

THE GUN ROOM INC's FCI
 FCI-21834
 03/29/2022 01:35 PM
 IO# (b)(6) Denver III (IO) Field Office

LICENSEE INFORMATION

Licensee Name THE GUN ROOM INC	RDS Key 5-84-03670	License/Permit Number 5-84-059-01-0J-03670	License Type 01 - Dealer License
Business Type Corporation			

Premises Address	Mailing Address
Premises Ownership Type Owned	Same as Premises Address
Premises Location Type Store Front	
Address 1595 CARR ST Unit N/A LAKEWOOD, Colorado 80214 JEFFERSON United States	

Phone Type	Phone Number	Remarks
Business	+1 303-237-1300	
Fax	+1 303-232-7318	

Email Address	Email Remarks
(b)(6)	

RECOMMENDATIONS

Final Decision
 Revocation
 Date
 03/08/2022

Details

A full scope firearms compliance inspection was conducted on March 2, 2021 through May 5, 2021. Licensee was cited for 13 violations. Eight (8) of the violations cited, are repeat violations where the instances have increased from the last inspection. Licensee was cited for five (5) new violations with two (2) of these violations rising to the level of revocation. The Gun Room has had four inspections prior to the current inspection. Mr. Horne's prior FFL number was 5-84-00554, two inspections occurred under this license. The first inspection (785035-2006-0614) occurred on 6/27/2006 and resulted in No violations. The second inspection (788020-2010-0107) occurred on 1/10/2010 and ended on 1/24/2010. A warning conference in Lieu of Revocation was held on 3/18/2011 as a result of the inspection. The Investigator is recommending revocation of license and a recommendation for a monetary fine. I concur with the ATF Investigator's recommendation for revocation and non-renewal of license, to include a monetary fine of \$8,831.00 under 18 U.S.C. 922(t).

Onsite end date is May 5, 2021. JWLN and N-Force queried.

UPDATE: Revocation was finalized on March 8, 2022. All out of business records were obtained by ATF on March 23, 2022. Records will be forwarded to the Out of Business Records Center. Inventory was transferred to new owner (5-84-12875) on

NOTE: Inspection file inserted for the Licensing Center - Inspection closed

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to an ATF Employee

ATF Employee Name
 (b)(6)

Licensee Inventory

✔ Inventory transferred to another licensee/permittee

Date of Inventory Transfer
 02/28/2022
 Transferee RDS Key
 5-84-12875
 Licensee / Permittee
 PRICE FAMILY HOLDINGS INC
 Business Name
 THE GUN ROOM
 Business Premise Address
 1595 CARR STREET
 LAKEWOOD, CO 80214

Revocation

Details

I concur with the recommendation of revocation due to the FFL transferring a firearm to a prohibited person. The FFL did not maintain records at the licensed premises and had numerous missing firearms and unreported multiple sales.

Special Agent in Charge David Booth's Recommendation

I concur with counsel and the DIO on revocation and fine.

Division Counsel [redacted] Review

Details

I concur with the proposed revocation and fine. The Licensee has had four inspections prior to the current inspection. The owner and RP also had a prior FFL, and had two inspections under the prior license. The Licensee has had prior Warning letters and Warning conferences, and still has multiple repeat violations from the prior inspections, and the frequency of the violations has not seen any significant decrease. The Licensee attributes many of his violations to the busy workload and lack of staff. As the Licensee has seen no meaningful improvement from his past inspections, and continues to have a significant number of repeat violations, there is a basis to Revoke the License.

The Licensee also transferred a firearm to a prohibited person after receiving a denial on the background check. As a result, ATF can impose a fine in the amount of \$8831 under 18 USC 922(t)

Director of Industry Operations Paul Brown's Recommendation

Revocation

Details

Note: After further review, there are only [redacted] instances of the 478.126a violation, not [redacted]. Only [redacted] should have been cited. In addition, the 478.99(a) violation should have been cited as 478.99(b)(2). These errors were discovered once the notice of revocation was being prepared. Counsel advised an amended Report of Violations is not necessary for the revocation action because further legal action and a possible hearing on the matter will be based on what is cited in the notice of revocation.

Revocation of the Federal firearms license and a fine are recommended.

For this inspection, 13 violations were cited. The licensee unlawfully transferred a firearm to prohibited person, in one instance. A violation of 18 U.S.C. 922(t) is one of the 13 cited. A fine of \$8,831.00 is being pursued in addition to the revocation. Further, the licensee seemingly allowed straw purchase transactions to take place. In [redacted] case, the denied individual resides at the same address as the purchaser who took possession of the firearm, with only five days separating the initiation of the transactions. The [redacted] transaction involved two individuals with the same last name where the purchaser took possession of the same firearm the other individual with the same last name attempted to purchase.

Regarding the prohibited transfer, a background check was conducted and returned as denied. The purchaser later presented an appeal letter, also showing the denial and the responsible person (RP), Mr. George Horne, still transferred the firearm. The RP stated the customer deceived him and lied about the background check being overturned when the paperwork he gave to Mr. Horne was a denied appeal. The individual was prohibited based on a [redacted] (b)(3) (112 Public Law 55 125 Stat 552) [redacted] Also, this individual has [redacted] (b)(7)(A) [redacted]

[redacted] (b)(7)(A) [redacted] Further, note, the 27 CFR 478.99(c) violation is a repeated violation from 2015 where there was [redacted] instance, but this transaction involved an individual who appeared to be prohibited.

This license was issued in 2011. Note, Mr. Horne also had a former Federal firearms license under 5-84-00554. During the last inspections that began in 2017 and 2015, warning conferences were held for both inspections. Repeat violations were cited for the current inspection. The licensee is willful regarding non-compliance based on its history of warning conferences and the overall lack of improvement with many of the repeated violations and no sign of an attempt to improve.

The other violations cited during the current inspection include:

The licensee failed to accurately maintain the Acquisition and Disposition Record (A & D Record) in [redacted] instances, totaling [redacted] acquisitions, [redacted] dispositions and [redacted] duplicate entries. There were [redacted] firearms missing after reconciliation. All [redacted] were queried in e-Trace with no hits or traces found. Mr. Horne stated there were too many sales for the employees to keep up with, reference this violation. This is a repeated violation from 2015 where there were [redacted] instances with [redacted] missing firearms and a repeated violation from 2017 where there were [redacted] instances with [redacted] missing firearms. Note, at the time of the inspection, the licensee acquired [redacted] (b)(4) firearms and disposed of [redacted] (b)(4) firearms for the inspection period. For this inspection, this equated to an error rate of 3.5% for acquisitions and a 19% error rate for dispositions.

The licensee also transferred a firearm before a background check response was provided in one instance. The purchaser was not prohibited.

The licensee failed to report multiple sales or other dispositions of pistols and revolvers in [redacted] instances. This is a repeated violation from 2015 where there were [redacted] instances and a repeated violation from 2017 where there were [redacted] instances.

The licensee failed to retain Federal firearms records at the premises in [redacted] instance. (The licensee did not have his computer, which contained his A & D Record at the premises. Further, the licensee did not have [redacted] ATF Forms 4473 at the premises when the inspection commenced.)

The licensee transferred a firearm in violation of state law in [redacted] instance. A rifle was transferred to a New Jersey resident without obtaining or verifying Firearms Purchaser ID card (New Jersey). This is a repeated violation from 2015 where there were [redacted] instances.

Pertaining to the ATF Forms 4473, a total of [redacted] forms were reviewed for the inspection period. Violations cited include:

The licensee failed to verify or record an identification document on ATF Forms 4473 in [redacted] instances. This is a repeated violation from 2015 where there were [redacted] instances and a repeated violation from 2017 where there was one instance.

The licensee failed to complete ATF Forms 4473 as prescribed in [redacted] instances, on [redacted] ATF Forms 4473, reference 27 CFR 478.21(a). This included the use of [redacted] obsolete ATF Forms 4473. This violation is repeated from 2015 where there were [redacted] instances, and a repeated violation from 2017 where there were [redacted] instances.

The licensee failed to obtain completed ATF Forms 4473 in [redacted] instances of [redacted] ATF Forms 4473, reference 27 CFR 478.124(c)(1). This is a repeated violation from 2015 where there were [redacted] instances and a repeated violation from 2017 where there were [redacted] instances.

The licensee failed to record NICS contact information in [redacted] instances on [redacted] ATF Forms 4473. This is a repeated violation from 2015 where there were [redacted] instances and a repeated violation from 2017 where there were [redacted] instances.

In addition, the licensee failed to record firearms information on the ATF Forms 4473 in [redacted] instances for [redacted] forms. This is a repeated violation from 2015 where there were [redacted] instances and a repeated violation from 2017 where there were [redacted] instances.

There was also a failure by the transferor to sign and/or date ATF Forms 4473 in [redacted] instances for [redacted] forms. This is a repeated violation from 2015 where there were [redacted] instances and a repeated violation from 2017 where there were [redacted] instances.

It is evident Mr. Horne is not willing to and is indifferent to complying with the regulations. Mr. Horne's responses to the violations include they were caused by a lack of attention to detail, he is understaffed with the volume of sales, things being overlooked, and oversights. These excuses indicate Mr. Horne does not take responsibility for his compliance; and provides these excuses without making any indication he is willing to work with ATF and the lead IOI to achieve compliance. After ATF's inspections in the past, Mr. Horne still fails to concern himself with all the violations, repeated errors and his firearms business problems. Even after the two previous warning conferences where ATF has tried to work with Mr. Horne to get on a path toward compliance, he has not made the effort to correct the same violations that are repeated every inspection.

It is important to note even under Mr. Horne's former FFL, many of the violation found from the current inspection were even repeated back in 2010. Violations cited include: 27 CFR 478.21(a) [redacted] instances, 27 CFR 478.124(c)(1) [redacted] instances, 27 CFR 478.124(c)(3)(i) [redacted] instances, 27 CFR 478.124(c)(3)(iv) [redacted] instances, 27 CFR 478.124(c)(4) [redacted] instances, 27 CFR 478.124(c)(5) [redacted] instances, 27 CFR 478.126(a) [redacted] instances, and 27 CFR 478.125(e) [redacted] instances. Revocation was recommended at this time, but the case resulted in a DIO warning conference.

Mr. Horne has shown his inability to comply and his lack of adherence to his obligations. Based on Mr. Horne's willful disregard for the regulations, his obligations, his history and his continued non-compliance, revocation of the Federal firearms license should be pursued.

Area Supervisor [redacted] (b)(6) Recommendation
Revocation

Details

A full scope firearms compliance inspection was conducted on March 2, 2021 through May 5, 2021. Licensee was cited for 13 violations. Eight (8) of the violations cited, are repeat violations where the instances have increased from the last inspection. Licensee was cited for five (5) new violations with two (2) of these violations rising to the level of revocation. The Gun Room has had four inspections prior to the current inspection. Mr. Horne's prior FFL number was 5-84-00554, two inspections occurred under this license. The first inspection (785035-2006-0614) occurred on 6/27/2006 and resulted in No violations. The second inspection (788020-2010-0107) occurred on 1/10/2010 and ended on 1/24/2010. A warning conference in Lieu of Revocation was held on 3/18/2011 as a result of the inspection. The Investigator is recommending revocation of license and a recommendation for a monetary fine. I concur with the ATF Investigator's recommendation for revocation and non-renewal of license, to include a monetary fine of \$8,831.00 under 18 U.S.C. 922(t).

Industry Operations Investigator [redacted] (b)(6) Recommendation
Revocation

Details

The inspection rises to a level of revocation. The gun room has had four inspections prior to the current inspection. Mr. Horne's prior FFL number was 5-84-00554, two inspections occurred under this license. The first inspection (785035-2006-0614) occurred on 6/27/2006 and resulted in No violations. The second inspection (788020-2010-0107) occurred on 1/10/2010 and ended on 1/24/2010. A warning conference in Lieu of Revocation was held on 3/18/2011 as a result of the inspection.

Mr. Horne went OOB under FFL number 5-84-00554 and applied for the current license number 5-84-03670. This license has been active since 8/18/2011. The Gun Room has been inspected twice prior to the current inspection. The first inspection (788020-2015-0212) occurred on 3/22/2015 and was completed on 4/28/2015. A warning conference in Lieu of Revocation was held on 6/23/2016 as a result of the inspection. The second inspection (788020-2017-0336) occurred on 8/28/2017 and was completed 2/1/2018. A warning conference was held on 4/24/2018.

Mr. Horne had a number of reoccurring citations that increased in instances during this inspection compared to the last inspection.

27 CFR 478.21(a): Failure to complete forms as prescribed. During the prior inspection he was cited for [redacted] forms. This inspection he was cited for [redacted] forms and [redacted] instances.

27 CFR 478.124(c)(1): Failure to obtain a completed ATF Form 4473. During the prior inspection this occurred on [redacted] forms and in [redacted] instances. During this inspection this occurred on [redacted] forms and in [redacted] instances.

27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF Form 4473. During the prior inspection he was cited for [redacted] instances. This inspection he was cited for [redacted] forms and [redacted] instances.

27 CFR 478.124(c)(4): Failure to record firearm information on an ATF Form 4473. During the prior inspection he was cited for [redacted] instances. This inspection he was cited for [redacted] forms and [redacted] instances.

27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF Form 4473. During the prior inspection he was cited for [redacted] instances. This inspection he was cited for [redacted] forms and [redacted] instances.

27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers. During the prior inspection he was cited for [redacted] multiple sales involving 26 firearms. This inspection he was cited on [redacted] forms and [redacted] multiple sales involving [redacted] firearms.

27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms. During the prior inspection he was cited for [redacted] instances. This inspection he was cited for [redacted] instances.

27 CFR 478.124(c)(3)(i): Failure to verify or record identification document on ATF Form 4473. During the prior inspection he was cited [redacted] time on [redacted] form and during this inspection he was cited for [redacted] forms and [redacted] instances.

The following citations were cited as a result of the current inspection and were not cited during the prior inspection.

27 CFR 478.121(a): Failure to retain records at the licensed business premises. This was cited in one instance. When investigators arrived to conduct the inspection the licensee's computer containing the Acquisition and Disposition records and [redacted] ATF Forms 4473 were located at the licensee's residence.

27 CFR 478.102(a)(2)(i): Failure to complete a NICS/POS background check. This occurred on one (1) form and one (1) instance.

27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person. This occurred in [redacted] instance.

27 CFR 478.99(a): Unlawful sale or delivery of a handgun to an out of state resident and/or transfer of a long gun in violation of State Law. In [redacted] instance a rifle was transferred to a New Jersey resident without obtaining or verifying Firearms Purchaser New Jersey ID card, which is required by the State of New Jersey.

18 U.S.C. 922(t): Failure to adhere to a Brady Background Check requirements. In [redacted] instance the licensee sold to a known prohibited person.

Investigator [redacted] (b)(6) concurs with the suggested administrative action of Revocation. The licensee has made no improvements from the prior inspection. The licensee failed to account for acquired firearms which records indicate were in inventory within the previous 5 years after reconciliation for which disposition could not be accounted for in required GCA records and is a repeat violation. The licensee reported [redacted] firearms that were unaccounted for on an ATF 3310.11 as a result of the prior inspection. From the prior inspections notes, Investigator [redacted] (b)(6) was not able to determine if any of the [redacted] firearms were acquired within the previous five years. During this inspection the licensee reported [redacted] firearms that were unaccounted for on an ATF 3310.11 Theft/Loss Report, as a result of the inspection. All of the [redacted] firearms were acquired in the previous five years.

The licensee transferred a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee is a prohibited person. The licensee was cited for 18 U.S.C. 922(t): Failure to adhere to Brady background check requirements. A fine of \$8,831.00 under 18 U.S.C. 922(t) and revocation are recommended.

Inspection Findings

Records and Forms

2. Failure to timely and/or correctly maintain records of sales or other dispositions on 5 percent or more of the licensee's total dispositions during the inspection period, with a minimum of ~~four~~ instances.

Transfer of Firearm

- 1. Transfer of a Rifle / Shotgun to a resident of another State that violates State law.
- 2. Transfer of a firearm prior to receiving a final NICS response (or applicable State POC background check) and 3 business days have not elapsed since the FFL contacted the system and the purchaser is NOT prohibited.
- 4. Transfer of a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee is a prohibited person.

Firearms

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

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 ~~two~~ instances.

FFL History

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

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
THE GUN ROOM INC	Corporation	Yes

Additional Findings

Queried the Colorado Secretary of State's website and found that The Gun Room is a Corporation and is in good standing.

Attachment(s):

The Gun Room.pdf

Property Ownership Verification

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

Address

1595 CARR ST
Unit N/A
LAKEWOOD, Colorado 80214
JEFFERSON United States

Additional Findings

Queried Jefferson County Property search and found The Gun Room owns the premises.

Attachment(s):

The Gun Room Property.pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
THE GUN ROOM	Yes

Additional Findings

Queried the Colorado Secretary of State's website and found The Gun Room is not a registered trade name. Trade names are no required to be registered in the State of Colorado.

Attachment(s):

Trade name not required.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?

No

Additional Findings

Investigator (b)(6) contacted the Jefferson County zoning and planning. There are no zoning issues.

Contact Information

Name (b)(6) Date Contacted 03/02/2021
Organization Jefferson County Zoning and Planning
Job Title Planner

Phone Type	Phone Number	Remarks
Business	+1 303-271-8767	

Attachment(s):

APPOINTMENT DETAILS

Interview Date 03/02/2021
Address 1595 CARR ST, Unit N/A, LAKEWOOD, Colorado 80214

Responsible Attendee(s) GEORGE HORNE **Non-Responsible Person(s)** No Items

RESPONSIBLE PERSON(S)

GEORGE HORNE

Name	Gender	Race	Ethnicity
Mr. GEORGE HORNE	Male	White	
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	OWNER	

Physical Identifiers

Height Weight Hair Color Eye Color

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted 02/24/2021

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

On 03/02/2021, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator (IOI) (b)(6) conducted an on-site Type 01 Dealer in Firearms Other than Destructive Devices full compliance inspection of The Gun Room, Inc. Assisting with the compliance inspection were Investigators (b)(6) (b)(6). The inspection period covered 03/02/2020 to 03/01/2021. Advanced notification was not given prior to the inspection taking place.

Investigator (b)(6) contacted George Horne, owner/responsible person. Mr. Horne stated that he did not have his computerized A & D book at the storefront location. He stated he had taken it home catch up on entering business information into the book. Mr. Horne also had ATF Form 4473 located off the premises at his home. Mr. Horne's home was not close to the business premises, he stated he would bring the computer and the ATF Form 4473s in the next business day. Mr. Horne went on to ask Investigator (b)(6) if we needed to provide him with notice of an inspection. Investigator (b)(6) reminded him that he had asked this during the last inspection and the ATF does not need to provide notice before conducting a compliance inspection. Mr. Horne was cited for 27 CFR 478.121(a) Failure to retain records at the licensed business premises. Investigator (b)(6) were able to begin reviewing the ATF Form 4473s that were located at the premises on 03/02/2021.

Investigator (b)(6) interviewed George Horne, who positively identified himself with his Colorado Driver's license. No other Federal, State, or local agencies were present during the inspection.

The licensee is a retail store located in Lakewood, Colorado. The licensee sells new and used firearms at this location. The licensee does not operate at gun shows. The licensee conducts internet sales. The licensee conducts consignment sales. The licensee does not deal in black powder explosive. (b)(3)(26 USC § 6103) There have been no unreported changes in ownership. Hidden ownership was not suspected, Mr. Horne did not make any statements that would suggest hidden ownership is present.

Investigator (b)(6) conducted a full inventory of the licensee's firearms. Based on a review of the licensee's A&D record, the licensee had open entries. The licensee had 243 firearms in inventory resulting in missing firearms. The licensee was able to reconcile all but firearms before the closing conference. After the closing conference, the licensee was able to reconcile all but firearms. The licensee made all necessary corrections to the A&D book for all cited instances. There were no theft/loss reports submitted within the inspection period. A theft/loss report was submitted for firearms as a result of the inspection. Investigator (b)(6) queried all firearms in eTrace with no results found. There were firearms trace requests, all requests were completed. Investigator (b)(6) did not discover any trafficking issues relating The Gun Room. During inventory, no illegal firearms, nor firearms with obliterated serial numbers were discovered.

Prior to the inspection, Investigator (b)(6) contacted the Colorado Bureau of Investigation and requested and received a copy of the Brady Federal Firearms Licensee Query for The Gun Room, Inc. Investigators compared all ATF Form 4473 to the Brady FFL Query. There were 2016 queries for the inspection period. Investigators reviewed 2016 ATF Forms 4473. There were no missing ATF Forms 4473. All ATF Form 4473 discrepancies were documented in Spartan. Based on a review of the licensee's records, the licensee did not conduct any sales to law enforcement officers during the inspection period. The licensee properly conducted sales to other licensees.

Investigator (b)(6) compared ATF Forms 4473 to the corresponding A & D book entry and no discrepancies were found.

Prior to the inspection, Investigator (b)(6) obtained a FFL Master Query which showed multiple sale transactions involving firearms. During the inspection Investigators found unreported multiple sales involving firearms.

Based on the review of the licensee's denied ATF Form 4473s, Investigator (b)(6) discovered one possible straw purchase and made a Report of Suspicious Activity to CGIC.

(b)(6) was denied by the CBI/NICS background check (transaction number (b)(6))

(b)(6) and was proceeded by the CBI/NICS background check (transaction number (b)(6)) The CBI/NICS check was completed on 6/13/2020 and the firearm was transferred on 06/18/2020 after the CBI/NICS results were returned to the FFL. Investigator (b)(6) conducted an NCIC query of (b)(6) The severity is listed as a Felony. The Disposition was Convicted; Found Guilty by Jury or Judge.

Investigator (b)(6) queried the firearm in NCIC and eTrace with no results.

(b)(6) However, (b)(6) was denied by the CBI/NICS background check (transaction number (b)(6))

(b)(6) was proceeded by the CBI/NICS background check (transaction number (b)(6)) The CBI/NICS background check was conducted on 12/08/2020 and the transfer of the firearm was completed on 12/11/2020 when the CBI/NICS results were returned to the FFL. Investigator (b)(6) conducted an NCIC query of (b)(6) The severity is not listed. The Disposition was convicted. Investigator (b)(6) queried the firearm in NCIC and eTrace with no results.

While reviewing the licensee's denied ATF Form 4473s, Investigator (b)(6) discovered a sale to a prohibited person and made a Report of Suspicious Activity to CGIC.

(b)(6) was denied. The CBI/NICS denial numbers are (b)(6). A letter from the Colorado Bureau of Investigation dated May 7, 2020 was attached. The letter states, your state and/or federal criminal history record shows an appeal was denied. However, the licensee transferred the firearm to (b)(6) on 05/28/2020.

Investigator (b)(6) queried the firearm in NCIC and eTrace with no results.

Investigator (b)(6) queried (b)(6) in NCIC. In addition to the information listed above, NCIC has (b)(6)

(b)(3)(26 USC § 6103), (b)(6)

On May 5, 2021, Investigator (b)(6) and Investigator (b)(6) held a closing conference at The Gun Room. Responsible person George Horne was in attendance. Each violation and corrective action were reviewed with Mr. Horne. Mr. Horne electronically signed the Report of Violations and Investigator (b)(6) emailed him a copy for his records.

Investigator (b)(6) then reviewed the Acknowledgement of Federal Firearms Regulations with Mr. Horne and afforded him the opportunity to ask questions. Mr. Horne electronically signed the Acknowledgment of Federal Firearms Regulations and Investigator (b)(6) emailed him a copy for his records.

On July 7, 2021, Investigator (b)(6) emailed an amended ROV to Mr. Horne. Mr. Horne signed the amended ROV and Investigator (b)(6) picked it up from The Gun Room on July 8, 2021.

Investigator (b)(6) received an update on referral SAR-586 from Area Supervisor (b)(6) on July 23, 2021. The criminal enforcement group is actively pursuing the retrieval of the firearm. However, the prohibited person (b)(6) is evading law enforcement. The CE group will continue to pursue the retrieval of the firearm.

Do they need an additional license or permit?

Yes

Who are their primary suppliers?

The licensee's primary supplier (b)(4)

Business Activities

Retail

Selected Operational Security Measures

- Controlled Access to ATF Recordkeeping
- Controlled Access to Keys
- Current & Active Security Plan
- Designated Security Coordinator
- Formal Employee Training
- Suspicious persons/activities reporting protocols

PREMISES INFORMATION

Inspection Area Description

The business premises is a storefront located in Lakewood, Colorado.

Primary Activity

Retail

GPS Coordinates

Latitude

39.74178

Longitude

-106.09022

Selected Physical Security Measures

- Bars on Doors
- Bars on Windows
- Alarm Monitoring (with Cellular Back-Up)
- Security Cameras

INTERVIEW NOTES

Received call on April 6, 2021 from RP George Home. He stated he has found a lot of the firearms in the A & D book. He still has a number of firearms to find. He stated that he just needs a little more time. He stated due to the store being so busy, he hasn't had time to pull the ATF F 4473s for the missing firearms. Due to Investigator (b)(6) schedule, the only time to return to The Gun Room is April 21. Agreed to extend his time until that date. Investigator (b)(6) explained that is the absolute latest this can be extended. Mr. Horne stated he would have everything completed by then.

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

(b)(6)

Total Number of Open Dispositions in A & D Record

(b)(6)

Total Number of Firearms in Inventory

243

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation

(b)(6)

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](#)

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection.</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>27 CFR 478.121(a): Failure to retain records at the licensed business premises</p> <p>Number of Instances: []</p>	<p>Return required ATF Forms 4473 to licensed premises and retain all completed and future forms on site, for a period not less than 20 years.</p>	<p>The licensee did not have his computer which contains his A & D records at his store location when Investigators arrived to conduct the inspection on March 2, 2021. The licensee also did not have [] ATF Forms 4473 at the premises. He stated he has been taking them home to catch up on entering the ATF Forms 4473 into the A & D book.</p>

1

2

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

ATF Forms 4473:
Number of Instances:

Complete all forms as prescribed.
Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions.

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

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

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

		<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
4	<p>27 CFR 478.102(a)(2)(i): Failure to obtain a NICS/POC response</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p> <p>NICS Violation: (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
5	<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>Number of Instances: 0</p>	<p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p>
6	<p>27 CFR 478.99(b)(2): Unlawful sale or delivery of a firearm in violation of State Law or published local ordinance</p> <p>Number of Instances: 0</p>	<p>Cease and desist transfer of firearms in violation of State law or published local ordinance.</p>
	<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: [redacted]</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

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

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

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

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

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

27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473

ATF Forms 4473
Number of Instances

Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.

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

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

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

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

ATF Forms 4473:
Number of Instances:

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

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

27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473

ATF Forms 4473:
Number of Instances:

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

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

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

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27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473

ATF Forms 4473
Number of Instances:

Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.

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

12

27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473

ATF Forms 4473
Number of Instances:

Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.

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

		(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
13	27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person Number of Instances: <input type="text"/>	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited. The licensee transferred a firearm to a prohibited person.
14	27 CFR 478.99(a): Unlawful sale or delivery of a handgun to an out of state resident and/or transfer of a long gun in violation of state law ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
15	18 U.S.C. 922(t): Failure to adhere to Brady background check requirements Number of Instances: <input type="text"/>	Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions. The licensee sold <input type="text"/> firearm to a prohibited person.

THEFT/LOSS REPORT

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

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

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

	Regulation	Corrective Actions	Licensee Response	Status Details
1	27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473: [] Number of Instances: []	Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.	The licensee stated he is understaffed due to the high demand of the market. He doesn't want to hire additional untrained employees. This was an oversight.	Status Correction Verified Verified Method In Person Date Correction Verified 05/05/2021
2	27 CFR 478.121(a): Failure to retain records at the licensed business premises Number of Instances: []	Return required ATF Forms 4473 to licensed premises and retain all completed and future forms on site, for a period not less than 20 years.	The licensee stated that the computer has only been at his home twice. He stated he did not understand the "law" and did not know he had to have it back everyday. The licensee brought all records back to the business premises the next day.	Status Correction Verified Verified Method In Person Date Correction Verified 05/05/2021
3	27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: [] Number of Instances: []	Complete all forms as prescribed. Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions.	The licensee stated it was a lack of attention to detail.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
4	27 CFR 478.102(a)(2)(i): Failure to obtain a NICS/POC response ATF Forms 4473: 1 Number of Instances: 1	Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.	The licensee stated it was overlooked.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
5	27 CFR 478.102(a): Failure to complete a NICS/POC background check Number of Instances: 0	Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.	The licensee stated that it was a written date error.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
6	27 CFR 478.99(b)(2): Unlawful sale or delivery of a firearm in violation of State Law or published local ordinance Number of Instances: 0	Cease and desist transfer of firearms in violation of State law or published local ordinance.	The licensee state that he does not have an answer for this, he will not sell out of State going forward.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
	27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms	Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information.	The licensee stated there are too many sales for employees to keep up with the A & D book.	Status Correction Verified Verified Method In Person

7	Number of Instances: <input type="text"/>	Amend/Update A&D Record to accurately record all required firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm disposition information.		Date Correction Verified 05/05/2021
8	27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.	The licensee stated that this is due to oversight and volume of sales.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
9	27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	The licensee stated they failed to transfer information from the drivers license to the 4473.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
10	27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Ensure that all required NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.	The licensee state this is due to oversight.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
11	27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.	The licensee stated this is due to oversight.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
12	27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.	The licensee stated this is due to oversight.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
13	27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person Number of Instances: <input type="text"/>	Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited.	The licensee stated the customer deceived and lied about being overturned when the paperwork he gave the licensee was actually denial paperwork. The licensee blamed his employee at first, however, when told he was the person that transferred the firearm he stated he just didn't read the paperwork he was handed.	Status Licensee Notified Verified Method In Person Date Licensee Notified 05/05/2021
	27 CFR 478.99(a): Unlawful sale or		The licensee state that he does not have	Status

Correspondence	Information Concerning Your Federal License/Permit
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
FirearmTheftLossList	Firearm Theft Loss List.pdf
FirearmTheftLossList	Firearm Theft Loss List.pdf
ComplianceActionItemsPDF	Compliance Action Items.pdf
TradeNameVerification	Trade name not required.pdf
PropertyOwnershipVerification	The Gun Room Property.pdf
BusinessVerification	The Gun Room.pdf
ApplicationPDF	FLS Printout - The Gun Room, Inc. - 5-84-03670 - Type 01.pdf

SAR-582

Category	Attachment Name
Correspondence	Industry Operations Report of Suspicious Activity(SAR-582)

SAR-583

Category	Attachment Name
No attachments	

SAR-586

Category	Attachment Name
Correspondence	Industry Operations Report of Suspicious Activity(SAR-586)

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

In the matter of License Number 5-84-059-01-3J-03670, as a/an

Dealer in Firearms Other Than Destructive Devices issued to:

Name and Address of Licensee (*Show number, street, city, State and ZIP Code*)
 The Gun Room, Inc.
 The Gun Room
 1595 Carr Street
 Lakewood, Colorado 80214

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 950 17th Street, Suite 1800, Denver, Colorado 80202, 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
09/16/2021	Paul W. Brown 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: 7017107000089870902 Or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature
09/16/2021	Director, Industry Operations	(b)(6)

Print Name and Title of Person Served	Signature of Person Served (<i>if applicable</i>)

Address Where Notice Served
 1595 Carr Street Lakewood, Colorado 80214

THE GUN ROOM INC.
5-84-059-01-3J-03670

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given that the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") intends to revoke the Federal firearms license held by The Gun Room, Inc. ("Licensee"), as a Dealer in Firearms Other Than Destructive Devices. Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Denver 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.

In addition, ATF intends to impose a civil fine in the amount of \$8,831 upon Licensee pursuant to 18 U.S.C. § 922(t) and 27 C.F.R. § 478.73.

Compliance History

ATF originally issued a Federal firearms license to Licensee in 2002. ATF subsequently conducted compliance inspections of Licensee in 2006 and 2010. As a result of the 2010 inspection, Licensee (specifically, owner and responsible person George Horne) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed.

Licensee applied for a new Federal firearms license in May 2011, and ATF issued that license following a qualification inspection conducted in July 2011. ATF subsequently conducted compliance inspections of Licensee in 2015 and 2017. Both of those inspections resulted in Licensee (specifically, owner and responsible person George Horne) attending warning conferences with ATF in which violations and proposed corrective actions were reviewed.

Current Inspection

On March 2, 2021, ATF Industry Operations Investigator (b)(6) conducted a compliance inspection at Licensee's premises that revealed the following:

1. On one occasion, Licensee knowingly and willfully transferred a firearm to (b)(6) (b)(6) a person not licensed under the GCA after receiving a denial from the national instant criminal background check system. Specifically, on or about May 28, 2020, Licensee transferred a (b)(6) At the time of the transfer the system was operating, and information was available to the system demonstrating that receipt of the firearms by the transferee would violate 18 U.S.C. § 922(g) or 18 U.S.C. § 922(n). For each occasion of this violation, Licensee may be revoked, suspended up to six months and or fined up to \$8,831.00 in accordance with 18 U.S.C. § 922(t)(5) and 27 C.F.R. § 478.73.¹ See Appendix ¶ 1.

¹ Although 18 U.S.C. § 922(t) authorized imposition of a fine up to \$5,000, the Bipartisan Budget Act of 2015, Pub. L. No. 114-74 directs that civil monetary penalties be adjusted for inflation.

2. On occasion, Licensee willfully sold or delivered a firearm to a person where the purchaser or possession by such person of such firearm would be in violation of State law or published ordinance at the place of sale, in violation of 18 U.S.C. § 922(b)(2) and 27 C.F.R. § 478.99(b)(2). Specifically, on (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
 (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
 (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) See Appendix ¶ 2.
3. On occasion, Licensee willfully sold or disposed of a firearm to a person who Licensee knew or had reasonable cause to believe was subject to Federal firearms disabilities, in violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c). Specifically, on or about
 (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
 (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) provided a NICS appeal denial letter to the Licensee, after previously being denied on a NICS background check initiated by the Licensee. See Appendix ¶ 3.
4. 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 ¶ 4.
5. On occasions, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a). See Appendix ¶ 5.
6. On occasions, Licensee willfully failed to timely and/or accurately record the acquisition and/or disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 6.
7. On occasions, Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix ¶ 7.
8. On occasions, Licensee willfully transferred a firearm to a non-licensee without verifying the identity of the transferee by examining the identification document presented and noting the type 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(c)(3)(i). See Appendix ¶ 8.
9. On occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date Licensee contacted the National Instant Criminal Background Check

Based upon the inflation adjustment calculator authorized by statute, the maximum fine which may be imposed under section 922(t) for penalties assessed after June 19, 2020 is \$8,831.

System,, any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix ¶ 9.

10. On occasions, Licensee willfully failed to completely and/or accurately identify the firearm to be transferred on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4). See Appendix ¶ 10.
11. On occasions, Licensee willfully failed to sign and/or date the Firearms Transaction Record, ATF Form 4473 certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5). See Appendix ¶ 11.

Appendix

Paragraph 1

On one occasion, Licensee, knowingly transferred a firearm to (b)(6) a person not licensed under the provisions of Title 18, United States Code, Chapter 44, after receiving a denial from the national instant criminal background check system. At the time of the transfers the national instant criminal background check system was operating, and information was available to the system demonstrating that receipt of the firearms by the transferee would violate subsection 922(g) of Title 18 United States Code or State Law. Therefore, as provided in 18 U.S.C. § 922(t)(5), the Director, Industry Operations, has determined that a civil fine of \$8,831.00 should be, and is hereby, imposed.

#	Date	Transferee	Discrepancy
1	6/3/2020	(b)(6)	Failure to adhere to Brady background check requirements.

Paragraph 2

On occasion, Licensee willfully sold or delivered a firearm to a person where the purchaser or possession by such person of such firearm would be in violation of State law or published ordinance at the place of sale, in violation of 18 U.S.C. § 922(b)(2) and 27 C.F.R. § 478.99(b)(2).

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

Paragraph 3

On occasion, Licensee willfully sold or disposed of a firearm to a person who Licensee knew or had reasonable cause to believe was subject to Federal firearms disabilities, in violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c).

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

Paragraph 4

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.

#	Date	Transferee	Firearms
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(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Paragraph 5

On forms and instances, Licensee willfully failed to obtain/execute the Firearms Transaction Record, ATF Form 4473 as indicated by the headings on the Form and the instructions on or pertaining to the Form, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a).

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

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

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

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

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

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

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

Paragraph 6

On occasions, Licensee willfully failed to timely and/or accurately record the acquisition and/or disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e).

A. Firearms For which disposition was not recorded for which the licensee could account following inventory reconciliation.

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

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

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

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

B. Firearms For which disposition was not recorded for which the licensee could not account for.

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

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

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

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

C. Firearms For which acquisition was not recorded for which the licensee could reconcile.

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

D. Firearms For which acquisition was recorded, however it was not recorded timely or correctly.

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

E. Firearms that were a duplicate entry in the Acquisition and Disposition book.

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

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

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

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

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

Paragraph 7

On [] forms, involving [] instances, Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1).

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

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

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

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

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

Paragraph 8

On occasions, Licensee willfully transferred a firearm to a non-licensee without verifying the identity of the transferee by examining the identification document presented and noting the type 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(c)(3)(i).

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

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

Paragraph 9

Of forms, involving instances, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted the National Instant Criminal Background Check System (“NICS”), any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv).

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

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

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

Paragraph 10

On forms, involving instances, Licensee willfully failed to completely and/or accurately identify the firearm to be transferred on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4).

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

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

Paragraph 11

On forms, involving instances, Licensee willfully failed to sign and/or date the Firearms Transaction Record, ATF Form 4473 certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5).

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

**Final Notice of Denial of Application, Revocation
Suspension and/or Fine of Firearms License**

In the matter of:

- The application for license as a/an _____, filed by:
or
 License Number 5-84-059-01-3J-03670 as a/an
Dealer in Firearms Other Than Destructive Devices, issued to:

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

The Gun Room, Inc.
(The Gun Room)
1595 Carr Street
Lakewood, Colorado 80214

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 March 8, 2022
 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 _____

prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

Records prescribed under 27 CFR Part 478 for the license described above shall either be delivered to ATF within 30 days of the date the business is required to be discontinued or shall be documented to reflect delivery to a successor. See 18 U.S.C. 923(g)(4) and 27 CFR § 478.127.

After the effective date of a license denial of renewal, revocation, or suspension, you may not lawfully engage in the business of dealing in firearms. Any disposition of your firearms business inventory must comply with all applicable laws and regulations. Your local ATF office is able to assist you in understanding and implementing the options available to lawfully dispose of your firearms business inventory.

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	(b)(6)
03/08/2022	Paul W. Brown Director, Industry Operations	

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: 7017107000089871015 Or Delivering a copy of the notice to
the address shown below.

Date Notice Served	Title of Person Serving Notice	(b)(6)
03/08/2022	Director, Industry Operations	

Print Name and Title of Person Served	Signature of Person Served
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Address Where Notice Served	
(b)(6)	Attorney and Counselor at Law, Priebe Law Firm, 1880 Office Club Pointe, Suite 120, Colorado Springs, CO 80920

Note: Previous Edition is Obsolete

Page 3 – ATF Form 5300.13, Final Notice of Denial of Application, Revocation,
Suspension and/or Fine of Firearms License

The Gun Room Inc., dba The Gun Room, 1595 Carr Street, Lakewood, Colorado, 80214 (Licensee), holds Federal Firearms License 5-84-059-01-3J-03670 as a dealer of firearms other than destructive devices issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On September 16, 2021, ATF issued a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4) (Notice to Revoke) advising the Licensee that ATF intended to revoke its License. The Notice to Revoke was served upon the Licensee, via certified mail.

The Notice to Revoke alleged that the Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. After receipt of the Notice to Revoke, the Licensee through counsel negotiated a settlement with ATF, whereby it agreed to the Revocation of the License.

For the reasons set forth in the Notice to Revoke or Suspend License and/or Impose a Civil Fine issued on September 16, 2021, the Federal Firearms License held by The Gun Room Inc., dba The Gun Room, is hereby revoked.

Dated this 8th day of March, 2022.

(b)(6)

Paul W. Brown
Director of Industry Operations
Denver Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives

AGREEMENT

THE GUN ROOM INC. D/B/A
GUN ROOM
FFL 5-84-059-01-3J-03670

On September 16, 2021, the Bureau of Alcohol, Tobacco, Firearms and Explosives, (ATF) through the Director of Industry Operations, Denver Field Division issued a Notice of Revocation and fine, ATF Form 4500 ("Notice") to The Gun Room Inc., d/b/a Gun Room, 1595 Carr Street, Lakewood, Colorado, 80214; FFL# 5-84-059-01-3J-03670. The Gun Room Inc. owner and Responsible Person George Horne, through his counsel, responded to the Notice by requesting a hearing. In lieu of going through the hearing process, The Gun Room Inc. has now agreed to surrender its license and withdraw its request for a hearing. This document memorializes that agreement which serves the interests of justice.

1. The violations cited in the Notice factually took place as stated in the Notice, a copy of which is attached hereto as Attachment A.
2. The Gun Room Inc. does not contest that they committed the violations alleged in the Notice by being aware of these requirements but failing to follow them, and therefore the violations were willful as defined by the Gun Control Act and its implementing regulations. A violation is considered willful if committed intentionally or with a reckless or plain indifference to a known legal obligation. There is no requirement of bad purpose as might be imposed for purposes of criminal prosecution. It is not an admission of any criminal guilt, but only an admission that under the civil standards found in *Borchardt Rifle Corp. v. Cook*, 684 F.3d 1037 (10th Circuit 2012), the ATF could prove the violations were willful.
3. ATF will issue a Final Notice of Revocation but will not impose the civil fine. The Final Notice of Revocation can be used in any future adverse administrative actions against a Federal

firearms licensee or applicant as predicate facts to demonstrate a particular person's knowledge of Federal firearms laws and/or willfulness. Execution of this Agreement does not prohibit George Horne from submitting an FFL application in the future. However, any future notice of revocation and/or denial by ATF, where George Horne is an applicant or Responsible Person on a federal firearms license, may include the acknowledged violations as a factual predicate as well as any future violations which support any revocation or denial

4. The Gun Room Inc., agrees to cease all business operations requiring a Federal firearms license by February 18, 2022. This includes but is not limited to all purchases, receipts, and sales of firearms, ordering firearms for sale or transfer, gunsmithing and online selling and purchasing firearms. Furthermore, after ceasing operations Mr. George Horne will not directly or indirectly engage in any firearms operations in which a federal firearms license is required, including operating through a surrogate firearms licensee. The final Notice of Revocation will be issued on or after the date of surrender.

5. If The Gun Room Inc. finds a purchaser who will acquire its firearms business, ATF agrees to work with The Gun Room Inc. and the purchaser in expediting the purchaser's FFL application process.

6. The Gun Room Inc. may request an extension from the Denver Director of Industry Operations to keep its license active for the sole purpose of liquidating their inventory and completing the required ATF Forms and Acquisition & Disposition Record. The decision to grant any extension is solely at the discretion of the Denver Director of Industry Operations.

Signed this 2nd day of February 2022

(b)(6)

George Horne, Owner, and Responsible Person
The Gun Room Inc. d/b/a Gun Room

Signed this 3rd day of February 2022

(b)(6)

Paul W. Brown, Director of Industry Operations
Bureau of Alcohol, Tobacco, Firearms and
Explosives, Denver Field Division

Signed this ___ day of January 2022

George Horne, Owner, and Responsible Person
The Gun Room Inc., d/b/a Gun Room

Signed this 3rd February day of ~~January~~ 2022

see previous page.

(b)(6)

Paul W. Brown, Director of Industry Operations,
Bureau of Alcohol, Tobacco, Firearms and
Explosives, Denver Field Division



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 a Federal Firearms License

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), and 27 CFR 478.11 and 478.41. Accordingly, former licensees who wish to dispose of any remaining business inventory must adhere to the statutory and regulatory restrictions that are applicable to all unlicensed persons selling firearms.

All firearms formerly in the 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 of firearms is for the former licensee to:

- Arrange for another FFL to purchase the business inventory; or
- Consign the inventory of firearms 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 firearms 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 firearms 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 firearms sales constitute engaging in the business of dealing in firearms without a license.

ATF remains committed to assisting former licensees in complying with Federal firearms laws. If you have questions, please contact your local ATF office.

(b)(6) Digitally signed by
MEGAN BENNETT
Date: 2021.06.02
21:00:37 -04'00'

Megan A. Bennett
Deputy Assistant Director (Industry Operations)
Field Operations