

SADEK ENTERPRISE LLC's FCI
 FCI-29468
 01/12/2023 02:54 PM
 IOI (b)(6), Columbus III (IO) Field Office

LICENSEE INFORMATION

Licensee Name SADEK ENTERPRISE LLC	RDS Key 4-31-06069	License/Permit Number 4-31-049-07-3D-06069	License Type 07 - Manufacturer of Firearms License
Business Type Limited Liability Company (LLC)			
Premises Ownership Type Leased/Rented	Premises Address 4417 W Broad St, Unit N/A, Columbus, Ohio 43228		
Premises Location Type Required Store Front			

Address
 4417 W Broad St
 Unit N/A
 Columbus, Ohio 43228
 Franklin County
 United States

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 4417 W Broad St
 Unit N/A
 Columbus, Ohio 43228
 Franklin County
 United States

Phone Type	Phone Number	Remarks
Business	+1 614-402-8065	

Email Address	Email Remarks
(b)(6)	

RECOMMENDATIONS

Final Decision Date
 Revocation 07/15/2022

Details

SADEK ENTERPRISE LLC 4-31-06069

License revoked. On 7/15/2022, the Final Notice of Revocation (NOR) for SADEK ENTERPRISE LLC was sent by USPS certified mail and received on 7/19/2022. The revocation was effective immediately. Licensee had 60 days (9/17/2022) to file a petition in U.S. District Court for judicial review and failed to do so. IOI (b)(6) contacted Mr. Sadequ and the records will be picked up on 10/3/2022. IOI (b)(6) will retrieve the records and they will be sent to the OOBRC-NTC.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to an ATF Employee

ATF Employee Name
 IOI (b)(6)

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

Details

I concur with the recommendation of revocation.

Special Agent in Charge Roland Herndon's Recommendation

I concur with revocation.

Staff Attorney (b)(6)'s Review

Details

The evidence is sufficient to establish the elements of charges that warrant revocation.

Director Industry Operations Judyth Ledoux's Recommendation

Licensee Inventory

✔ Inventory transferred to self

Revocation

Details

The DIO concurs with recommendation for revocation. The 8C has been forwarded to Senior Attorney (b)(6) for review.

Area Supervisor (b)(6)'s Recommendation

Revocation

Details

SADEK ENTERPRISE LLC 4-31-06069

AS (b)(6) concurs with IOI (b)(6)'s recommendation of Revocation of SADEK ENTERPRISE LLC's Federal firearms license (FFL). On 9/21/2021, IOI (b)(6) completed a firearms compliance inspection. SADEK ENTERPRISE LLC has been licensed since April 2017 and this was their second compliance inspection. Licensee's previous inspection resulted in a warning letter.

Licensee was cited for sixteen (16) violations of the Gun Control Act, including not retaining an acquisition and disposition (A&D) record and transferring a handgun to an individual under the age of 21. Licensee was also cited for (b)(6) instances of not conducting a NICS check when required. Licensee also had five (5) repeat violations from the previous inspection, including not filing ATF F 5300.11, Annual Firearms Manufacturing & Exportation Report for calendar years 2019 and 2020.

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

(b)(6) Mr. Islam disclosed he had transferred those firearms on ATF Forms 4473 to his "personal collection" and sold them "privately." In March 2021, Special Agents in the Columbus I Field Office made contact with Mr. Islam. The ATF Special Agents requested to look at the licensee's A&D Book, and Mr. Islam stated his book from February 2020 through present, was missing and possibly stolen a couple days earlier at a gun show. Mr. Islam was advised by the Special Agents to contact IOI (b)(6) about his book. In March 2021, Mr. Islam contacted IOI (b)(6), and Mr. Islam was advised to recreate his A&D Book, if he could not locate it. When IOI (b)(6) started the inspection on 7/12/2021 (inspection was also conducted with an amended application FCA-1740), Mr. Islam had still not recreated his A&D Book. On 8/30/2021, Mr. Islam stated the A&D Book was complete. Mr. Islam had to report (b)(6) firearms missing as a result of the inspection.

Onsite Work Summary:

Total # of ATF F 4473 Reviewed = (b)(6)

Total # of Open Dispositions in A & D Record = (b)(6)

Total # of Firearms in Inventory = 30

Total # of Firearms Missing after Reconciliation = (b)(6)

Total # of Acquisitions in the Last 12 Months = (b)(6)

Total # of Dispositions in the Last 12 Months = (b)(6)

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

Revocation

Details

Sadek Enterprise, LLC was cited for 16 violations of the Gun Control Act, including not retaining an acquisition and disposition (A&D) record and transferring a handgun to an individual under the age of 21. Licensee was also cited for (b)(6) instances of not conducting a NICS check when required. Additionally, licensee had five (5) repeat violations from the previous inspection, including not filing ATF F 5300.11, Annual Firearms Manufacturing & Exportation Report for calendar years 2019 and 2020.

On March 24, 2021, Sadequl Islam, responsible person and owner of Sadek Enterprise, LLC, was visited by two (2) ATF special agents requesting to look at his A&D book. The immediate response from Islam was that the licensee's A&D record books from February 2020 through present were missing, possibly stolen over the previous weekend at a gun show. This raised several flags as the agents' visit occurred at least two (2) days after the book was purportedly stolen. Further, Islam made no attempt to notify ATF, despite having good rapport and frequent contact with industry operations investigator (IOD) (b)(6) and IOI (b)(6).

As noted, the A&D record stolen covered all entries from February 2020 through March 2021. After the visit from the agents, Islam contacted IOI (b)(6) and asked what to do regarding the situation. IOI (b)(6) advised Islam to reconstruct the A&D record; Islam stated he had all the invoices from his supplier and could use those and the ATF Forms 4473 to reconstruct the A&D record. On the initial inspection visit by IOI (b)(6) Islam had yet to reconstruct any part of the A&D record outside of some acquisitions in January-February 2021 (no dispositions recorded), which had already accomplished in March during a follow-up visit by the aforementioned ATF agents.

Despite having nearly four (4) months, licensee failed to reconstruct the A&D record. Therefore, it is clear licensee displayed willful disregard to ensure ATF regulations are adhered to properly. Additionally, licensee was initially visited on July 12, 2021 and the A&D record reclamation was only finally finished on August 30, 2021, even after IOI (b)(6) had stated during the onset that this should have been accomplished months prior. IOI (b)(6) also contacted licensee's main supplier, which led to IOI (b)(6) discovering (b)(6) firearms from 2018-2020 that never appeared in the book whatsoever. After final reconciliation, licensee had to report (b)(6) firearms as missing inventory to Stolen Firearms Branch from open dispositions in reconstructed book and those firearms that never appeared to pass through the book (s).

With regard to ATF Forms 4473, licensee clearly shows willful disregard over all transfers as forms are not conducted properly in many instances and Islam has no oversight over transfers. According to his ATF CE interview, Islam employs individuals he has "met in bars" to conduct transfers at gun shows and clearly did no training or oversight: this is clear by transfers using invalid concealed carry permits in lieu of NICS checks (out-of-state permits, expired permits, etc.) and a transfer of a pistol to an individual under 21 years of age. It should be noted that all handgun transfers to those under 21 are automatically denied by NICS; this was somehow circumvented by the transferor (one of Islam's "employees") indicating it was a long gun to NICS.

It is clear that licensee shows willful disregard for ATF's regulations. IOI (b)(6) recommends revocation of Sadek Enterprise, LLC's federal firearms license.

Inspection Findings

Records and Forms

- 2. Failure to timely and/or correctly maintain records of sales or other dispositions of (b)(6) percent or more of the licensee's total dispositions during the inspection period, with a minimum of (b)(6) instances.

11. Failure to retain required GCA records for transferred firearms for period of time specified by regulation.

Transfer of Firearm

6. Transfer of a firearm to an underage person.

Firearms

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

NICS

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

Failure to Report

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

ELIGIBILITY VERIFICATION

Business Information Verification

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

Additional Findings

According to the Ohio Secretary of State, the LLC is active and registered. The agent/registrant is Sadequl Islam.

Attachment(s):

- Sadek Enterprise LLC original filing.pdf
- Sadek Enterprise LLC business details.pdf

Property Ownership Verification

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

Address

4417 W Broad St
Unit N/A
Columbus, Ohio 43228
Franklin County
United States

Additional Findings

According to the Franklin County Auditor, premises is owned by [redacted (b)(4)] who acquired the property on March 15, 2021.

Attachment(s):

- 4417 W Broad St Tax Card.pdf

Rental/Lease Verification

Is the proposed business activity permitted by the property owner?

Yes

Additional Findings

The premises is already occupied by Ohio Guns and Ammo LLC, whose amended application to move to this premises was approved in September 2020 (FCA-310). According to that application, free rent was provided by [redacted (b)(4)], which is also located at the premises.

Sadek Enterprise LLC included a written lease agreement with [redacted (b)(4)] for the premises [redacted (b)(4)] still in effect with current landowner.

Attachment(s):

- Lease Agreement (Sadek Enterprise LLC & [redacted (b)(4)]).pdf
- Lease Statement from [redacted (b)(4)] (9.9.2020).pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?

Yes

Additional Findings

According to Franklin County Auditor, premises is zoned within Franklin Township which has no actual zoning code. All zoning defers to Franklin County.

According to Franklin County Planning Project Coordinator (b)(6) a certificate of zoning compliance is required. This was submitted by AI (b)(4)

Contact Information

Name
(b)(6)

Date Contacted
05/13/2021

Organization
Franklin County Economic Development & Planning

Job Title
Planning Project Coordinator

Email Address (b)(6)	Email Remarks
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Attachment(s):

APPOINTMENT DETAILS

Interview Date
07/13/2021

Address
4417 W Broad St, Unit N/A, Columbus, Ohio 43228

Remarks
PLEASE NOTE that the actual initial onsite FFL inspection date was Monday, 7/12/2021 at 11:00 AM. IOI (b)(6) was unable to enter actual date due to conflicting FFL amended application inspection under same RDS Key (please reference FCA-1740).

Responsible Attendee(s)

Non-Responsible Person(s)

SADEQUL ISLAM

No Items

RESPONSIBLE PERSON(S)

SADEQUL ISLAM

Name Mr. SADEQUL ISLAM	Gender Male	Race Asian or Pacific Islander	Ethnicity Not Hispanic or Not Latino
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Date of Birth (b)(6)	SSN (b)(6)	Job Title OWNER
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Physical Identifiers

Height (b)(6)	Weight (b)(6)	Hair Color (b)(6)	Eye Color (b)(6)
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Place of Birth

Country (b)(6)	State, Province, Region, or Territory (b)(6)	City (b)(6)
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Home Address

(b)(6)
United States

Additional Names

Citizenship

United States

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

Criminal History Check Comments

On April 26, 2021, IOI (b)(6) determined no conflicts existed to conduct this inspection:

(b)(6)

- NCIC and OHLEG queries of Sadequul Islam disclosed no prohibiting criteria;
- FLS disclosed Islam had applied for a Type 01 FFL with the existing Type 07, it was withdrawn due to unnecessary.

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

FFL operates as a retail dealer of new and used handguns, long guns and receivers. Licensee also conducts cerakoting of firearms. While licensed as a manufacturer, Islam disclosed he does not manufacture firearms; no assembled firearms were found during inventory. Most sales seem to occur at gun shows around the State of Ohio, with multiple shows conducted on any given weekend.

Do they need an additional license or permit?

No

Who are their primary suppliers?

(b)(4)

Islam disclosed he "does not like to buy on the Internet" so only uses suppliers he can drive to.

Business Activities

- Retail
- Gunsmith
- Gun Show Participant

Selected Operational Security Measures

No items

SECURITY WALKTHROUGH

Inspection Area Description

Inspection area in three rooms of the premises. The planned showroom will be in the left room after entering the building through the main entrance (co-located with the showroom for (b)(4)). FFL's cerakote and gunsmith operations will be in a small enclosed space (approximately 10' x 10') in the southeastern part of the building inside the garage space. Storage of firearms and records is in an office/warehouse space down a hallway to the right of the entrance way.

Primary Activity

Retail

Selected Physical Security Measures

Alarm Monitoring (with Cellular Back-Up)

Alarm Monitoring/Other Signage

Deadbolts

Floodlights

Glass Breakage Detection

Local Audible Alarm

Locked Gates

Motion Sensors

Pull Down Gates

Reinforced Heavy Duty Doors/Frames

Safe(s)/Vault(s)

Security Cameras

Security Guard(s) / Loss Prevention Officer(s)

GPS Coordinates

Latitude

39.94851

Longitude

-083.11817

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

0

Total Number of Open Dispositions in A & D Record

0

Total Number of Firearms in Inventory

30

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation

0

Total Number of Acquisitions in the Last 12 Months

(b)(4)

Total Number of Dispositions in the Last 12 Months

(b)(4)

Onsite Start Date

Onsite End Date

Number of Reported Lost/Stolen Firearms During Inspection Period

Total Number of Traces During Inspection Review Period

Total Number of Those Traces That Were Unresolved

Inspection Period Start Date

Inspection Period End Date

Number Of Traces Resolved By IOI

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

AFMER Verified
Yes

Additional Comments

Upon initiation of compliance inspection, Sadequl Islam asked IOI (b)(6) if he had "heard" what happened to his A&D record book. IOI (b)(6) responded that he had heard from ATF agents and IOI (b)(6) that Islam claimed his book was lost or stolen. Islam disclosed he felt that some "other FFLs are f***ing with me." The book was purportedly stolen/lost at a gun show over the March 20-21, 2021 weekend (according to Islam and his statements recorded in ATF Special Agent (SA) (b)(6) Report of Investigation). Islam disclosed this initially to SA (b)(6) and SA (b)(6) when they visited him on March 24, 2021 and requested to look at the book. After discussing with them, he called IOI (b)(6) who instructed Islam to reconstruct the A&D record. Please reference attached ROIs from SA (b)(6) for reference.

Islam's A&D records consisted of the multiple books, including one that was discontinued in February 2020. According to Islam, the book was "torn" so he stopped using it. All of the other older books were "pushed" forward to his newer 2020 book, which was the one supposedly stolen. Essentially all entries from February 2020 through March 21, 2021 were missing, but Islam stated he had his invoices and forms to consult to reconstruct. IOI (b)(6) examined the "reconstructed" books: one for 2020 and one for 2021. The 2020 book was completely blank and the 2021 book had entries from January 6, 2021 through February 11, 2021 (only acquisitions). After a few pages, the book started at March 23, 2021 and recorded all the most recent firearms acquired and disposed. Of the initial entries, all but were not in inventory and Islam claimed they were sold.

IOI (b)(6) pointed out that it had been three and half months since IOI (b)(6) instructed Islam to reconstruct the A&D records and the job had not even been remotely accomplished. Islam stated it was "a lot of work", but IOI (b)(6) pointed out how bad this looked. Islam then said, "If you give me a deadline I'll get it done!" IOI (b)(6) again stated the length of time since he had should have been sufficient.

After conducting an inventory of firearms (with firearm not recorded in A&D record), IOI (b)(6) conducted an ATF Form 4473 review. When requesting the NICS denials, Islam stated "they're all in there," indicating that they were comingled with the other forms. IOI (b)(6) pointed out they should be filed separately (forms with no transfer vs forms with a transfer), Islam said, "I didn't know that." IOI (b)(6) started to look at the forms but none of the forms were filed in alphabetical or chronological order, and spent a great deal of time reorganizing forms in chronological order. As IOI (b)(6) was reordering forms, Islam kept leaving the room and returning, handing over a new pile of forms from the past 12 months. It was clear the forms were not filed in accordance with the regulations.

Upon returning to the premises a week later (7/19/2021), IOI (b)(6) had several items to discuss. Please reference Record of Conversation dated 7/19/2021 regarding that follow up meeting.

After the second meeting, IOI (b)(6) received a list of firearms transferred to Sadek Enterprise, LLC by (b)(6) (the primary supplier). These were compared to the A&D record (as yet composed) and multiple discrepancies were found. (b)(3) (112 Public Law 55 125 Stat 552), (b)(6)

(b)(3) (112 Public Law 55 125 Stat 552), (b)(6) (b)(7)(E), (b)(6)

transferred as a receiver (reference Record of Conversation dated 8/9/2021).

IOI (b)(6) called Islam on August 4, 2021 to talk about a follow-up meeting and a potential closing. Islam disclosed he was feeling sick and described his symptoms as cold-like with a fever. With concerns with COVID-19, IOI (b)(6) advised he would meet with Islam on August 16, 2021. On August 16, 2021, Islam called and stated he was still ill; he stated he would still meet but understood if rescheduling was possible. IOI (b)(6) asked if he could send the scans of the completed A&D record to him via email; Islam disclosed the books were still not complete despite having over a month to do so since IOI (b)(6)'s initial inspection date. IOI (b)(6) advised Islam to call back when the book was completed; there is reluctance to simply close the inspection considering there may be firearms that may require reporting as thefts/losses.

On August 30, 2021, IOI (b)(6) called Islam to find out the status of the A&D record. Islam stated it was complete and would email scans of it to IOI (b)(6). IOI (b)(6) received the scans and reviewed the A&D record on September 1, 2021 and disclosed discrepancies with (b)(4) dispositions to Sadek Enterprise, LLC. Further, IOI (b)(6) noted several open dispositions that were still not complete. IOI (b)(6) contacted Islam about the open dispositions; at this point Islam disclosed that several ATF Forms 4473 were lost when the A&D record was "stolen." Islam stated he was still reconciling these open dispositions. IOI (b)(6) made an appointment to meet Islam on September 7, 2021.

On September 7, 2021, IOI (b)(6) provided Islam with a list of the firearm discrepancies disclosed from the (b)(4) records. IOI (b)(6) stated the closing conference would be held, no matter what, on September 21, 2021: this gave Islam two (2) weeks to reconcile all missing firearms (both the open dispositions in recreated book and from those disclosed from IOI (b)(6)'s supplier review). IOI (b)(6) provided an ATF Form 3310.11 (Theft/Loss form) and stated any firearms still missing by the closing date would need to be reported to ATF and local law enforcement; IOI (b)(6) would provide the list via (b)(7)(E).

Due to an unforeseen circumstance, IOI (b)(6) was not able to meet with Islam on September 7, 2021. IOI (b)(6) called Islam and informed him of the discrepancies with the A&D record compared to (b)(4) dispositions. IOI (b)(6) stated the closing conference would be held, no matter what, on September 21, 2021: this gave Islam two (2) weeks to reconcile all missing firearms (both the open dispositions in recreated book and from those disclosed from IOI (b)(6)'s supplier review). Islam asked if he could contact his supplier, IOI (b)(6) stated that would be a good idea. IOI (b)(6) stated any firearms still missing by the closing date would need to be reported to ATF and local law enforcement; IOI (b)(6) would assist with the report at the closing conference date. Islam expressed concern about having to report firearms as missing inventory.

On September 21, 2021, IOI (b)(6) conducted the closing conference and determined the number of firearms missing from inventory, providing Islam with the list and a blank ATF 3310.11. Islam again expressed concern about reporting the guns as stolen; IOI (b)(6) stated that if they were recovered or disposition information disclosed Islam could contact the Stolen Firearms Branch and remove them from our list.

During closing conference, IOI (b)(6) questioned Islam regarding this practice of manufacturing and disclosed that Islam clearly was manufacturing firearms outside the scope of the FFL; he was advised on proper procedures going forward and was provided with copies of ATF Ruling 2016-3 (proper manufacturing A&D procedure), ATF Ruling 2013-3 (non-marking variances) and ATF Ruling 2015-1 (clarification on manufacturing versus gunsmithing).

- *INTERNAL CONTROL EVALUATION*
- Inventories not conducted
- Firearms logged into and out of A&D within approximately seven (7) days
- ATF Forms 4473 not reviewed for accuracy and completeness
- Multiple handgun sales detected via customer recognition
- Youth Handgun Safety Act Poster and FFL posted
- Youth Handgun Safety Act Pamphlets and gun locks on hand

STATISTICS

Traces: since previous inspection through 6/28/2021

Thefts/Losses: Zero since previous inspection through 6/28/2021

MANUFACTURING

AFMERs not filed for calendar years 2019 or 2020 (see attached). Islam claimed to have filed; did not recall how. IOI [redacted] provided copies of the form and highlighted instructions on how to file.

No manufactured firearms were disclosed to determine if properly marked. Proper marking procedures were covered in detail.

Number of Transferee Background Checks

8

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
18 U.S.C. 923(g)(5)(A); Failure to timely file required AFMER Number of Instances: 1	Complete and submit required ATF Form 5300.11 (Annual Firearms Manufacturing and Exportation Report).	FFL failed to file the AFMER report for calendar years [redacted]
27 CFR 478.129(e); Failure to retain A&D record Number of Instances: 1	Resume proper maintenance of required acquisition and disposition record.	No details available
27 CFR 478.126a; Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473 [redacted] Number of Instances: 1	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).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
27 CFR 478.99(b); Unlawful sale or delivery of a firearm to an underage person ATF Forms 4473 [redacted] Number of Instances: 1	Cease and desist firearm transfers to any underage person.	(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
27 CFR 478.102(a); Failure to complete a NICS/POC background check ATF Forms 4473: 6 Number of Instances: 6	Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.	NICS Violation, [redacted] 1/30/2021 ATF F 4473 Error/Omission, 21, Incorrect, [redacted] 10/24/2020 ATF F 4473 Error/Omission, 29, Incorrect, [redacted] 2/7/2021 ATF F 4473 Error/Omission, 29, Incorrect, [redacted] 6/19/2021 ATF F 4473 Error/Omission, 29, Incorrect, [redacted] 3/28/2021 ATF F 4473 Error/Omission, 29, Incorrect, [redacted] 1/23/2021
27 CFR 478.124(b); Failure to retain ATF Forms 4473 in alphabetical, numerical or chronological order ATF Forms 4473: 1 Number of Instances: 1	Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order.	Record Management
27 CFR 478.123(a); Failure to maintain an accurate/complete/timely manufacture or acquisition record Number of Instances: 1	Accurately, completely & timely record all required future firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm acquisition information.	(b)(3) (112 Public Law 55 125 Stat 552)
27 CFR 478.124(c)(4); Failure to record firearm information on an ATF F 4473	Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section A.	(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)

8 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>		(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Ensure that all required ATF Form 4473 Section B 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 D, for all transactions taking place on a date different from when Section B was certified.	(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
10 27 CFR 478.100(c): Failure to properly document firearm transfers when conducted at alternate locations ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
11 27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section C	(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
12 27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section C.	(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
13 27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Complete all forms as prescribed.	(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
14 27 CFR 478.131(a)(2): Failure to record on an ATF Form 4473 (or affix a copy of) NICS alternative permit info ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Ensure that a qualifying NICS alternative permit is properly obtained, validated, verified, and documented for all applicable future over-the-counter firearm transactions.	(b)(3).02: F.R.C.P. Rule 6(e) - per ATF,(b)(6)
15 27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section E.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record Number of Instances: <input type="checkbox"/>	Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition	(b)(3) (112 Public Law 55 125 Stat 552)

information.

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

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

THEFT/LOSS REPORT

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

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

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

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

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
<p>18 U.S.C. 923(g)(5)(A): Failure to timely file required AFMER</p> <p>Number of Instances: 1</p>	<p>Complete and submit required ATF Form 5300.11 (Annual Firearms Manufacturing and Exportation Report).</p>	<p>Islam disclosed he was unaware these were not filed. Islam disclosed during closing conference these were sent and was advised to send the 2021 AFMER in by 4/1/2022.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 07/12/2021</p>
<p>27 CFR 478.129(e): Failure to retain A&D record</p> <p>Number of Instances: 1</p>	<p>Resume proper maintenance of required acquisition and disposition record.</p>	<p>Islam acknowledged the violation for not recreating the A&D record timely.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p>

2				Date Correction Verified 09/21/2021
3	27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.	Islam disclosed these multiple sale violations would be submitted and attached to the appropriate ATF F 4473.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/21/2021
4	27 CFR 478.99(b): Unlawful sale or delivery of a firearm to an underage person ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Cease and desist firearm transfers to any underage person.	Islam disclosed he believed the woman who was running the show did not realize the firearm was a handgun and that was why she checked "Long Gun" for the NICS check. He has advised his employees of handgun transfers and restrictions.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/21/2021
5	27 CFR 478.102(a): Failure to complete a NICS/POC background check ATF Forms 4473: 6 Number of Instances: 6	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.	Islam disclosed he was unaware that out of state concealed carry permits were not allowed in lieu of NICS. He acknowledged his understanding now.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/21/2021
6	27 CFR 478.124(b): Failure to retain ATF Forms 4473 in alphabetical, numerical or chronological order ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Organize and maintain ATF Forms 4473 in alphabetical, chronological, or numerical order.	Islam acknowledged the forms were out of order and stated he would ensure each folder for each gun show was in chronological order.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/21/2021
7	27 CFR 478.123(a): Failure to maintain an accurate/complete/timely manufacture or acquisition record Number of Instances: <input type="checkbox"/>	Accurately, completely & timely record all required future firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm acquisition information.	Islam acknowledged the violation and had no questions.	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/12/2021
8	27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section A.	Islam acknowledged the violation and had no questions.	Status Licensee Notified Verified Method In Person Date Licensee Notified 09/21/2021
	27 CFR 478.124(c)(1): Failure to		Islam acknowledged the violation and	Status

9	<p>obtain a completed ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Ensure that all required ATF Form 4473 Section B items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section D, for all transactions taking place on a date different from when Section B was certified.</p>	<p>had no questions.</p>	<p>Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 09/21/2021</p>
10	<p>27 CFR 478.100(c): Failure to properly document firearm transfers when conducted at alternate locations</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Islam acknowledged the violation and had no questions.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 09/21/2021</p>
11	<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section C</p>	<p>Islam acknowledged the violation and had no questions.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 09/21/2021</p>
12	<p>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section C.</p>	<p>Islam acknowledged the violation and had no questions.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 09/21/2021</p>
13	<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Complete all forms as prescribed.</p>	<p>Islam acknowledged the violation and had no questions.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 09/21/2021</p>
14	<p>27 CFR 478.131(a)(2): Failure to record on an ATF Form 4473 (or affix a copy of) NICS alternative permit info</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></p>	<p>Ensure that a qualifying NICS alternative permit is properly obtained, validated, verified, and documented for all applicable future over-the-counter firearm transactions.</p>	<p>Islam acknowledged the violation and had no questions.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 09/21/2021</p>
15	<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473</p> <p>ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/></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 E.</p>	<p>Islam acknowledged the violation and had no questions.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 09/21/2021</p>

<p>27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record</p> <p>Number of Instances: <input type="text"/></p>	<p>Accurately, completely & timely record all required future firearm disposition information.</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p> <p>Amend/Update A&D Record to accurately record all required firearm disposition information.</p>	<p>Islam disclosed he attempted to find all the firearms and was still in the process due to having ATF Forms 4473 stolen along with his book. He believes he can narrow the number down further but stated he would file the ATF Form 3310.11 by the end of the day on 9/21/2021. IOI (b)(6) reminded him that he could always have any missing inventory removed from ATF's list in the future if disposition information is disclosed.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 09/21/2021</p>
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RECORD(S) OF CONVERSATION

Name	When Contacted 07/19/2021	Method of Contact In-Person
Phone	Location Contacted 4417 W. Broad St, Columbus, Ohio 43228	
Investigative Participant(s) No items	<p>Narrative</p> <p>IOI (b)(6) arrived on premises to follow up on inspection that occurred the week prior. Several items were required to be discussed:</p> <ol style="list-style-type: none"> IOI (b)(6) questioned Islam about the fact that he had not filed an AFMER for calendar years 2019 and 2020. Islam stated that he had filed them; when asked, he said "I don't remember." IOI (b)(6) gave him copies of the form and highlighted instructions on how to submit (via mail or via E-Forms application). Next, IOI (b)(6) asked about the status of the A&D record reconstruction. In the past seven days, Islam had reconstructed all acquisitions from January 2021 through March 2021 (with some dispositions entered as well); as well as all acquisitions from February 2020 through August 2020. He stated he was working on the dispositions currently. IOI (b)(6) asked why he was using the old FFL number for (b)(4)'s former license; Islam disclosed he forgot they changed. IOI (b)(6) asked multiple questions about missing/altering forms. First, IOI (b)(6) provided Islam with a list of forms to locate, of which Islam found many of those with NTN's not checked off. IOI (b)(6) also asked about altering ATF Forms 4473: for example, (b)(6)'s ATF F 4473 from 1/23/2021 was copied by ATF SAs (b)(6) and (b)(6) and was missing information, including the Ohio CCW permit information in Item 29. Now, (b)(6)'s form is complete. Islam disclosed he captures information on his phone and fills it out later, now he knows he has to complete the form at the time of the transaction. IOI (b)(6) also questioned about (b)(6)'s ATF F 4473, which the original copy had Item 21.1.1 blank; the current form has an "X" in it. Islam did not admit to filling it in himself but is unsure who did. When confronted with the fact that the FFL transferred a pistol to a 19 year old, Islam stated he was unaware of that fact. He made mention of " (b)(6) did that form", indicating one of his "employees." He looked to see how NICS missed it and IOI (b)(6) pointed out that "Long Gun" was checked off in Item 24; further, IOI (b)(6) confirmed it was a pistol by checking with the manufacturer Radical Firearms LLC. Islam admitted he had no idea but felt the indication of "Long Gun" in Item 24 (and probably in NICS) was an error and not attempting to bypass NICS automatically denying the transaction. IOI (b)(6) brought up the transaction to (b)(6) on 3/28/2021, on which an Ohio CCW permit that appeared to be expired was recorded; above it is recorded new dates along with a note "pic have on file." Islam stated that (b)(6) gave him an expired CCW initially but sent him the updated version. IOI (b)(6) presented a redacted form of a LEADS report showing only the issue/expiration dates of the Ohio CCW permit, showing it was in fact, expired. Islam did not have an answer for that and insisted the card he was sent was valid. He did ask about the "grace period" on CCW permits in Ohio, IOI (b)(6) said that did not extend to the NICS check exemption. Finally, IOI (b)(6) brought up the fact that Islam was the purchaser in (b)(6) traces to his own FFL. Islam disclosed he had transferred those firearms on ATF Forms 4473 to his "personal collection" and sold them "privately." IOI (b)(6) noted the potential concern about that, and Islam immediately said "yes that was what (b)(6) said and I don't do that anymore." IOI (b)(6) did walk through that while the LLC was the FFL, it was in Islam's best interest to always go through the FFL for all transactions. 	
Name	When Contacted 08/09/2021	Method of Contact Phone
Phone +1 740-749-3290	Location Contacted	
Investigative Participant(s) No items	<p>Narrative</p> <p>IOI (b)(6) contacted FFL (b)(6) whom he had inspected in 2016. (b)(6) was contacted due to being transferred (b)(3) (112 Public Law 55 125 Stat 552) receiver with serial number (b)(6) from Sadek Enterprise, LLC. According to the A&D record, the receiver alone was transferred while the posts on Instagram by Sadequl Islam seemed to indicate it was an assembled rifle. IOI (b)(6) contacted (b)(6) to determine in what configuration the firearm was in when transferred; (b)(6) confirmed it was as a receiver.</p>	

CLOSING CONFERENCE

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

In the matter of License Number 4-31-049-07-3D-06069, as a/an

Manufacturer of Firearms _____ issued to:

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

SADEK ENTERPRISE LLC
4417 WEST BROAD STREET
COLUMBUS OH 43228

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 230 West Street, Suite 400, Columbus OH 43215, 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
12/21/2021	Judyth A. LeDoux, Director, Industry Operations	(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: 70172620000078841278

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
12/21/2021	Executive Assistant	(b)(6)

Print Name and Title of Person Served	Signature of Person Served (if applicable)
SADEK ENTERPRISE, LLC	

Address Where Notice Served
4417 West Broad Street, Columbus OH 43218

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given that that the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) intends to revoke the Federal firearms license held by Sadek Enterprises LLC (“Licensee”). Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Columbus Field Division, has reason to believe that Licensee willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively, “GCA”) as described herein.

Compliance History

ATF first issued a Federal firearms license to Licensee in 2017. The laws and regulations issued under the GCA were reviewed as part of the application inspection. Subsequently, ATF conducted a compliance inspection of Licensee in 2019, at which time the Licensee (specifically, Sadequul Islam, Licensee’s owner and Responsible Person) was issued a warning letter for violating 18 U.S.C. § 923(g)(5)(A); 27 CFR § 478.126a; 27 CFR § 478.21(a); 27 CFR § 478.124(c)(1); and 27 C.F.R. § 478.124(c)(5). The violations and proposed corrective actions were reviewed and Licensee was informed that “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.”

Current Inspection

On July 12, 2021, ATF began a compliance inspection of Licensee’s business that revealed the following:

1. Transfer in Violation of Law:

On occasions, Licensee willfully sold or delivered a firearm other than a shotgun or rifle to a person who Licensee knew or had reasonable cause to believe was less than twenty-one years of age, in violation of 18 U.S.C. § 922(b)(1) and 27 C.F.R. 478.99(b)(1). See Appendix ¶ 1.

2. Background Check Violations:

On 8 occasions, 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 and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix ¶ 2.

3. Transfer to Non-FFL without an ATF Form 4473

On occasions, Licensee willfully sold or otherwise disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(a) and 27 C.F.R. § 478.124(a).

4. Failure to Report Multiple Sales:

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

5. Falsified Statement in Records:

On at least occasion, Licensee willfully made a false statement or representation with respect to information required by the GCA, in violation of 18 U.S.C. §924(a)(1)(A) and 27 C.F.R. § 478.128(c). See Appendix ¶ 4.

6. Failure to Maintain Records:

Licensee willfully failed to maintain Acquisition & Disposition Records, in violation of 923(g)(1)(A) and 478.123(d). See Appendix ¶ 5.

7. Annual Firearm Manufacturing and Exportation Records:

On occasions, Licensee willfully failed to file Annual Firearms Manufacturing and Exportation Records, in violation of 18 U.S.C. § 923(g)(5)(A). See Appendix ¶ 6.

Appendix

1. Transfer in Violation of Law

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

2. Background Check Violations

Transferee's Name	Date	Discrepancy
(b)(6)	01/30/2021	No Valid CCW or NICS Information (b)(6)
	10/24/2021	Accepted Expired Ohio CCW in lieu of NICS
	02/07/2021	Accepted Florida CCW in lieu of NICS
	06/19/2021	Accepted Arizona CCW in lieu of NICS
	03/28/2021	Accepted Expired Ohio CCW in lieu of NICS
	01/23/2021	Accepted an Invalid and Expired Ohio CCW in lieu of NICS

2. & 3. Background Check Violations and Transfer to Non-FFL without an ATF Form 4473

Firearm Description	Serial Number	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)		

4. Multiple Sales Reports (MSR)

Date

Discrepancy

Transferee's Name

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

Director of Industry Operation
Bureau of Alcohol, Tobacco, Firearms

I would like to request for A Hearing to review the Revocation of my license
Thank you

Sadek enterprises llc
4417 w. Broad st
Columbus, ohio 43228

License # 4-31-049-07-3d-06069

Sadequl Islam

Cell (b)(6)

(b)(6)

UNITED STATES OF AMERICA
IN THE MATTER OF THE NOTICE
TO REVOKE LICENSE ISSUED TO:

* U.S. DEPARTMENT OF JUSTICE
* BUREAU OF ALCOHOL, TOBACCO,
* FIREARMS AND EXPLOSIVES

*
* COLMBUS FIELD DIVISION

SADEK ENTERPRISES, LLC
4417 WEST BROAD ST.
COLUMBUS, OH 43128
FFL#: 4-31-049-07-3D-06069

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NOTICE OF HEARING

Dear Licensee:

On December 21, 2021, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) issued a Notice to Revoke, ATF E-Form 4500 (5300.4), to SADEK ENTERPRISES, LLC, 4417 West Broad St., Columbus, OH 43228.

On January 6, 2022, ATF timely received a formal written request for a hearing on the Notice to Revoke from the Licensee.

Therefore, notice is given that on February 24, 2022 at 10:00am Eastern, a hearing on the matter will be conducted before the undersigned in accordance with the provisions of Title 18, United States Code, Section 923(f) and Title 27, Code of Federal Regulations, Part 478, Subpart E. As provided in 27 C.F.R. § 478.76, an applicant or licensee may be represented at a hearing, including these remote hearings. Further, an applicant or licensee may submit relevant evidence and have witnesses appear on its behalf.

ATF offers two options for conducting this hearing:

(1) video hearing via Microsoft TEAMS or some other widely available program; or

(2) in-person hearing.

On September 15, 2021, the United States Department of Justice set forth its COVID-19 Policy for visitors to all Department of Justice buildings or facilities. In accordance with that guidance, please be advised that when attending an in-person hearing:

- All visitors must acknowledge via a self-screening health questionnaire that they assessed their health for possible symptoms of COVID-19 on the day of the visit; and
- Upon entry and while on ATF premises, all visitors must wear a face mask, remain socially distanced, and comply with all other applicable local and Department health and safety requirements.

When attending an in-person hearing, visitors should use the self-screening health questionnaire to determine whether they should reschedule the visit and remain out of the Department building or facility in accordance with CDC guidelines. Visitors must comply with CDC and Department guidance and signage when they are in any Department facility, including wearing a mask in areas of substantial or high COVID-19 transmission. Visitors should coordinate well ahead of their scheduled visit with the employee designated to assist them. The Self-Screening Health Questionnaire can be found at <https://www.justice.gov/doj/covid-19-policy-visitors>.

In the case of video hearings, should you wish, ATF will do a trial run prior to the hearing to try to work through any technical issues. As Director, Industry Operations, I will preside over each type of hearing. The choice is yours as to which option you prefer.

In the case of in-person hearings, all persons attending the hearing must bring a form of state or federally issued identification (e.g., driver's license or passport) for entry. Additionally, all persons attending the hearing are prohibited from bringing firearms, explosives, or other dangerous weapons into the federal building where the hearing is to occur or onto federal property. See 18 U.S.C. § 930; 41 C.F.R. § 102-74, Subpart C.

In advance of a hearing, ATF will identify all documents it intends to use as evidence and requests that you do the same. Additionally, please complete the enclosed Hearing Confirmation postmarked within five business days and indicate whether you prefer to participate in a video hearing or an in-person hearing, and return it to the following address:

Judyth A. LeDoux
Director, Industry Operations
Columbus Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
230 W. Street, Suite 400
Columbus, OH 43215

The Hearing Confirmation may also be e-mailed to (b)(6)@atf.gov.

If there is an emergency delay on the day of the hearing, please contact Senior Attorney (b)(6) (b)(6) at either (b)(6) or (b)(6)@atf.gov. Questions regarding technical, logistic, or other concerns should be directed to (b)(6)

Issued this 26th day of January 2022.

JUDYTH
LEDOUX

Digitally signed by
JUDYTH LEDOUX
Date: 2022.01.26
10:11:45 -05'00'

Judyth A. LeDoux
Director, Industry Operations
Columbus Field Division

Enclosure

SADEK ENTERPRISES, LLC: 4-31-049-3D-06069

To: Director, Industry Operations
ATTN: Judyth A. LeDoux
Director, Industry Operations
Columbus Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
230 West Street, Suite 400
Columbus, OH 43215

(b)(6) atf.gov

HEARING CONFIRMATION

I hereby confirm that the hearing on the Notice to Revoke or Suspend License and/or Impose a Civil Fine will be held at 10:00am Eastern on Thursday, February 24, 2022, 230 West Street, Columbus, OH 43215. I will participate via _____ (Please indicate whether you will utilize a video or in-person hearing)

If an in-person hearing is requested, the hearing will take place at the Columbus Field Division, 230 West Street, Suite 400, Columbus, Ohio 43215.

(If Applicable) I anticipate that the following persons will attend the video or in-person hearing as my representative(s) or witness(es).

I understand that if I fail to appear for the hearing as scheduled, the hearing will occur in my absence.

NAME

Date: _____

**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 4-31-049-07-3D-06069 as a/an
MANUFACTURER of Firearms _____, issued to:

Name and Address of Applicant or Licensee (Show number, street, city, state and Zip Code)
SADEK ENTERPRISE, LLC
4417 WEST BROAD STREET
COLUMBUS OH 43228

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 immediately
 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 230 West Street, Suite 400, Columbus OH 43215

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 07/15/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Judyth A. LeDoux, Director, Industry Operations	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: 70172620000078845955

Or

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

Date Notice Served 07/15/2022	Title of Person Serving Notice Executive Assistant	Signature of Person Serving Notice (b)(6)
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Print Name and Title of Person Served SADEK ENTERPRISE, LLC	Signature of Person Served
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Address Where Notice Served 4417 WEST BROAD STREET, COLUMBUS OH 43215
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Note: Previous Edition is Obsolete

FINAL DECISION

On December 21, 2021, the Director of Industry Operations (“DIO”), Columbus Field Division, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) issued a Notice to Revoke License to Sadek Enterprises, LLC (“Licensee”), 4417 W. Broad St., Columbus, Ohio 43228. Licensee timely requested a virtual hearing.

On February 24, 2022, ATF Columbus Field Division DIO Judyth LeDoux conducted a virtual hearing via Microsoft Teams. The following persons attended the hearing: Mr. Sadequul Islam, Licensee’s owner and Responsible Person, (b)(6), (b)(6), ATF Columbus Field Division Senior Attorney, (b)(6), ATF Columbus Field Office Area Supervisor (b)(6), ATF Columbus Field Office Industry Operations Investigator (b)(6), and (b)(6), a contract court reporter with Free State Reporting, Inc. who transcribed the hearing.

The government introduced 13 exhibits into evidence at the hearing without objection. The Licensee did not introduce any exhibits. As explained more following below, I have considered all the testimony and exhibits presented at the hearing and find that the Licensee willfully violated the Gun Control Act, 18 U.S.C. § 921 et seq. (“GCA”), and its associated regulations as cited in Violations 1, 2, 3, 4, 6, and 7 of the Notice to Revoke and that Licensee’s Federal firearms license should be and hereby is REVOKED.

FINDINGS

I. Background

Congress passed the GCA to prevent prohibited individuals (because of their age, criminal history, or other status) from acquiring firearms and to assist law enforcement combat gun crime. A key provision of the statute was the establishment of a Federal scheme to regulate

the business of dealing in firearms by requiring firearms dealers to obtain a Federal firearms license and comply with the certain obligations concerning the sale of firearms. Among them, Federal firearms licensees (“FFLs” or “Licensees”) must complete background checks on potential purchasers unless a valid exception applies, must not transfer a firearm if they have reason to believe the transferee is prohibited, and must complete and maintain certain records that can help identify and prevent prohibited transactions before a firearm is transferred and help law enforcement trace a firearm if it is used in a crime. These and other requirements help prevent prohibited persons from acquiring firearms and assist law enforcement investigate violent gun crime and illegal firearms trafficking. The Attorney General has assigned responsibility for enforcing these regulations to the ATF. 28 C.F.R. § 0.130.

II. Standard

The ATF may revoke a Federal firearms license if a licensee commits a single willful violation of the GCA or its associated regulations. 18 U.S.C. § 923(e); 27 C.F.R. § 478.73(a); Armalite v. Lambert, 544 F.3d 644, 647 (6th Cir. 2008). A violation is willful if the Licensee knew of its legal obligations and acted with a reckless disregard for or deliberate or plain indifference to them. Armalite, 544 at 647; Appalachian Resources Development Corp. v. McCabe, 387 F.3d 461, 464 (6th Cir. 2004). Willfulness does not require proof of intentional conduct, bad purpose, or evil motive, and can be proved by circumstantial evidence. Shawano Gun & Loan, LLC v. Hughs, 650 F.3d 1070, 1077-78 (7th Cir. 1977); Borchardt Rifle Corp. v. Cook, 684 F.3d 1037, 1043 (10th Cir. 2012). Repeated negligence can become recklessness. Armalite, 544 F.3rd at 650. Licensees are legally responsible for the acts or omissions of their agents or employees under the doctrine of *respondeat superior*. McLemore v. United States Treasury Department, 317 F. Supp. 1077, 1079 (N.D. FL 1970).

III. Violations

1. Transfer in Violation of Law

FFLs cannot transfer firearms “other than a shotgun or rifle” to persons under the age of 21. 18 U.S.C. § 922(b); 27 C.F.R. § 478.99(b). Licensee willfully violated that prohibition as alleged in the Notice to Revoke, which states:

On [redacted] occasion, Licensee willfully sold or delivered a firearm other than a shotgun or rifle to a person who Licensee knew or had reasonable cause to believe was less than twenty-one years of age, in violation of 18 U.S.C. § 922(b)(1) and 27 C.F.R. 478.99(b)(1).

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

Licensee admits knowledge of this prohibition and does not dispute this violation. In addition to Mr. Islam's admission, Licensee's knowledge of the regulation is demonstrated by Mr. Islam's signature on [redacted] Acknowledgment of Federal Firearms Regulations forms dated [redacted] **(b)(3) (112 Public Law 55 125 Stat 552)**. Each form specifically identifies this regulation as one an IOI reviewed with him on those dates. Gov't Exhibits 3, 4, and 5.

As to the violation, the firearm is identified as a pistol in Section A, Box 4 of the ATF Form 4473 and the purchaser's date of birth is listed in Section B, Box 15 showing he was 19 years old on the date of transfer. The purchaser presented his Ohio driver's license, which included his date of birth, and his driver's license information is recorded in Section C, Box 26.a of the form. Mr. Islam signed the ATF Form 4473 certifying that he reviewed the information in Section B and verified the identification document before completing the transfer. Licensee therefore demonstrated a plain indifference to this known legal obligation when it transferred this firearm, which was not a shotgun or rifle, to a person under the age of 21.

(b)(6) claimed at the hearing she transferred this firearm, not Mr. Islam, and thought it was a rifle. That claim contradicts the appearance of Mr. Islam's name and signature in Boxes 34 and 35 of the ATF Form 4473, which must be completed at the time of transfer by the individual who transfers the firearm. It is also contradicted by the fact that the firearm is identified as a pistol in Section A of the form, which must be completed first by the transferor before any other section of the form. But even if these claims are true, a Licensee is responsible for the acts of its agents or employees, and a Licensee who empowers an employee to transfer firearms on its behalf but does not train them to distinguish a shotgun or rifle from a firearm "other than a shotgun or rifle" demonstrates a plan indifference to the prohibition against transferring firearms "other than a shotgun or rifle" to persons under the age of 21.

2. Background Check Violations

An FFL who intends to transfer a firearm to a non-Licensee must conduct a background check on the transferee by contacting the National Criminal Instant Background Check System ("NICS") before the transfer to confirm the transferee is not prohibited unless an exception to that requirement applies. 18 U.S.C. § 922(t); 27 C.F.R. § 478.102(a). Licensee willfully violated that requirement as alleged in the Notice to Revoke, which says:

On eight occasions, 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 and/or waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102.

of the involve transfers in which the Licensee accepted non-qualifying concealed carry permits instead of conducting NICS background checks. The other involve firearms Licensee claims to have transferred to Mr. Islam personally, who then sold them without conducting NICS background checks, but which remained part of the Licensee's business inventory when sold. The transfers involved are as follows:

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

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

Licensee admitted knowledge of the background check requirement for transfers to non-Licensees, which is also demonstrated by Mr. Islam's signature on the Acknowledgment of Federal Firearms Regulations forms dated March 22, 2007, April 30, 2019, and May 9, 2019, in which an IOI reviewed this and other regulations with Mr. Islam. Gov't Exhibits 3, 4, and 5. But Mr. Islam suggested that an exception to the background check requirement might have applied to the transfer to (b)(6) and that he mistakenly believed another exception to that requirement applied to the other transfers.

Regarding the transfer to (b)(6) on January 30, 2021, the absence of any information in Section C, Boxes 27 through 29 on the ATF Form 4473 demonstrates that

Licensee did not conduct a NICS background check before transferring the firearm. Licensee did not dispute that. Instead, Mr. Islam suggested this might have been a transfer from his personal collection for which a NICS background check was not required rather than a transfer from the Licensee's business inventory.¹ He presented no evidence to support that claim other than pure speculation. That speculation is contradicted by the ATF Form 4473, which was included in the Licensee's business records and identifies the Licensee, Sadek Enterprises, LLC, as the transferee in Section E, Box 33, not Sadequ Islam. As such, this was a transfer from the Licensee's business inventory to a non-Licensee for which Licensee did not conduct a NICS background check. Conducting background checks before transferring firearms is one of the fundamental obligations for all FFLs. Licensee demonstrated a plain indifference to that known obligation when it transferred this firearm.

Regarding the transfers to (b)(6),

(b)(6), Mr. Islam admitted the Licensee did not conduct a NICS background check before transferring the firearms but said he and/or his employees mistakenly thought the "concealed carry" exception applied to the transactions. There is a limited exception to the NICS background check requirement in 27 C.F.R. § 478.102(a) for persons with qualifying concealed carry permits found at 27 C.F.R. § 478.102(d). That subsection allows an FFL to transfer a firearm to a non-Licensee without conducting a NICS background check if the transferee presents a *valid license or permit*, that: (1) allows them to possess, acquire, or carry a firearm; (2) *was issued not more than five years earlier by the State in which the transfer is to take place*; and (3) the law of the State that issued the license or permit requires a government official

¹ Mr. Islam's knowledge that Federal law does not require a NICS background check for legitimate private transfers between non-licensees further demonstrates his knowledge of the NICS background check requirement.

to verify that the information available does not indicate that the transferee is prohibited from possessing a firearm under Federal, State, or local law. None of the concealed carry permits presented by these purchasers qualified for that exception.

(b)(6) presented out-of-state concealed carry permits, issued by the states of Florida and Arizona respectively. Mr. Islam's only explanation for accepting these out-of-state concealed carry permits instead of conducting a NICS background check was that he thought he could. The language in the regulation is plain and unambiguous. The permit must be issued by the "State in which the transfer is to take place." These transfers took place in Ohio. There is no reasonable way to misread or confuse that language.

(b)(6) presented an Ohio concealed carry permit that was issued on September 30, 2015 and set to expire on September 30, 2020. (b)(6) presented an Ohio concealed carry permit that was issued on March 5, 2016 and set to expire on March 5, 2021. And (b)(6) presented an Ohio concealed carry permit that was issued on November 14, 2014 and expired on November 14, 2019. Mr. Islam said he thought the state's COVID-19-related extension of the expiration date for certain Ohio concealed carry permits meant he could accept them after the date of expiration. On October 1, 2020, the state of Ohio did extend the expiration date for Ohio concealed carry permits set to expire between March 9, 2020, and June 30, 2021, by 90 days from the date of expiration or until June 30, 2021, whichever was later. (b)(6) (b)(6) (b)(6)'s permits were therefore still *valid* on the dates of transfer by virtue of that extension. But they were still *more than five years old* on the dates of transfer and thus non-qualifying.

(b)(6)'s permit was both invalid and more than five years old on the date of transfer because it expired almost a year before Ohio extended the expiration date for certain

concealed carry permits and his was not included in the group of permits for which the date was extended. There is an additional problem with his Ohio concealed carry permit. Only Ohio concealed carry permits issued on or after March 23, 2015, can qualify as a NICS exempt permit. ATF explained that in an open letter to all Ohio FFLs in 2015. Gov't Exhibit 3 at ATF 049 – 050. IOI (b)(6) confirmed through a review of Licensee's inspection history that Mr. Islam was provided a copy of that letter during Licensee's qualification inspection.

The evidence establishes that Licensee knew of it was required to conduct NICS background checks before transferring firearms to non-licensed persons unless an exception to that requirement applied and demonstrated a plain indifference to or reckless disregard for that obligation when it accepted non-qualifying concealed carry permits instead of conducting NICS background checks. The regulations states in plain and unambiguous language that a concealed carry permit must be issued from the state where the transfer is to take place and cannot be more than five years old on the date of transfer to qualify. Mr. Islam admitted that language is clear and also admitted he did not actually read the regulation, despite acknowledging an obligation to familiarize himself with the regulations. Instead, he said he heard from other dealers at gun shows that he could avoid the NICS background check requirement if buyers presented concealed carry permits. He appears to have done nothing else to confirm if those dealers provided full and accurate information or anything else to ensure he understood the details of that exception, such as consult the regulations or contact the local ATF office for guidance.

Conducting NICS background checks is a fundamental obligation for all FFLs. Relying on vague advice from other FFLs concerning a possible exception to that obligation without taking any additional steps to confirm the accuracy of that information and to verify the scope

and limitations of that exception demonstrates a plain indifference to that obligation. That is particularly true when the regulation is clear, and the local ATF office is a mere phone call away.

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

² Licensee recorded the acquisition of (b)(3) (112 Public Law 55 125 Stat 552) and the transfer of that firearm to (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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

³ As IOI (b)(6) explained, when law enforcement recovers a firearm, they can submit it to ATF for a trace. ATF “traces” the firearm by contacting the manufacturer to identify the down-stream distributors and ultimately the Licensee who sold the firearm and the buyer who purchased it. (b)(3) (112 Public Law 55 125 Stat 552)

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

⁴ The transfer of a firearm from a Licensee to its owner/responsible person while the Licensee is engaged in the sale of firearms at a gun show is highly suspicious, particularly when law enforcement subsequently recovers that firearm from a third party in a crime.

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

Mr. Islam claims the purported transfer of these firearms from the Licensee's business inventory to himself were legitimate transfers to his personal collection and that his subsequent sale of them did not require a NICS background check. A legitimate transfer of firearms from Sadek Enterprises, LLC to Mr. Islam had to be documented on an ATF Form 4473 with a background check performed on Mr. Islam before the transfer. 27 C.F.R. § 478.102(a) and 478.124a. The absence of any ATF Forms 4473 documenting the transfer of these firearms from the Licensee to Mr. Islam is evidence that no such transfer actually occurred. And while we do not know the date these firearms were transferred to the unknown third parties, because those transfers were not recorded on ATF Forms 4473 either, (b)(3) (112 Public Law 55 125 Stat 552)

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

(b)(3) (112 Public Law 55 125 Stat 552) establishes by a preponderance of the evidence that they were never part of Mr. Islam's personal collection but remained in Licensee's business inventory when they were sold to the unknown third parties.⁵ As such, Licensee was

⁵ A sole proprietor, i.e., when the individual owner is the licensee rather than a separate corporation or limited liability company, can sell a firearm from their personal collection without documenting the sale on an ATF Form 4473 and conducting a NICS background check, but only if the firearm is kept in their personal collection for at least one year. 27 C.F.R. § 478.125a. This regulation addresses the concern that FFLs might circumvent the GCA by "transferring" firearms from their business inventory to their personal collection "on paper" so they can sell firearms to third parties without documenting the transfers or conducting background checks. The one-year requirement is some assurance that the transfer from business inventory to personal collection is legitimate. While this regulation is not directly applicable here because the Licensee is Sadek Enterprises, LLC, not Mr. Islam personally, the concept applies. One would expect the owner of an FFL who acquires a firearm from his business for his personal collection to keep the firearm for a reasonable period of time before selling it. Acquiring it from the FFL "on paper" and quickly selling it is evidence that it was never intended for the owner's personal collection.

required to conduct a NICS background check before transferring the firearms and its failure to do so was willful.

3. Transfer to Non-FFL without an ATF Form 4473

FFLs are required to document the transfer of firearms to non-licensed persons on a Firearms Transaction Record, ATF Form 4473. 27 C.F.R. § 124(a). The third violation cited in the Notice to Revoke concerns the same (b)(3) (112 Public Law 55 (b)(3) (112 Public Law 55 125 Stat 552)

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

(b)(3) (112 Public Law 55 125 Stat 552) ⁶ The Notice to Revoke alleges that:

On (b)(3) occasions, Licensee willfully sold or otherwise disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(a) and 27 C.F.R. § 478.124(a).

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

Federal law does not require the occasional sale of a firearm from a non-licensee's personal collection be recorded on an ATF Form 4473. Having already found these transfers to the unknown third parties to have been business transfers from Licensee's business inventory and not legitimate personal transfers from Mr. Islam's personal collection, an ATF Form 4473

⁶ The Firearms Trace Summaries in Gov't Exhibit 8 at ATF 073 – 075, include the names of the individuals who possessed the firearms when law enforcement recovered them. They are redacted to protect their identities. We do not know if Licensee transferred the firearms directly to those individuals or if there intervening transfers before the firearms were recovered.

for each transfer was required. Licensee knew of that obligation and plainly disregarded it when it transferred the firearms to the unknown third parties without recording the transfers on an ATF Form 4473.

4. Failure to Report Multiple Sales

Licensees are required to file a Multiple Sales Report with ATF on an ATF Form 3310.4 whenever they sell or otherwise dispose of two or more handguns to an unlicensed person at one time or during any five consecutive business days. 27 C.F.R. § 478.126a. A Multiple Sales Report can help ATF trace a handgun used in a crime more quickly and can serve as a tool to detect possible firearms trafficking. Mr. Islam admitted knowledge of that requirement, which is evident from the fact that Licensee filed some Multiple Sales Reports but failed to file others. ATF also cited Licensee for failing to file Multiple Sales Reports in the 2019 compliance inspection.⁷ Gov't Exhibit 5 at ATF 038 – 039. ATF also issued a letter to Licensee at that time warning it that future violations could be viewed as willful and might result in the revocation of its license. Mr. Islam acknowledged the violation and his receipt of that warning letter. Gov't Exhibit 5 at ATF 040 – 041. Despite that warning, Licensee's most recent inspection revealed [redacted] more instances in which it failed to file required Multiple Sales Reports. Specifically, the Notice to Revoke alleges:

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

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

⁷ The Acknowledgement of Federal Firearms Regulations form that Mr. Islam signed after the 2017 and 2019 inspections also included this regulation. Gov't Exhibits 3 and 4.

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

Licensee did not dispute this violation or offer a reasonable explanation for its failure to file the Multiple Sales Reports. It just did not do it and did not have a reliable process in place to ensure they were filed. Mr. Islam suggested that his process was to make a note at the top of the ATF Form 4473 that it was a multiple handgun sale as a reminder that he needed to file the Multiple Sales Report. And there are notes to that effect at the top of some of these ATF Forms 4473. But there is no indication these forms were set aside or that Licensee had any other process in place to ensure it returned to these transactions to file the Multiple Sales Report other than the hope Mr. Islam would remember. In essence, Licensee made no real effort to develop a plan to ensure compliance with this regulation even after it was cited for violating it. That is plain indifference to a known obligation.

5. Falsified Statement in Records

The individual who transfers a firearm on behalf of a Licensee must certify the accuracy of the information on the ATF Form 4473 by signing and dating Boxes 34 – 36 on the form and must do so before the firearm is transferred. Specifically, they must certify that the firearm information recorded in Section A and the NICS information in Section C are true, correct, and complete. They must also certify their belief that the transfer to the buyer is not prohibited based on the buyer's responses to the questions in Section B, the verification of the buyer's identification document recorded in that section, and the applicable State and local laws.

That certification is not a perfunctory signature on a form. It is an assurance that the person who transferred the firearm took the required steps to confirm the transfer was not

prohibited before transferring it, and an assurance that law enforcement can rely on the form's accuracy to identify the initial buyer if the firearm is recovered in a crime or if the transfer is related to a firearms trafficking investigation. Inaccurate information could result in an inaccurate NICS response or stymie a criminal investigation. For that reason, the person who transfers the firearm must be the one who certifies the form, not someone else after-the-fact, because the person who examined the firearm, verified the buyer's identity, reviewed the buyer's answers to the questions in Section B, and conducted the NICS background check is the only person who knows if the information is accurate. A signature by anyone else is a false certification because that person would have no first-hand knowledge of the transfer and cannot certify the accuracy of the information on the form, rendering the certification meaningless.

The Notice to Revoke alleges that Licensee made a knowing false statement as to that certification on the ATF Form 4473 for the first violations cited in the Notice to Revoke, i.e., the transfer of a firearm "other than a shotgun or rifle" to a person under the age of 21. Specifically, the Notice alleges:

On at least [redacted] occasion, Licensee willfully made a false statement or representation with respect to information required by the GCA, in violation of 18 U.S.C. §924(a)(1)(A) and 27 C.F.R. § 478.128(c).

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

Mr. Islam's name and signature are in Boxes 34 and 35 of this ATF Form 4473. But he and [redacted] both claim she transferred the firearm and Mr. Islam signed the form sometime later. In fact, Mr. Islam admitted he was not even at the gun show when [redacted] transferred this firearm. Apparently, it was common practice for [redacted] to transfer firearms for the Licensee and for Mr. Islam to sign the ATF Forms 4473 sometime after-the-fact.

Licensee therefore admits that the certification on this form is false because Mr. Islam was not the person who transferred this firearm.

Licensee's defense is that Mr. Islam did not read the form closely and thought he had to sign it as the Licensee's owner and responsible person. An ATF Form 4473 is the principal document on which FFLs record a firearms transfer. For a Licensee's owner and responsible person not to read the certification closely, or not contact ATF for clarification if he did not understand it, demonstrates a level of carelessness that borders on recklessness. That is especially true since the certification is preceded by a heading that reads in bold letters: "**The Individual Transferring the Firearm(s) Must Complete Questions 34-36.**" And it is difficult to understand how Mr. Islam thought he could certify the accuracy of the information on the form when he was not present at the transfer. It is therefore a struggle to accept Licensee's defense because Mr. Islam and his employees should have known who needed to certify the form simply by looking at and reading it carefully. Nonetheless, Mr. Islam testified credibly that he did not read the certification closely and genuinely believed he had to sign the form for all of Licensee's transfers. His failure to do so demonstrates a dangerous lack of attention to detail for someone engaged in the business of dealing in firearms. But having reluctantly accepted his testimony as credible, I find that this false statement was not made knowingly and willfully.

6. Failure to Maintain Records

Licensees are required to record the acquisition and disposition of each firearm in a Firearms Acquisition and Disposition Record, commonly referred to as the "A&D Record" or "A&D Book." 27 C.F.R. § 478.123(d). As a manufacturer, Licensee had a maximum of seven calendar days to record the acquisition and disposition of firearms in its A&D Record. On or about March 24, 2021, two ATF Special Agents visited Licensee to inquire about (b)(3) (112 Public Law 85 126 Stat 552)

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

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

The agents spoke with Mr. Islam and asked to see Licensee's A&D Record for the transactions. Mr. Islam claimed the A&D Record had been lost or stolen a few days earlier. Mr. Islam did not report the loss or theft of the A&D Record to ATF before the agents' visit but contacted the local ATF office after the agents left. An IOI advised Mr. Islam to reconstruct the A&D Record by reviewing its commercial invoices of acquisition and the ATF Forms 4473 documenting the transfers and transcribing that information in a new book. IOI (b)(6) conducted a compliance inspection three months later and discovered that Licensee had not finished, or even started, to reconstruct the missing A&D Record. As such, the Notice to Revoke alleges:

Licensee willfully failed to maintain Acquisition and Disposition Records, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(d).

Record	Date of Acquisition/Disposition	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552)		
(b)(3) (112 Public Law 55 125 Stat 552)		

Ultimately, Licensee was able to reconstruct the missing A&D Record by the time IOI (b)(6) completed the inspection, but with (b)(6) firearms missing. That is, Licensee had acquisition records for (b)(6) firearms that were not in inventory and for which it could not locate an ATF Form 4473 or other record of disposition.

Mr. Islam believes another FFL stole the missing A&D Record at a gun show and claims that he was still in the process of organizing and reviewing Licensee's records when IOI (b)(6) began his inspection in July 2021. Even if true, Licensee's failure to have the A&D Record reconstructed after three months is unreasonable and demonstrates a plain indifference to the requirement to maintain an A&D Record. Mr. Islam claims the reconstruction was a lot of work,

but he had time to travel to gun shows and sell firearms weekend-after-weekend between March 2021 and July 2021. That time could have been spent reconstructing the missing A&D Record, but Licensee put profit over its record-keeping requirement. That is plain indifference.

7. Annual Firearm Manufacturing and Exportation Records

All federally licensed firearms manufacturers must file an Annual Firearms Manufacturing and Exportation Report (AFMER) with ATF by April 1st every year, even if they do not manufacture or export any firearms that year. Licensee knew it was obligated to file that report because the IOI who conducted its qualification inspection reviewed that requirement with Licensee, and because Licensee was cited in 2019 for failing to file an AFMER in 2017 and 2018. Gov't Exhibit 13. Despite that citation and Mr. Islam's acknowledgement that future violations could be viewed as willful and result in revocation, Licensee again failed to file its next two required AFMERs for 2019 and 2020. As such, the Notice Revoke alleged the following:

On two occasions, Licensee willfully failed to file Annual Firearms Manufacturing and Exportation Records, in violation of 18 U.S.C. § 923(g)(5)(A).

Record	Date	Discrepancy
Annual Firearms Manufacturing and Exportation Record	Calendar Year 2019 Calendar Year 2020	Not Filed with ATF

Licensee does not dispute this violation and offered no explanation for its failure to file these AFMERs other than the possibility it was a mistake because it did not manufacture any firearms those years. That explanation is unreasonable and demonstrates Licensee's plain indifference to this known obligation. Licensee did not manufacture any firearms in 2017 or 2018 either but was cited for failing to file these reports. Licensee was therefore on notice of the

obligation to file the reports even if it did not manufacture or export any firearms by at least May 9, 2019. The AMFER form and ATF's website also make that obligation clear. (See below)

The image shows a screenshot of the ATF website. At the top, it displays the U.S. Department of Justice logo and the ATF Bureau of Alcohol, Tobacco, Firearms and Explosives name. The main heading is "Annual Firearms Manufacturing and Exportation Report (AFMER) Under 18 U.S.C. Chapter 44, Firearms". A note states: "NOTE: This report **MUST** be filed even if no firearms were exported or distributed into commerce. Please read the Instruction Sheet before completing this form." Below the note are checkboxes for "Original Annual Report - Calendar Year Ending December 31, (fill out year)", "Out of Business Final Report", and "Amended Report - Year (fill out year)".

The bottom part of the screenshot shows a navigation menu with "Home", "What We Do", "Missile Areas", and "Firearms". A search bar is present. Below the menu, there is a section titled "Do I need to file an AFMER form even if I didn't manufacture any firearms last year?". The text under this heading reads: "Yes, you must file an Annual Firearms Manufacturers and Export Report (AFMER) form to let ATF know that you had no reportable firearms (enter '0' zero). A lack of activity is just as important as significant activity because it helps provide an accurate, overall statistical profile of the firearms industry in the United States for a particular period." The date "Last Reviewed July 16, 2020" is also visible.

Failing to file a required annual report in each of the two years following an inspection in which Licensee was cited for failing to file that same report the two previous years is a textbook example of plain indifference to a known obligation.

CONCLUSION

For the reasons outlined above, I find that Licensee willfully violated the Gun Control Act and its associated regulations as alleged in Violations 1, 2, 3, 4, 6, and 7 in the Notice to Revoke and hereby REVOKE Licensee's Federal firearms license.



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.

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Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations