022

Details

Final Notice of Revocation was served to the licensee on 11/08/2022. A request for further hearing/appeal was not received from the licensee. Additionally, the licensee signed a Notice of Discontinuance of Business and surrendered five boxes of records on October 17, 2022.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to an ATF Employee

ATF Employee Name
 IO# (b)(6)

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

Details

Briefed to DAD(IO) on 12/21/2001. Proceed with issuance of a Notice of Revocation.

Special Agent in Charge Craig Saier's Recommendation

Licensee Inventory

✔ No inventory on hand

Concur with the recommendation for revocation based on the findings related to falsification of records.

Attorney Advisor (b)(6) Review

Details

The revocation for Panhandle Pawn and Gun LLC, FFL Number 1-59-063-02-1K-10008, is recommended and supported by the evidence presented and obtained through the IOI efforts.

Director of Industry Operations (b)(6) Recommendation
Revocation

Details

Falsification and the failure to do background checks require Revocation.

Update (07/22/2022): Counsel and ACC review completed. No substantial legal liabilities identified. 8C finalized and signed off by SAC. Inspection is being sent to SAC for final Review / Approval on Spartan before going to DAD (IO).

Area Supervisor (b)(6) Recommendation
Revocation

Details

Concur with recommendation for REVOCATION based upon the violations cited during the inspection as well as the repeat nature of the violations. Assignment will be forwarded to DIO Gerber for further review.

Industry Operations Investigator (b)(6) Recommendation
Revocation

Details

The previous inspection for this licensee resulted in an Area Supervisor Warning Conference. This compliance inspection was issued as a Recall Inspection.

IOI (b)(6) is recommending revocation based upon the following violations disclosed during the inspection:

- 27 CFR 478.102(a)(2)(i) – Failure to obtain a NICS/POC response (repeat violation). In the previous compliance inspection, the licensee was cited for 27 CFR 478.102(a).
- 27 CFR 478.128(c) – False statement made by a licensee on any ATF record.
- 27 CFR 478.121(c) – Making false entry, omitting entry, or failing to maintain required recordkeeping.
- 18 U.S.C. 924(a)(3) – Penalties for FFL knowingly making false statement.
- 18 U.S.C. 922(t) – Failure to adhere to Brady background check requirements.

Please refer to the narrative, ROV & MCP for additional details.

Inspection Findings

Records and Forms

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

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.

Firearms

1. Missing firearms after inventory reconciliation (e.g., no records of disposition, required or otherwise).

FFL History

2. The current inspection reveals repeated similar violation(s) for which the FFL has previously been the subject of a Warning Letter or Warning Conference within the previous 5 years and there has been NO significant improvement.

Miscellaneous

2. Violations of the Brady Handgun Violence Prevention Act and the Child Safety Lock Act of 2005 (See 18 U.S.C. 922(t), 922(z), and 924(p)).

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
PANHANDLE PAWN AND GUN LLC	Limited Liability Company (LLC)	Yes

Additional Findings
Ownership Type (Sole Proprietor, Corporation, LLC, Partnership, etc.): LLC

Corporate structure (if applicable): David Kaufman (MGRM)

Verified the business information through Division of Corporations: Yes

Note any changes in ownership: None

Attachment(s):
15910008 Business Verification.pdf

Property Ownership Verification

Premises Ownership Type	Premises Location Type	Has the property ownership been verified?
Owned	Office	Yes

Address
2545 COMMERCIAL PARK DR
Unit N/A
MARIANNA, Florida 32448
JACKSON
United States

Additional Findings
Verified ownership (method used): Jackson County Property Appraiser

Property owner: Panhandle Pawn & Gun

Attachment(s):
15910008 Property Verification.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings
Licensee is in compliance with State and Local laws concerning zoning: Yes

Restrictions (if any): None

Note changes (if any): None

Attachment(s):
15910008 Zoning Approval.pdf

APPOINTMENT DETAILS

Interview Date
08/25/2021
Address
2545 COMMERCIAL PARK DR, Unit N/A, MARIANNA, Florida 32448

Responsible Attendee(s)

DAVID ALAN KAUFMAN
THOMAS EULON NEESE

Non-Responsible Person(s)

No Items

RESPONSIBLE PERSON(S)

DAVID ALAN KAUFMAN

Name	Gender	Race	Ethnicity
DAVID ALAN KAUFMAN	Male	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	MANAGING MEMBER	

Physical Identifiers

Height	Weight	Hair Color	Eye Color
(b)(6)	(b)(6)	(b)(6)	(b)(6)

Place of Birth

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

Home Address

(b)(6)

(b)(6)

United States

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
08/17/2021

Criminal History Check Comments
IOI (b)(6) conducted an NCIC query with no prohibiting factors discovered.

THOMAS EULON NEESE

Name	Gender	Race	Ethnicity
THOMAS EULON NEESE	Male	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	RP	

Physical Identifiers

Height	Weight	Hair Color	Eye Color
(b)(6)	(b)(6)	(b)(6)	(b)(6)

Place of Birth

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

Home Address

(b)(6)

United States

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted

Criminal History Check Comments

IOI (b)(6) conducted an NCIC query with no prohibiting factors discovered.

(b)(6)

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

Other FFL's held: None

Describe business activity (proposed or actual): The licensee is an active pawn dealer who also buys and sells new and used firearms. The licensee will occasionally sell firearms on consignment and will act as a transfer agent. The licensee does not do business at gun shows, deal in NFA or sell black powder.

Other business conducted on premises: None

Other FFL's co-located: None

Do they need an additional license or permit?

No

Who are their primary suppliers?

The primary suppliers consist of (b)(4) and the general public.

Other State or Local Permits

Table with 3 columns: Type, Number, Expiration. Rows include Pawnbroker License (PN2879, 7/9/22) and State Sales Tax ((b)(3)(26 USC §. 6103), 12/31/21).

Business Activities

Pawnbroker

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping

Controlled Access to Keys

Suspicious persons/activities reporting protocols

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

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

Yes, David Kaufman and Thomas Neese.

Who has keys to the premises?

David Kaufman, Tom Neese and (b)(6)

Who has keys to locked inventory?

David Kaufman and Thomas Neese.

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

David Kaufman and Thomas Neese.

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

No

Are any employees known to be prohibited?

No

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

N/A

SECURITY WALKTHROUGH

Inspection Area Description

What area of the premises did the interview take place: The interview took place in the main lobby of the business premises.

Commercial/Residential or other: Commercial

Suitability for all business activities: Yes

Document the Right of Entry: Yes

Offsite storage: No

Safety concerns: Dog feces and urine visible on the floors and cockroaches visible on counters and items. Recommend wearing PPE at all times.

Primary Activity

Retail

GPS Coordinates

Latitude

30.75004

Selected Physical Security Measures

Alarm Monitoring/Other Signage

Bars on Doors

Bars on Windows

Deadbolts

Floodlights

Longitude
-85.19092

Glass Breakage Detection
Motion Sensors
Safe(s)/Vault(s)
Security Cameras
Lockable Display Rack(s)/Case(s)

INTERVIEW NOTES

Start Date / Last Date records reviewed: 8/24/21 - 10/27/21

Selling Firearms after RevocationNotice: A copy of the notice was issued and discussed with the RP's during the closing conference.

Other pertinent information: None

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

18

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

Total Number of Dispositions in the Last 12 Months

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

0

Inspection Period Start Date

08/17/2020

Inspection Period End Date

08/17/2021

Number Of Traces Resolved By IOI

0

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

Compliance History

Date of Inspection: 8/14/2019

Type of Inspection: DE Compliance

FCI#: 13402

Inspection Results: ROV, Warning Conference, Recall

Cited Violations: 478.102(a) (REPEAT) 478.99(a), 478.125(e) (REPEAT), 478.124(c)(3)(iv), 478.124(c)(1) (REPEAT), 478.21(a) (REPEAT), 478.124(c)(5) (REPEAT)

Date of Inspection: 6/29/2012

Type of Inspection: DE Compliance

UI#: 767065-2012-0252-B1B

Inspection Results: ROV, No Recall

Cited Violations: 478.125(e) (REPEAT)

Date of Inspection: 8/17/2009

Type of Inspection: Qualification Inspection

UI#: 767050-2009-0257-B1B

Inspection Results: Approve

Cited Violations: N/A

Additional Comments

Date and sampling used, methodology, and AS, DIO, or DAD approval: 100% ATF F 4473s and FDLE non-approval/approval numbers reviewed.

Type of A&D record maintained (paper/electronic): Paper

Compliance with ATF Ruling Electronic A&D (if applicable): N/A

Number of ATF Forms 4473 comparison to audit log: Seventy-seven FDLE approval/non-approval numbers were compared to the audit log. Three FDLE approval/non-approval numbers were not verified due to the licensee not retaining the ATF F 4473s.

Secondary Firearms: Eight firearms were ran in NCIC with negative hit confirmations.

NFA (# and types of firearms): N/A

Other pertinent information: The licensee had [redacted] traces and one multiple sale within the inspection period. A detail narrative of the inspection is attached in Spartan.

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>1</p> <p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: [redacted]</p> <p>Number of Instances: [redacted]</p>	<p>Identify and separately retain all denied (completed and future) ATF Forms 4473, for a period not less than 5 years.</p> <p>Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order where NICS was contacted, but no firearm transfer took place, 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>[redacted]</p> <p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>2</p> <p>27 CFR 478.102(a)(2)(i): Failure to obtain a NICS/POC response</p> <p>ATF Forms 4473: 1</p> <p>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>NICS Violation: [redacted]</p> <p>(b)(6)</p>
<p>3</p> <p>27 CFR 478.128(c): False statement made by a licensee on any ATF record</p> <p>Number of Instances: [redacted]</p>	<p>Cease and desist from engaging in deceptive practices.</p>	<p>[redacted]</p> <p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>4</p> <p>27 CFR 478.121(c): Making false entry, omitting entry, or failing to properly maintain required recordkeeping</p> <p>Number of Instances: [redacted]</p>	<p>Cease and desist from engaging in deceptive practices.</p>	<p>[redacted]</p> <p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>18 U.S.C. 924(a)(3): Penalties for</p>		

<p>FFL knowingly making false statement</p> <p>Number of Instances: <input type="text"/></p>	<p>Cease and desist from engaging in deceptive practices.</p>	<p>During the compliance inspection, the licensee stated he transferred a Winchester, 94-Spike (b)(6) 30-30, to (b)(6) without conducting a background check and executing ATF F 4473.</p> <p>The licensee later provided an ATF F 4473, handwritten notes and stated on four separate occasions he transferred the listed firearm to (b)(6) conducted a forward trace on the firearm and discovered the firearm was transferred to (b)(6)</p> <p>IOI (b)(6) informed the licensee of the results of the forward trace and asked the licensee, why he provided IOI (b)(6) with false statements, the licensee stated, that's the best way I remember it.</p> <p>During the compliance inspection, the licensee stated he transferred a Winchester, 94-Spike (b)(6) 30-30, to (b)(6) without conducting a background check and executing ATF F 4473.</p> <p>The licensee later provided an ATF F 4473, handwritten notes and stated on four separate occasions he transferred the listed firearm to (b)(6) IOI (b)(6) conducted a forward trace on the firearm and discovered the firearm was transferred to (b)(6)</p> <p>IOI (b)(6) informed the licensee of the results of the forward trace and asked the licensee, why he provided IOI (b)(6) with false statements, the licensee stated, that's the best way I remember it.</p> <p>During the compliance inspection, the licensee stated he transferred a Winchester, 94-Spike (b)(6) 30-30, to (b)(6) without conducting a background check and executing ATF F 4473.</p> <p>The licensee later provided an ATF F 4473, handwritten notes and stated on four separate occasions he transferred the listed firearm to (b)(6) IOI (b)(6) conducted a forward trace on the firearm and discovered the firearm was transferred to (b)(6)</p> <p>IOI (b)(6) informed the licensee of the results of the forward trace and asked the licensee, why he provided IOI (b)(6) with false statements, the licensee stated, that's the best way I remember it.</p> <p>During the compliance inspection, the licensee stated he transferred a Winchester, 94-Spike (b)(6) 30-30, to (b)(6) without conducting a background check and executing ATF F 4473.</p> <p>The licensee later provided an ATF F 4473, handwritten notes and stated on four separate occasions he transferred the listed firearm to (b)(6) IOI (b)(6) conducted a forward trace on the firearm and discovered the firearm was transferred to (b)(6)</p> <p>IOI (b)(6) informed the licensee of the results of the forward trace and asked the licensee, why he provided IOI (b)(6) with false statements, the licensee stated, that's the best way I remember it.</p>
<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: <input type="text"/></p>	<p>Accurately, completely & timely record all required future firearm disposition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm disposition information.</p> <p>Resume proper maintenance of required acquisition and disposition record.</p> <p>Create A&D Record from all available sources of record (i.e. invoices, work/claim tags, receipts, etc).</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473</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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473</p> <p>Number of Instances: <input type="text"/></p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.21(a): Failure to</p>		

9	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 the required transferor/seller printed name and title 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)
10	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)
11	18 U.S.C. 922(t): Failure to adhere to Brady background check requirements Number of Instances: 1	Execute a required NICS/POC background check for all future over-the-counter firearm transactions. Ensure that a qualifying NICS alternative permit is properly obtained and verified for all applicable 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.	On 8/16/21, the licensee initiated a background check for (b)(6) and transferred two firearms (b)(6) prior to receiving an FDLE/NICS approval or denial transaction number. The two firearms were returned to the business premises. At the submission of the compliance inspection, (b)(6) background check is still pending.

THEFT/LOSS REPORT

Acquisition Date	Category	Type	Manufacturer	Importer	Model	Caliber/Gauge	Serial Number
03/31/2021							

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
1 27 CFR 478.129(b): Failure to retain ATF F 4473 ATF Forms 4473: [redacted] Number of Instances: [redacted]	Identify and separately retain all denied (completed and future) ATF Forms 4473, for a period not less than 5 years. Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order where NICS was contacted, but no firearm transfer took place, for a period not less than 5 years. Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.	The licensee stated I didn't think to take as much care as I should've and didn't have good enough control of the forms.	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/27/2021
2 27 CFR 478.102(a)(2)(i): Failure to obtain a NICS/POC response ATF Forms 4473: 1 Number of Instances: 1	Execute a required NICS/POC background check for all future over-the-counter firearm transactions. Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.	The licensee stated it was a silly mistake and thought it would be ok and it was not ok and I don't have any excuse for it.	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/27/2021
3 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 licensee stated he did not try to deceive IO (b)(6) and later discovered the firearm was transferred to (b)(6)	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/27/2021

4	<p>27 CFR 478.121(c): Making false entry, omitting entry, or failing to properly maintain required recordkeeping</p> <p>Number of Instances: []</p>	<p>Cease and desist from engaging in deceptive practices.</p>	<p>The licensee stated he did not try to deceive IOI, (b)(6) and later discovered the firearm was transferred to (b)(6) (b)(6). The licensee stated he corrected it in his A&D book.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/27/2021</p>
5	<p>18 U.S.C. 924(a)(3): Penalties for FFL knowingly making false statement</p> <p>Number of Instances: []</p>	<p>Cease and desist from engaging in deceptive practices.</p>	<p>The licensee stated he did not remember stating it about (b)(6) (b)(6) but the rest is true.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/27/2021</p>
6	<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: []</p>	<p>Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm disposition information. Resume proper maintenance of required acquisition and disposition records. Create A&D Record from all available sources of record (i.e. invoices, work/claim tags, receipts, etc). Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>The licensee stated the A&D book was not filled out correctly and I got behind. I was not aware that the firearm (Ruger) was not missing until we did the inventory.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/27/2021</p>
7	<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.</p>	<p>The licensee stated I did not see the newsletter and we did not do it.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/27/2021</p>
8	<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>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>The licensee stated I got behind and didn't do it.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/27/2021</p>
9	<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. Ensure that the required transferor/seller printed name and title is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>The licensee stated I got behind and didn't do it.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/27/2021</p>
	<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date 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 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>The licensee stated I got behind and didn't do it.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified</p>

10			10/27/2021
11	18 U.S.C. 922(t): Failure to adhere to Brady background check requirements Number of Instances: 1	Execute a required NICS/POC background check for all future over-the-counter firearm transactions. Ensure that a qualifying NICS alternative permit is properly obtained and verified for all applicable 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.	The licensee stated it was his mistake and he should not have done that and release the guns. Won't do it again and he is aware of the requirements. Status Licensee Notified Verified Method Phone Date Licensee Notified 12/21/2021

CLOSING CONFERENCE

(10/27/2021)
10/27/2021

Closing Conference Additional Notes

Investigator **(b)(6)** read the closing conference statement to the licensee. The licensee indicated he understood he was responsible for familiarizing himself with all the laws and regulations governing his licensed business.

Attachment(s)

Attendee(s)

DAVID ALAN KAUFMAN

THOMAS EULON NEESE

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 1-59-10008 Inspection Results
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
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Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
OnSiteSummaryInformation	15910008 Narrative Panhandle Pawn and Gun 12.28.21.pdf
Correspondence	Information Concerning Your Federal License/Permit
ReturnedSignedROV	Amended Report of Violations 12.21.21.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Information Concerning Your Federal License/Permit
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
ViolationsPDF	Report of Violations.pdf

LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
Correspondence	Spartan Notification RE: 1-59-10008 Monitored Case
UpdateLicensingCenter	8C Initial Submission Tampa FCI-30014 (Panhandle Pawn).pdf
ViolationsPDF	Report of Violations.pdf
OnSiteSummaryInformation	15910008 VCAB Report.docx
OnSiteSummaryInformation	15910008 FDLE Non & Approval Numbers.xlsx
FirearmTheftLossList	Firearm Theft Loss List.pdf
ZoningVerification	15910008 Zoning Approval.pdf
PropertyOwnershipVerification	15910008 Property Verification.pdf
BusinessVerification	15910008 Business Verification.pdf

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

In the matter of License Number 1-59-063-02-1K-10008, 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*)

Panhandle Pawn and Gun LLC
2545 Commercial Park Drive
Marianna, Florida 32448

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 400 N Tampa Street, Suite 2100, Tampa, Florida 33602, 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
08/25/2022	Aaron R. Gerber, Director of Industry Operations, Tampa Field Division	

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: _____
- 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
Print Name and Title of Person Served		Signature of Person Served

Address Where Notice Served



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Director of Industry Operations

August 25, 2022

www.atf.gov

EXPLANATION LETTER RE: NOTICE OF REVOCATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Panhandle Pawn and Gun LLC
2545 Commercial Park Drive
Marianna, Florida 32448

**RE: In the Matter of the Notice to Revoke FFL Number 1-59-063-02-1K-10008
issued to Panhandle Pawn and Gun LLC**

Licensee,

Based on the results of your inspection starting on or about August 24, 2021, and extending through October 27, 2021, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is contemplating revoking your Federal firearms license and has decided to initiate the revocation process. Please see enclosed, Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500(5300.4) issued to Panhandle Pawn and Gun LLC, Federal firearms number 1-59-063-02-1K-10008, located at 2545 Commercial Park Drive, Marianna, Florida 32448.

This letter explains the Notice and Hearing process.

Your Response to the Notice

As indicated on the Notice, you may request a hearing within 15 days of receipt of Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500(5300.4) that is enclosed, to contest the revocation by submitting a written request to me at:

Aaron R. Gerber
Director of Industry Operations
Tampa Field Division, ATF
400 N Tampa Street, Suite 2100
Tampa, Florida 33602

**In the Matter of the Notice to Revoke 1-59-063-02-1K-10008 issued to
Panhandle Pawn and Gun LLC**

If you do not request a hearing within 15 days, and/or the request is not received within 15 days, the revocation of your license will become final. If you submit a letter requesting a hearing, ATF will make appropriate arrangements. ATF regularly conducts hearings in-person. However, due to the COVID-19 pandemic, hearings may also be held virtually, either by videoconference, audio-conference, or by written submission. Please let me know immediately if you will be represented at the hearing so that we can expeditiously schedule the hearing at a time mutually convenient to all parties involved, including your representative.¹ Once the date, time and place are set, ATF will notify you via certified mail. Under limited circumstances, the DIO may reschedule the hearing for good cause.

What to Expect at the Hearing

Under no circumstances may you, your representative, your witnesses, or anyone else, bring firearms or any other weapons to an in-person hearing. The hearing will not begin, or will cease, if it is determined that this policy has been violated. Moreover, the possession of firearms or weapons in a Federal facility is a violation of 18 U.S.C. § 930.

The hearing itself is informal in nature and does not require adherence to civil court rules and formal courtroom procedures. An ATF-hired stenographer will be present to transcribe the hearing; however, there is no sworn testimony.² The resulting transcript, along with the exhibits presented at the hearing, constitute the official record of the hearing. You may order a copy of the transcript at your own expense. ATF does not make a video recording of the hearing proceedings. You may not do so either.

The DIO will preside over the hearing and ensure that it occurs in an orderly and professional manner. The primary purpose of the hearing is to give the DIO the opportunity to hear your explanation/argument in response to the proposed licensing action.

During the hearing, ATF, through an attorney, will enter in the official record all evidence establishing the violations cited in the enclosed Notices. The ATF attorney will generally ask the ATF investigator(s) who conducted the inspection, or other ATF employees or witnesses who have relevant information concerning your case, to describe their findings. At the conclusion of the government's presentation, you will have the opportunity to respond. You are encouraged to state your case as clearly and factually as possible. Be willing and prepared to address each violation described in the Notice. You may also present relevant evidence, such as documents, pictures, or witness testimony that tends to show that the violations listed in the Notices did not occur in the manner described.

¹ See 27 C.F.R. § 478.76 for information regarding who may represent you at the hearing.

² False statement made during the hearing are subject to the penalties prescribed under 18 U.S.C. § 1001.

**In the Matter of the Notice to Revoke 1-59-063-02-1K-10008 issued to
Panhandle Pawn and Gun LLC**

You will have the opportunity to ask questions about any of the evidence that ATF puts on the record, and to question any ATF witnesses about their findings. Similarly, ATF will have the opportunity to ask questions about your evidence, and of your witnesses. When the DIO is satisfied that all evidence and arguments have been fully presented, the DIO will conclude the hearing.

After the Hearing

If after review of the entire record, the DIO concludes that you committed one or more willful violations, the DIO may issue a Final Notice of Revocation, which will be sent to you via certified mail. Similarly, you will be notified if the DIO decides that your FFL should not be revoked. If you are not satisfied with the final decision, you may appeal the decision to federal district court within 60 days. The record of the hearing (including all presented evidence) may become part of the official court record.

Sincerely yours,

Aaron R. Gerber
Director of Industry Operations

Enclosure

**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 1-59-063-02-1K-10008 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*)

Panhandle Pawn and Gun LLC.
2545 Commercial Park Drive
Marianna, Florida 32448

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 400 North Tampa Street, Tampa, Florida, 33602

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 11/8/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Aaron Gerber, Director of Industry Operations	Signature (b)(6)	Digitally signed by AARON GERBER Date: 2022.11.08 11:09:26 -0500'
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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: 7018 3090 0002 04410669 Or Delivering a copy of the notice to the address shown below.

Date Notice Served 11-8-2022	Title of Person Serving Notice (b)(6) Staff Attorney	Signature of Person Serving Notice (b)(6)
Print Name and Title of Person Served Panhandle Pawn and Gun LLC.		Signature of Person Served
Address Where Notice Served 2545 Commercial Park Drive, Marianna, Florida 32448		

Note: Previous Edition is Obsolete

**DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**

In the Matter of Revocation for the Federal
Firearms License Under Chapter 44, Title 18,
United States Code, as a Dealer in Firearms
other than Destructive Devices:

FINDINGS AND CONCLUSIONS

Licensee:
Panhandle Pawn and Gun LLC.
2545 Commercial Park Drive
Marianna, Florida 32448
FFL#: 1-59-063-02-1K-10008

TAMPA FIELD DIVISION

Under the provisions of 18 U.S.C. § 923 and 27 C.F.R. §§ 478.73 and 478.74, the Attorney General may, after notice and opportunity for a hearing, revoke a Federal firearms license, and may impose on the licensee a fine, if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Attorney General under this chapter. Panhandle Pawn and Gun LLC ("Licensee"), Federal firearms license 1-59-063-02-1K-10008, is a dealer in firearms other than destructive devices located at 2545 Commercial Park Drive, Marianna, Florida 32448. The Licensee has held this Federal firearms license since June 19, 2006.

BACKGROUND

The License held by Panhandle Pawn and Gun LLC ("Licensee"), Federal firearms number 1-59-063-02-1K-10008, is a dealer in firearms other than destructive devices located at 2545 Commercial Park Drive, Marianna, Florida 32448.

On or about August 24, 2021, ATF Industry Operations Investigator (IOI) (b)(6) initiated a recall compliance inspection at the Licensee's business premises. The inspection period covered August 17, 2020 through August 17, 2021. The Licensee holds a Type 01 Dealer License and is (b)(3)(26 USC § 6103). During the inspection period, IOI (b)(6) found 7 types of violations. A closing conference was conducted, a Report of Violations was issued to the Licensee, and the Licensee signed an Acknowledgement of Federal Firearms Regulations on October 27, 2021.

On September 9, 2022, a Notice to Revoke or Suspend License and/or Impose a Civil Fine ATF Form 4500 (5300.4) was sent certified mail to the Licensee at 2545 Commercial Park Drive, Marianna, Florida 32448. The Licensee was cited for failing on (b)(3)(1)(2 Public Law 103 102 Stat 332) occasions to retain or execute a Firearm Transaction Record (ATF Form 4473) in violation of 18 U.S.C. §§ 923(g)(1)(A), 922(b)(5) and 27 C.F.R. § 478.124(a) and 27 C.F.R. 478.129(b); transferring (b)(3)(1)(2 Public Law 103 102 Stat 332) firearms

*Final Notice of Revocation of
Federal Firearms License for Panhandle Pawn and Gun LLC
FFL#: 1-59-063-02-1K-10008*

without receiving a unique identification approval number in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a); submitting a falsified ATF Form 4473 in violation of 18 U.S.C. § 922(m), 27 C.F.R. § 478.128(c); making a false entry in the Acquisition and Disposition Records (A&D Record) in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.121(c); making false statements to IOI (b)(6) in an attempt to reconcile an open disposition of a firearm in violation of 18 U.S.C. § 924(a)(3)(A) and 27 C.F.R. § 478.121(c); failed to properly maintain the disposition of firearms in its A&D Record on [REDACTED] occasions in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e); and failing to execute a complete and accurate ATF Form 4473 on approximately [REDACTED] ATF Form 4473s in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. §§§§ 478.21(a), 478.124(c)(1), 478.124(c)(4), and 478.124(c)(5).

On 19 September 2022, Mr. David Kaufman, Managing Member for the Licensee informed the Tampa Field Division that the Licensee would not be requesting a hearing for Federal firearms license 1-59-063-02-1K-10008 issued to Panhandle Pawn and Gun LLC located at 2545 Commercial Park Drive, Marianna Florida 32448. Accordingly, pursuant to 27 C.F.R sections 478.73 (b) and 478.74, I am issuing this decision.

FINDINGS OF FACT

Having reviewed the record in this matter, I make the following findings of fact:

1. The Licensee failed to retain or execute an ATF Form 4473. On three occasions the Licensee ran a National Instant Criminal Background System (NICS) check through Florida Department of Law Enforcement (FDLE), and obtained a unique identification number but failed to execute or retain the corresponding ATF Form 4473:

- a. On or about January 5, 2021, the Licensee received identification number (b)(6) from FDLE
- b. On or about August 14, 2021, the Licensee received identification number (b)(6) from FDLE
- c. On or about August 13, 2021, the Licensee received identification number (b)(6) from FDLE

2. On or about August 16, 2021, the Licensee transferred two (2) firearms without receiving a unique identification approval number to (b)(6) an unlicensed individual, even though at the time of transfer the National Instant Criminal Background System (NICS), through Florida Department of Law Enforcement (FDLE), was operating.

*Final Notice of Revocation of
Federal Firearms License for Panhandle Pawn and Gun LLC
FFL#: 1-59-063-02-1K-10008*

3. In an attempt to reconcile an open disposition, the Licensee submitted a falsified ATF Form 4473 to Industry Operations Investigator (IOI) (b)(6) indicating that the firearm was transferred to (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) by crossing out the word "VOID" that had been written across the first page of the ATF Form 4473 for (b)(3) (112 Public Law 55 125 Stat 552),(b)(6). The Licensee also made a false entry in its A&D Record for the firearm listing the disposition of the firearm to (b)(3) (112 Public Law 55 125 Stat 552),(b)(6). On or about September 9, 2021 (b)(6) confirmed to Industry Operations Investigator (b)(6) that although he put a down payment on the rifle, he did not go through with the purchase and never received the firearm. The actual disposition of the Winchester, 94-Spike Model, 30-30 Caliber Rifle, Serial Number (b)(6) was to (b)(6) on or about June 18, 2021. Additionally, the Licensee made false statements on (b)(6) occasions to Industry Operations Investigator (IOI) (b)(6) in attempts to reconcile the firearm.

4. Between August 17, 2020, and August 17, 2021, Licensee failed to properly maintain the disposition of firearms in its A&D Records on (b)(6) occasions and failed to execute a complete and accurate ATF Form 4473 prior to transferring firearms to unlicensed individuals on (b)(6) occasions.

CONCLUSIONS OF LAW

I find that the record demonstrates that the Licensee's: failure to either retain or execute an ATF Form 4473; transfer of two (2) firearms without initiating a NICS background check and receiving a unique identification approval number; submission of a falsified ATF Form 4473; false entry into its A&D Record Book; false statements made to IOI (b)(6) failure to properly maintain the disposition of firearms in its A&D Record; and failure to execute a complete and accurate ATF Form 4473 prior to transferring firearms to unlicensed individuals are willful violations of 18 U.S.C. §§ 923(g)(1)(A), 922(b)(5), 922(t), 922(m), 924(a)(3)(A).

The licensee, an experienced firearms dealer, knew and understood his obligations to comply with the Gun Control Act. However, in the cited instances, the licensee either purposefully disregarded or was plainly indifferent to these obligations. As such these were willful violations, performed under the regulatory provisions of the Gun Control Act and the licensee is subject to revocation. *Anzio Ironworks, Corp. v. Gerber*, 2022 WL 1500856 (M.D. Fl. May 12, 2022); *Willingham Sports, Inc. v. BATF*, 415 F. 3d 1274, 1277 (11th Cir. 2005); *CEW Props v. United States DOJ*, 979 F. 3d 1271 1279-81 (10th Cir. 2020); *American Arms Int'l v. Herbert*, 563 F. 3d 78, 87-88; *RSM v. Herbert*, 466 F. 3d 316, 321 (4th Cir. 2006); *Simpson v. DOJ, United States*, 913 F. 3d 110, 114 (2019); *Bankston v. Then*, 615 F. 3d 1356, 1366 (11th Cir. 2010).

*Final Notice of Revocation of
Federal Firearms License for Panhandle Pawn and Gun LLC
FFL#: 1-59-063-02-1K-10008*

THEREFORE, Panhandle Pawn and Gun LLC is revoked pursuant to 18 U.S.C. § 923(e), and 27 C.F.R. §§ 478.73 and 74 for the reasons outlined above and reasons set forth in the Notice to Revoke or Suspend License issued on September 9, 2022. The revocation of Federal Firearms License number 1-59-063-02-1K-10008 shall be effective on November 8th, 2022.

Dated: November 8th, 2022

(b)(6)	Digitally signed by
	AARON GERBER
	Date: 2022.11.08
	11:11:12 -05'00'

Aaron R. Gerber
Director of Industry Operations
Tampa Field Division