

THOMAS AARON FIGG 's FCI
FCL-30345
06/28/2022 03:41 PM
IO: (b)(6) Albuquerque II (IO) Field Office

LICENSEE INFORMATION

Applicant Name
THOMAS AARON FIGG
(Sole Proprietor)

RDS Key
5-85-02247

License/Permit Number
5-85-061-07-3L-02247

License Type
07 - Manufacturer of Firearms License

Business Type
Sole Proprietorship

Premises Address

Mailing Address

Premises Ownership Type
Owned

Same as Premises Address

Premises Location Type
Single Family Dwelling

Address
2602 Calle De Las Claveles
Unit N/A
Belen, New Mexico 87002
Valencia County United States

Phone Type	Phone Number	Remarks
Business	+1 505-301-6326	

Email Address	Email Remarks
(b)(6)	

RECOMMENDATIONS

Final Decision
Revocation
Date
06/28/2022

Details
Figg, Thomas Aaron
FFL: 5-85-061-07-3L-02247
RDS Key: 5-85-02247
Inspection Type: Firearms Compliance Due to Amended Application (COA) On Site
Lead Investigator: IO: (b)(6)
Premises Type: (b)(6)
Inspection On-Site Start: October 5, 2021
Inspection On-Site End: October 14, 2021
Inspection Closing: October 14, 2021
Recommendation: Revocation

As the result of a compliance inspection conducted between October 5, 2021 and October 14, 2021, regulatory violations were identified and report of violations was issued. The violations cited result in the recommendation for "Revocation" based upon failure to conduct a NICS background check for a firearms transfer. With the recent guidance from ATF leadership regarding administrative action, this inspection will now move forward as Revocation.

Mr. Figg rescinded his request for a Revocation Hearing and submitted a letter for his notice of discontinuance. The ATF required records have been recieved from Mr. Figg and submitted to the ATF Out of Busines Records Center. The inspection is closed as "Licensee Revoked."

Out of Business Records and Inventory Management

Licensee Records

Licensee Inventory

✔ Submitted to an ATF Employee

✔ No inventory on hand

ATF Employee Name
(b)(6)

Deputy Assistant Director - Industry Operations Hans Hummel's Recommendation
Revocation

Details

Concur with recommendation to proceed with revocation.

The recommendation of Revocation is in line with the Presidential Administration's Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety. The results of the current inspection warrant revocation due to the licensee's failure to complete a NICS background check in one instance in violation of 27 CFR 478.102(a)

Revocation is recommended.

Senior Attorney (b)(6) Review

Details

Reviewed per Policy

Director of Industry Operations Kristina Babcock's Recommendation
Revocation

Details

The recommendation of Revocation is in line with the Presidential Administration's Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety. The results of the current inspection warrant revocation due to the licensee's failure to complete a NICS background check in one instance in violation of 27 CFR 478.102(a). The remaining violations meet the level of Warning Letter.

Area Supervisor (b)(6) Recommendation

Revocation

Details

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Industry Operations Investigator (b)(6) Recommendation

Revocation

Details

Recommend approval of change of address. The location of the premises has not changed and the application is due to a change by the U.S. Postal Service.

Recommend revocation.

On-site inspection dates were October 5, 2021 - October 14, 2021.

IO (b)(6) assisted the licensee with completion of all missing ATF Form 3310.4 (Multiple Sale of Pistols or Revolvers) and emailed them to local law enforcement and ATF.

Amended Report of Violations updated and signed by the licensee on 12/23/2021. The amended Report of Violations is located in attachments.

Records of Conversation and Referral were added 11/30/2021.

Inspection Findings

Records and Forms

- 3. Failure by the licensee to obtain complete and accurate information for any item(s) on Forms 4473, questions 11 & 12, or the buyer fails to sign and date the Form 4473 (to include failing to have the buyer recertify their answers if the transfer takes place on a different date than the original signature) in Section A of percent or more of the Forms 4473 examined.
- 4. Failure to record valid and complete transferee identification (ID) of percent or more of the Forms 4473 examined.

NICS

- 4. Failure to conduct a NICS check or obtain an alternate permit.
- 5. Failure to retrieve a NICS (or equivalent State background check system) e-check response prior to the transfer of a firearm, and 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 instances.

Business Information Verification

Property Ownership Verification

Premises Ownership Type	Premises Location Type	Has the property ownership been verified?
Owned	Single Family Dwelling	Yes

Address
 2602 Calle De Las Claveles
 Unit N/A
 Belen, New Mexico 87002
 Valencia County United States

Additional Findings

The property address is being changed due to requirements from the US Postal Service. IOI (b)(6) is verified that the property is owned by the licensee, but Valencia County is still in the process of updating databases with the new addresses. IOI (b)(6) spoke with (b)(6) of Valencia County Code Enforcement who verified that the address is owned by the licensee. The attachment lists the old address name/number, but (b)(6) verified that the new address name/number is the same location.

Attachment(s):
 Property Ownership Verification.pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
TRUTH AND JUSTICE FIREARMS	Yes

Additional Findings

Trade names are not required to be registered in New Mexico.

Attachment(s):
 Business License.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
 Yes

Additional Findings

IOI (b)(6) verified that licensee is in compliance with Valencia County Zoning office via telephone conversation with (b)(6) Valencia County Development Services Assistant.

Contact Information

Name	Date Contacted
(b)(6)	10/01/2021

Organization
 Valencia County

Job Title
 Development Services Assistant

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

Attachment(s):

APPOINTMENT DETAILS

Interview Date
 10/05/2021
 Address
 2602 Calle De Las Claveles, Unit N/A, Belen, New Mexico 87002

Responsible Attendee(s) Non-Responsible Person(s)

THOMAS AARON FIGG	No Items
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RESPONSIBLE PERSON(S)

THOMAS AARON FIGG

Name	Gender	Race	Ethnicity
THOMAS AARON FIGG	Male	White	Not Hispanic or Not Latino

Date of Birth	SSN	Job Title
(b)(6)	(b)(6)	RP

Physical Identifiers

Height	Weight	Hair Color	Eye Color
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Place of Birth

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
09/14/2021

Criminal History Check Comments
Nothing found. Checks conducted by IA (b)(6)

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

The licensee conducts business in the retail sale of new and used firearms. The licensee conducts the occasional gunsmithing activity and conducts business as a transfer agent. The licensee does not sell firearms online and does not conduct business at gun shows. The licensee's primary business is retail sale for the general public in the surrounding area as well as transfers that are sent to the business by other FFLs/distributors.

Do they need an additional license or permit?
No

Who are their primary suppliers?
Gunbroker and ArmsCorp

Other State or Local Permits

Type	Number	Expiration
State Sales Tax	(b)(3)(26 USC § 6103)	

Business Activities

- Internet Sales/Transfers
- Retail
- Gunsmith

Selected Operational Security Measures

- Controlled Access to ATF Recordkeeping
- Controlled Access to Keys

Internet Sales/Transfers Website

www.gunbroker.com

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

If there is a security system, who has access to the security codes?
(b)(6)

Who has keys to the premises?
The licensee, Mr. Thomas Figg, along with (b)(6) have access to the business premises.

Who has keys to locked inventory?
Mr. Thomas Figg is the only person with access to the locked inventory.

Who is operating the business on a day-to-day basis?
Mr. Thomas Figg. There are no other employees of the business.

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

None

Are any employees known to be prohibited?

None

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

None

PREMISES INFORMATION

Inspection Area Description

The business premises is located in a suburban residential neighborhood. The inspection took place in (b)(6) The licensee correctly displayed all required posters and licenses in the bedroom/office in which business is conducted.

Primary Activity

Retail

Selected Physical Security Measures

(b)(6)

GPS Coordinates

Latitude

34.64786

Longitude

-106.81327

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

68

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

- IOI (b)(6) reviewed 15 NTN's. There were no open trace requests reported from VCAB.

- There were no multiple sales reported to ATF during the inspection period. IOI (b)(6) assisted the licensee in completing ten required multiple sale forms and sent them to the required email address for ATF.

- IOI (b)(6) educated the licensee on the use of hole punches on ATF Forms 4473 and the requirement to retain the forms with answer boxes full and complete and without holes.

- IOI (b)(6) conducted background checks on all purchasers in which no "Proceed" was recorded and/or NICS information was incomplete or incorrect. One purchaser was found to have (b)(6). IOI (b)(6) created a referral for this purchaser. None of the other purchasers were found to be prohibited.

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

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: [redacted]</p> <p>Number of Instances: [redacted]</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 478.102(a)(2)(i): Failure to obtain a NICS/POC response</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>	
<p>27 CFR 478.102(b): Failure to record a NICS/POC transaction number on an ATF F 4473</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>	
<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 1</p> <p>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: [redacted] (b)(6)</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: [redacted]</p> <p>Number of Instances: [redacted]</p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

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

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

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

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

ATF Forms 4473
Number of Instances:

Execute and retain a complete and accurate ATF
Form 4473 on all future firearm transactions.
Execute a required NICS/POC background
check for all future over-the-counter firearm
transactions.
Ensure that all required NICS/POC background
check information is obtained and accurately
recorded on all future ATF Forms 4473, Section
B.

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

7

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

8

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

ATF Forms 4473
Number of Instances

Complete all forms as prescribed.
Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions.
Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.
Ensure that the required transferor/seller printed name and title is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.
Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.

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

9

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

ATF Forms 4473
Number of Instances

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

27 CFR 478.124(c)(4): Failure to

Execute and retain a complete and accurate ATF

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

10 record firearm information on an ATF F 4473 ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/>	Form 4473 on all future firearm transactions. Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section D.	<input type="text"/>
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LICENSEE RESPONSE REPORT

	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: <input type="text"/> Number of Instances: <input type="text"/>	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 that he was not aware of the requirement to report multiple handgun sales.	Status Correction Verified Verified Method In Person Date Correction Verified 10/15/2021
2	27 CFR 478.102(a)(2)(i): Failure to obtain a NICS/POC response 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 the violation was an oversight and will take more time to ensure it doesn't occur again in the future.	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/14/2021
3	27 CFR 478.102(b): Failure to record a NICS/POC transaction number on an ATF F 4473 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 the background checks were completed, but he recorded them incorrectly.	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/14/2021
4	27 CFR 478.102(a): Failure to complete a NICS/POC background check 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 that the background checks were completed, but he recorded them incorrectly.	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/14/2021
5	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. Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	The licensee stated that the violations were an oversight and that he will take more time when reviewing the forms prior to transfers of firearms in the future.	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/14/2021
6	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. Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	The licensee stated that he was not aware that the issuing authority of identification documentation was a requirement. The licensee further stated that all transfers of firearms are not completed until a NICS background check is complete and that the violations were an oversight in his	Status Licensee Notified Verified Method In Person Date Licensee Notified 10/14/2021

			record keeping.
7	<p>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>The licensee stated that all NICS background checks are completed prior to the transfer of a firearm and that the violations were mistakes in record keeping.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>
8	<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</p>	<p>Complete all forms as prescribed.</p> <p>Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions.</p> <p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the required transferor/seller printed name and title is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>The licensee stated that the violations were a failure to accurately review forms prior to transfers and that he will ensure a more thorough review process will occur in the future.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>
9	<p>27 CFR 478.124(c)(5): Failure by transferor to sign and/or date an ATF F 4473</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that the required transferor/seller signature and date of transfer is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>The licensee stated that the violation was a typo in the date and that he will take more time to accurately review and complete the forms in the future.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>
10	<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required firearm identification information is obtained and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>The licensee stated that he did not realize he left the item blank and that he will take more time to accurately review the forms for completeness in the future.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 10/14/2021</p>

REFERRAL(S)

ID	Status	Agency	Outcome
R-1875	Referral Approved	Bastrop County Sheriff's Office	Referral sent

RECORD(S) OF CONVERSATION

Name	When Contacted	Method of Contact
	11/22/2021	Phone
Phone		Location Contacted
(b)(6)		
Investigative Participant(s)		Narrative
		IO of (b)(6) contacted (b)(6) regarding the transfer of firearms on [redacted] separate occasions [redacted] firearms each) (b)(6) verified the firearms on the ATF Forms 4473 were the firearms he received. (b)(6) was unable to specify the exact date in which he received the firearms from the licensee, but stated that the dates on the ATF Forms 4473 sounded accurate.
Name	When Contacted	Method of Contact
	11/22/2021	Phone
Phone		Location Contacted
(b)(6)		
Investigative Participant(s)		Narrative

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

In the matter of License Number 5-85-061-07-3L-02247, as a/an

Manufacturer of Firearms Other Than Destructive Devices issued to:

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

Thomas Aaron Figg
DBA Truth and Justice Firearms
2602 Calle De Las Claveles
Belen, New Mexico 87002

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 40 North Central Avenue, Suite 1000, Phoenix, AZ 85004, 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
04/13/2022	Kristina Babcock, Director, Industry Operations	KRISTINA BABCOCK <small>Digitally signed by KRISTINA BABCOCK Date: 2022.04.13 08:51:14 -0700</small>

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: 7017240000093071757

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
04/13/2022	Industry Operations Analyst	(b)(6)

Print Name and Title of Person Served

Thomas Aaron Figg, Licensee and Responsible Person

Address Where Notice Served

2602 Calle De Las Claveles, Belen, New Mexico 87002

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 Thomas Aaron Figg DBA Truth and Justice Firearms, ("Licensee"), a Manufacturer in Firearms Other Than Destructive Devices. Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Phoenix 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 2014. The laws and regulations issued under the GCA were reviewed with Licensee Responsible Person Thomas Aaron Figg as part of the application inspection. Thomas Aaron Figg was a responsible person on a previous Federal firearms license 5-85-061-07-5E-01742 which was issued to Figg, Thomas & Romero, Justin dba T and J Firearms on April 26, 2012 and not renewed.

Current Inspection

Beginning on or about October 5, 2021, ATF Industry Operations Investigator (b)(6) conducted a compliance inspection of Licensee's premises that covered the period of October 4, 2020 to October 4, 2021. The inspection revealed the following:

Background Check Violations

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

Failure to Report Multiple Sales

2. 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 ¶ 2.

ATF Form 4473 Violations

3. On occasions, Licensee willfully failed to obtain/execute 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 ¶ 3.
4. 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 ¶ 4.
5. On occasions, 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). See Appendix ¶ 5.

6. On [redacted] 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 ¶ 6.

Falsified Statements in Records

7. On [redacted] occasion, the 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). On December 23, 2020, [redacted] met with Licensee to purchase a firearm. Prior to his arrival, Licensee had completed Section B of a Form 4473 for [redacted]. Licensee transferred the firearm to [redacted] in December 30, 2020.

Appendix

Paragraph 1

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

#	TRANSFEREE	DATE	DISCREPANCY	Firearm
1	(b)(6)	4/26/2021	Failure to execute a NICS background check.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

Paragraph 2

27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers

#	TRANSFeree (4473#)	DATE	FIREARMS
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)			

Paragraph 4

27 CFR 478.124(c)(3)(i): Failure to verify or record identification on ATF Form 4473

#	TRANSFEREE (4473#)	DATE	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 5

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

#	TRANSFEREE (4473#)	DATE	DISCREPANCY
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)			

Paragraph 6

27 CFR 478.21(a)(1): ATF Form 4473 Heading and Instructions Violations

#	TRANSFEREE (4473#)	DATE	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 5-85-061-07-3L-02247 as a/an
manufacturer of firearms other than destructive devices, issued to:

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

Thomas Aaron Figg
dba Truth and Justice Firearms
2602 Calle De Las Claveles
Belen, NM 87002

Notice is Hereby Given That:

- A request for hearing pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5) was not timely filed. Based on the findings set forth in the attached document, your
- license described above is revoked pursuant to 18 U.S.C., 923(e), 922(t)(5) or 924(p), effective:
- 15 calendar days after receipt of this notice, or _____,
- license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- After due consideration following a hearing held pursuant to 18 U.S.C. § 923(f)(2) and/or 922(t)(5), and on the basis of findings set out in the attached copy of the findings and conclusions, the Director or his/her designee concludes that your
- application for license described above is denied, pursuant to 18 U.S.C., 923(d).
- application for renewal of license described above is denied pursuant to 18 U.S.C. 923(d), effective:
- 15 calendar days after receipt of this notice, or _____
- license described above is revoked pursuant to 18 U.S.C., 923(e), 922(t)(5) or 924(p), effective:
- 15 calendar days after receipt of this notice, or _____
- license is suspended for _____ calendar days, effective _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).
- licensee is fined \$ _____, payment due: _____, pursuant to 18 U.S.C. § 922(t)(5) or 924(p).

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 40 North Central Avenue, Suite 1000, Phoenix, AZ 85004

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 06/03/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Kristina Babcock, Director, Industry Operations	Signature KRISTINA BABCOCK <small>Digitally signed by KRISTINA BABCOCK Date: 2022.06.03 10:34:43 -0700</small>
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I certify that, on the date below, I served the above notice on the person identified below by:

Certified mail to the address shown below.
Tracking Number: 70210350000079957919

Or

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

Date Notice Served 06/03/2022	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 Thomas Aaron Figg	Signature of Person Served
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Address Where Notice Served 2602 Calle De Las Claveles, Belen, NM 87002
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Note: Previous Edition is Obsolete

Thomas Aaron Figg DBA Truth and Justice Firearms, ("Licensee"), holds Federal firearms license 5-85-061-07-3L-02247 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 (collectively "GCA").

On April 13, 2022, ATF issued a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4) (Notice to Revoke) advising Licensee that ATF intended to revoke its License. The Notice to Revoke was served upon Licensee via certified mail, return receipt requested.

The Notice to Revoke alleged that Licensee willfully violated the provisions of the GCA. The Notice to Revoke further specified that if Licensee wanted a hearing to review the Notice, he should file a request with ATF for a hearing within 15 days after receipt of the notice. Licensee timely requested a hearing. On June 2, 2022, Licensee withdrew his request for a hearing and surrendered his license.

For the reasons set forth in the Notice to Revoke or Suspend License and/or Impose a Civil Fine dated April 13, 2022, the Federal firearms license held by Thomas Aaron Figg is hereby REVOKED.



U.S. Department of Justice

**Bureau of Alcohol, Tobacco,
Firearms and Explosives**

Washington DC

www.atf.gov

IMPORTANT NOTICE

Selling Firearms AFTER Revocation, Expiration, or Surrender of an FFL

Former Federal Firearms licensees (FFLs) who continue to sell firearms after the revocation, expiration, or surrender of their license are subject to the same rules as persons who have never been licensed in determining whether they are "engaged in the business" of selling firearms without a license in violation of 18 U.S.C. § 922(a)(1)(A). Accordingly, former licensees who wish to dispose of any remaining business inventory must adhere to the following guidance:

Business inventory must be disposed of by the former FFL in a manner that, objectively, does not constitute being engaged in the business of dealing in firearms using the same facts and circumstances test that would apply to persons who have never been licensed.

The preferred manner of disposition is for the former licensee to:

- Arrange for another FFL to purchase the business inventory (and other assets) of the business; or
- Consign the inventory to another FFL to sell on consignment, or at auction.

Should a former FFL decide against those options, he/she should be aware that future sales - whether from his/her personal firearms collection or otherwise - will be evaluated for a potential violation of 18 U.S.C. § 922(a)(1)(A), just as would occur with a person who had never been licensed.

If a former FFL is disposing of business inventory, the fact that no purchases are made after the date of license revocation, expiration, or surrender does not immunize him/her from potential violations of 18 U.S.C. § 922(a)(1)(A). Instead, business inventory acquired through repetitive purchases while licensed are attributed to the former FFL when evaluating whether subsequent sales constitute engaging in the business of dealing in firearms without a license.

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

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

Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations