

THOMAS M CARPENTER 's FCI
FCI-26393
06/08/2022 12:01 AM
IO# (b)(6) Albany (IO) Satellite Office

LICENSEE INFORMATION

Applicant Name
THOMAS M CARPENTER
(Sole Proprietor)
Applicant Name
DEBORAH A CARPENTER

RDS Key
6-14-08044

License/Permit Number
6-14-111-01-3J-08044

License Type
01 - Dealer License

Business Type
Sole Proprietorship

Premises Address

Mailing Address

Premises Ownership Type
Owned

Address
RT 209 BOX 247
Unit N/A
WAWARSING, New York 12489-0000
United States

Premises Location Type
Store Front

Address
7109 RT 209
Unit N/A
WAWARSING, New York 12489-0000
ULSTER United States

Phone Type	Phone Number	Remarks
Business	+1 845-647-8157	

RECOMMENDATIONS

Final Decision
Revocation
Date
06/04/2022

Details

The licensee did not respond to the Final Notice of Revocation. IO# (b)(6) conducted a final closeout visit on 6/3/22, to collect required records and the original license. The documents will be submitted to the ATF Out of Business Records Center. There were no firearms remaining in inventory.
FFL is revoked, effective 6/4/22. No further action

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 Curtis Gilber (b)(6) Recommendation
Revocation

Details

Briefing held 4/14/22. Concur with issuance of a notice of revocation.

Special Agent in Charge John Devito's Recommendation

Revocation

Division Counsel (b)(6) Review

Details

There is sufficient evidence for the DIO to believe that that the licensee committed willful violations of the Gun Control Act.

Director of Industry Operations John Curtis's Recommendation
Revocation

Details

DIO recommends revocation based on the FFL failing to conduct NICS as required. The failure to conduct NICS and, specifically, the practice of adding firearms onto an already-

completed 4473 transaction, is a repeat violation. Revocation is line with the Administration's Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety.

Area Supervisor: (b)(7)(E) Recommendation
Revocation

Details

Based on current and past inspection findings, Revocation is an appropriate recommendation. This is the second compliance inspection in which firearms have been reported missing, and the second inspection in which the licensee has failed to conduct required NICS background checks in accordance with both state and federal laws and regulations. The number of violations overall have increased since the 2010 and 2011 inspections. The licensee attended a Warning Conference in 2010, where cited violations similar to the current violations discussed. Current NICS violations include:

- *Failure to conduct a NICS background check: (b)(6) -added a firearm to a previously certified ATF Form 4473)
- *Failure to wait the federally-required 3 days to transfer a firearm following a "Delayed" response from a NICS background check request (b)(6)
- *Failure to wait the state-required 30 days to transfer a firearm following a "Delayed" response from NICS background check request (b)(6)
- *Failure to conduct a NICS background check: (b)(6) handgun purchase-FFL didn't execute a new check at the time of transfer)
- *Failure to complete a NICS background check prior to a firearm transfer (b)(6) Transfer completed 12/22; NICS dated 12/28)
- *Failure to execute an ATF Form 4473 prior to a firearm transfer (b)(6) -added firearm to an already-executed form)

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

Details

ATF has record of two previous inspections for the license since it was issued in 1979. Licensee's compliance history is as follows:

2010 Compliance Inspection (765060-2010-2064)

() firearms reported missing () recovered to date)

478.125(e)- failure to record () dispositions, failure to record six acquisitions.

478.124(b)

478.124(a) () instances

478.102(a) () instances

478.21(a) () instances

478.124(c)(1) () instances

2011 Recall Inspection (765060-2011-0417)

No Violations

Thomas and Deborah Carpenter stated to IO: (b)(6) that they misunderstood, or were not aware of, numerous Federal Firearms Regulations and State gun laws, even though some violations were repeat violations [478.102(a), 478.125(e), 478.124(c)(1) and 478.124(a)]. The repeat violations and Warning Conference did not fall within the 5 year time frame, however they did occur within the last two compliance inspections. The licensee also stated to IO: (b)(6) that the Federal Firearms Regulations have never been thoroughly explained to him, even though he recalled attending a Warning Conference in New York City in 2010. Although the licensee has not yet transferred a firearm to a prohibited person, the licensee has a history of NICS violations and had an increase in NICS violations within the last two inspections.

Inspection Findings

Records and Forms

1. Failure to timely and/or correctly maintain records of receipt, manufacture, importation or other acquisition of () percent or more of the licensee's total acquisitions during the inspection period, with a minimum of () instances.
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.
9. Failure to execute a Form 4473 (Exception: Select findings 6, 7, and 8 above for consignment sales, transfers to law enforcement officers for personal use, and FFL responsible persons; if the transferee is NOT prohibited).

Transfer of Firearm

2. Transfer of a firearm prior to receiving a final NICS response (or applicable State POC background check) and 3 business days have not elapsed since the FFL contacted the system and the purchaser is NOT prohibited.

Firearms

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

NICS

- 4. Failure to conduct a NICS check or obtain an alternate permit (Exception: Select findings 1, 2, and 3 above for consignment sales, transfers to law enforcement officers for personal use, and FFL responsible persons if the transferee is NOT prohibited).
- 6. Failure to initiate a new NICS check when a transaction is not completed within the 30-day period from the date NICS was initially contacted provided that the person is NOT prohibited.

Failure to Report

- 3. Failure to timely report upon discovery of the theft or loss of a firearm to either ATF or local law enforcement.

ELIGIBILITY VERIFICATION

Business Information Verification

Property Ownership Verification

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

Address
 7109 RT 209
 Unit N/A
 WAWARSING, New York 12489-0000
 ULSTER United States

Additional Findings
 Thomas Carpenter provided IOI (b)(6) with a copy of the Tax Bill for the licensed premises. See attached.

Attachment(s):
 Property ownership.jpg
 property ownership-no info.pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
TOM'S TAXIDERMY	Yes

Contact Information

Name	Date Contacted
(b)(6)	02/25/2021

Organization
 Town of Ulster County NY

Job Title
 Assistant Clerk

Phone Type	Phone Number	Remarks
Business	+1 845-340-3415	

Online Presence Type	Online Presence URL	Remarks
Website	https://clerk.ulstercountyny.gov/	

Contact Remarks
 IOI (b)(6) spoke to (b)(6) last name unknown, at the the Ulster County Clerk's Office on 2/25/2021. (b)(6) Stated to IOI (b)(6) that Thomas Carpenter filed a Doing Business As Certificate for Tom's Taxidermy on 1/19/1988. (b)(6) also stated that the DBA is filed under instrument number 88-97 and could be accessed on the Ulster County Clerk's website if searched for under court records. IOI (b)(6) located the DBA on the Ulster County Clerk's website, see attached.

Attachment(s):
 DBA.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
 Yes

Contact Information

Name	Date Contacted
(b)(6)	02/25/2021

Organization
 Town of Wawarsing

Job Title
 Municipal Code Enforcement Officer

Phone Type	Phone Number	Remarks
Business	(b)(6)	Ext. 254

Attachment(s):

APPOINTMENT DETAILS

Interview Date

03/03/2021

Address

7109 RT 209, Unit N/A, WAWARSING, New York 12489-0000

Responsible Attendee(s)

Non-Responsible Person(s)

THOMAS M CARPENTER

No Items

DEBORAH A CARPENTER

RESPONSIBLE PERSON(S)

THOMAS M CARPENTER

Name	Gender	Race	Ethnicity
THOMAS M CARPENTER	Male		

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

Physical Identifiers

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

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

Phone Type	Phone Number	Remarks
Mobile	+1 000-000-0000	

Criminal History Check

Date Criminal History Check Conducted

02/25/2021

Criminal History Check Comments

No Hit

DEBORAH A CARPENTER

Name	Gender	Race	Ethnicity
DEBORAH A CARPENTER	Female	White	

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

Physical Identifiers

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

Place of Birth

Country
United States Of America

State
(b)(6)

City

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
02/25/2021

Criminal History Check Comments
No Hit

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

Thomas Carpenter, Doing Business As Tom's Taxidermy, has held a Federal Firearms License since 1979. Mr. Carpenter stated to IOI (b)(6) that he sells new and used long guns, handguns and ammunition. Mr. Carpenter also stated to IOI (b)(6) that he facilitates private party transfers but does not provide gunsmith services or consignment.

Licensee also operates a bait shop, taxidermy, a medical transportation service business, and sells used cars at the licensed premises.

Do they need an additional license or permit?
No

Who are their primary suppliers?
Licensee's primary suppliers are mostly unlicensed individuals.

Other State or Local Permits

Type	Number	Expiration
State Firearms License/Permit	159-D	2/19/22

Business Activities

Selected Operational Security Measures

Retail

Controlled Access to ATF Recordkeeping

Controlled Access to Keys

PREMISES INFORMATION

Inspection Area Description

Licensee operates out of a storefront in rural Wawarsing, NY. The licensee operates four business simultaneously from the licensed premises, but only has three employees, including Responsible Persons Tom Carpenter and Deborah Carpenter. The storefront also operates as a taxidermy, a bait shop, a medical transport company and a used car lot.

Long guns are displayed on racks in a corner next to the sales corner and some handguns are stored in a glass display case. Firearms are also stored in multiple safes and areas around the store. During inventory, the licensee had trouble finding numerous firearms. At the conclusion of the inspection (b)(6) long guns could not be located and had to be reported missing (see attached).

Licensee's Acquisition and Disposition record and ATF Forms 4473 are kept in the office.

Primary Activity
Retail

Selected Physical Security Measures

Safe(s)/Vault(s)

Security Cameras

GPS Coordinates

Latitude
41.75926

Longitude

INTERVIEW NOTES

New York IV Industry Operations was notified on 2/23/2021 that Thomas M. Carpenter, Doing Business As Tom's Taxidermy, had reported six handguns missing to New York State Police (NYS) in November 2020 (see attached New York State Police Report). As of that time, Thomas Carpenter had not filed a Federal Firearms Licensee Firearms Inventory Theft/Loss Report (ATF F 3310.4) with ATF.

On March 3, 2021 IOI (b)(6) conducted a compliance inspection. Thomas Carpenter stated to IOI (b)(6) and Task Force Officer (b)(6) that in June 2020 (b)(6) brought in six handguns that he had inherited but was not sure if he wanted to keep them or sell them. Mr. Carpenter stated that he put them in the firearms safe until (b)(6) decided that he was going to put them on his pistol permit a few months later. Mr. Carpenter stated to IOI (b)(6) and TFO (b)(6) that he remembers taking the firearms out of the safe and recording the firearm information on a receipt for (b)(6) to take to the County Sheriff's. When (b)(6) returned on November 19, 2020, Mr. Carpenter went to retrieve the handguns from the firearms safe, but they were not there. Mr. Carpenter stated to IOI (b)(6) and TFO (b)(6) that he remembered placing the box of handguns on the counter and then they were gone. Mr. Carpenter stated that he looked everywhere in the store but could not find the firearms. Tom's Taxidermy has (b)(6). After looking at the licensee's Acquisition and Disposition Record, IOI (b)(6) discovered that the six missing handguns had not been logged in until November, although the acquisition date was June. Mr. Carpenter admitted to IOI (b)(6) that he forgot to log them in when the customer dropped them off in June 2020 and logged them in the Acquisition and Disposition Record when he reported them stolen. IOI (b)(6) completed a full inventory and TFO (b)(6) helped Mr. Carpenter look for the firearms again but they were not located by the end of the inventory. IOI (b)(6) assisted Mr. Carpenter in filing a Theft/Loss Report for the (b)(6) stolen firearms (see attached). On March 9, 2021 (b)(6) contacted IOI (b)(6) via telephone and stated that the six handguns had been found in a box under a pile of things in the office. After a complete physical inventory, an additional (b)(6) long guns were reported missing (see attached).

At the conclusion of the inspection, an additional (b)(6) long guns were reported lost/missing (b)(3) (112 Public Law 55 125 Stat 552), see attached.

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF 4473 Reviewed

Total Number of Open Dispositions in A & D Record

Total Number of Firearms in Inventory

70

Actual Number of Firearms Verified

Number of Firearms Missing Before Reconciliation

Total Number of Firearms Missing After Reconciliation

Total Number of Acquisitions in the Last 12 Months

(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

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
27 CFR 478.39a: Failure to timely report the theft or loss of firearms (within requisite 48 hours of discovery) Number of Instances: (b)(6)	Upon discovery, report all future firearm thefts/losses within required 48 hours. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.	Licensee failed to file a Federal Firearms Licensee Firearms Inventory Theft/Loss Report for (b)(6) stolen handguns within 48 hours of discovery. On November 19, 2020, Thomas Carpenter reported the following firearms stolen to the New York State Police (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6)

<p>2</p> <p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p>	<p>NICS Violation: (b)(6)</p>
<p>3</p> <p>27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm</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>Ensure that the minimum time period of three business days (meaning days on which State offices are open).</p>	<p>NICS Violation: (b)(6)</p>
<p>4</p> <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>ATF Forms 4473: [] Number of Instances: []</p>	<p>Cease and desist transfer of firearms in violation of State law or published local ordinance.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>5</p> <p>27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Execute and accurately record (on an ATF Form 4473) a new NICS/POC background check, after any 30-day expiration of a previously conducted NICS/POC check, on all future over-the-counter firearm transactions.</p>	<p>NICS Violation: (b)(6)</p>
<p>6</p> <p>27 CFR 478.102(a)(1): Failure to contact NICS or POC</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)(6)</p>
<p>7</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: []</p>	<p>Accurately, completely & timely record all required future firearm acquisition information.</p> <p>Accurately, completely & timely record all required future firearm disposition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm acquisition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm disposition information.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>ATF Forms 4473: [] Number of Instances: []</p> <p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</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>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

8

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

9

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 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.

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

10

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

ATF Forms 4473:
Number of Instances:

Ensure that all required transferee/buyer identification 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)

		(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
11	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)
12	27 CFR 478.124(a): Failure to execute 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. (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

THEFT/LOSS REPORT

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

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
1 27 CFR 478.39a: Failure to timely report the theft or loss of firearms (within requisite 48 hours of discovery) Number of Instances: []	Upon discovery, report all future firearm thefts/losses within required 48 hours. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.	Thomas Carpenter stated that he notified local law enforcement and thought that was sufficient.	Status Licensee Notified Verified Method In Person Date Licensee Notified 03/15/2021
2 27 CFR 478.102(a): Failure to complete a NICS/POC background check ATF Forms 4473: 1 Number of Instances: 1	Execute a required NICS/POC background check for all future over-the-counter firearm transactions.	Thomas Carpenter stated that he thought the NICS background check was good for 30 days.	Status Licensee Notified Verified Method In Person Date Licensee Notified 06/02/2021

3	<p>27 CFR 478.102(a)(2)(ii): Failure to wait 3 business days (with no NICS/POC response) to transfer a firearm</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. Ensure that the minimum time period of three business days (meaning days on which State offices are open).</p>	<p>Thomas Carpenter could not recall why he transferred the firearm without waiting 3 business days.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 06/02/2021</p>
4	<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>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Cease and desist transfer of firearms in violation of State law or published local ordinance.</p>	<p>Thomas Carpenter stated that he did not realize that the State law superseded the Federal Brady Law.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 06/02/2021</p>
5	<p>27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Execute and accurately record (on an ATF Form 4473) a new NICS/POC background check, after any 30-day expiration of a previously conducted NICS/POC check, on all future over-the-counter firearm transactions.</p>	<p>Thomas Carpenter stated that he thought that because the County does a background check before adding the pistol to the customer's permit that he did not have to run another check.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 06/02/2021</p>
6	<p>27 CFR 478.102(a)(1): Failure to contact NICS or POC</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>Thomas Carpenter stated that he was not sure why the NICS check was run after the firearm was purchased. Mr. Carpenter stated that it may have been a clerical error.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 06/02/2021</p>
7	<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: 1</p>	<p>Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information. 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.</p>	<p>Thomas Carpenter stated that he purchases used firearms from customers and put them in an Order book, then Debbie would put them in the A&D Record, but he wouldn't always let her know when he purchased a new one so firearms weren't always logged in timely</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 06/02/2021</p>
8	<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>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.</p>	<p>Debbie Carpenter stated that she believed that the forms were being filled out correctly.</p> <p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 06/02/2021</p>
	<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: 1</p>	<p>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.</p>	<p>Debbie Carpenter stated that she believed that the forms were being filled out correctly.</p> <p>Status Licensee Notified</p> <p>Verified Method</p>

9	Number of Instances: []	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.	In Person Date Licensee Notified 06/02/2021
10	27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473 ATF Forms 4473: [] Number of Instances: []	Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.	Debbie Carpenter stated that she believed that the forms where being filled out correctly. Status Licensee Notified Verified Method In Person Date Licensee Notified 06/02/2021
11	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.	Debbie Carpenter stated that she believed that the forms where being filled out correctly. Status Licensee Notified Verified Method In Person Date Licensee Notified 06/02/2021
12	27 CFR 478.124(a): Failure to execute 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.	Debbie Carpenter stated that she believed that the forms where being filled out correctly. Status Licensee Notified Verified Method In Person Date Licensee Notified 06/02/2021

CLOSING CONFERENCE

Review Regulations conducted offline

(6/21/2021)

06/21/2021

Closing Conference Additional Notes

IO [(b)(6)] attempted to conduct the closing conference on 6/14/2021 when the Report of Violations was issued, however, Tom and Deborah Carpenter were distracted by the other businesses at the premises and did not have the time or attention to dedicate to a lengthy closing. Tom Carpenter stated to IO [(b)(6)] that the regulations had never been explained thoroughly to him in the past. IO [(b)(6)] reminded Mr. Carpenter that he had a Warning Conference in 2010 and had signed an Acknowledgement of Regulations during that Inspection. IO [(b)(6)] returned to complete the closing inspection on 6/21/2021 when none of the businesses where operating and Thomas, Deborah and [(b)(6)] Carpenter could be present.

Attachment(s)

Attendee(s)

THOMAS M CARPENTER

DEBORAH A CARPENTER

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 6-14-08044 Inspection Results
Correspondence	Spartan Notification RE: 6-14-08044 National Licensing Center
Correspondence	Spartan Notification RE: 6-14-08044 Monitored Case
Correspondence	Spartan Notification RE: 6-14-08044 Monitored Case
Correspondence	Spartan Notification RE: 6-14-08044 National Licensing Center
Correspondence	Spartan Notification RE: 6-14-08044 Monitored Case
Correspondence	Spartan Notification RE: 6-14-08044 Inspection Results
Correspondence	Spartan Notification RE: 6-14-08044 Monitored Case

Correspondence	Spartan Notification RE: 6-14-08044 Monitored Case
Correspondence	Spartan Notification RE: 6-14-08044 Monitored Case
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationCorrection	Theft Loss Report filed 03162021.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
FirearmTheftLossList	Firearm Theft Loss List.pdf
PropertyOwnershipVerification	Property ownership.jpg
TradeNameVerification	DBA.pdf
PropertyOwnershipVerification	property ownership-no info.pdf



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Director of Industry Operations

April 25, 2022

www.atf.gov

EXPLANATION LETTER RE: NOTICE OF REVOCATION

By Certified U.S. Mail

Thomas M. Carpenter, Jr.
d/b/a Tom's Taxidermy
7109 Route 209
Wawarsing, New York 12489

In the Matter of the Notice to Revoke 6-14-111-01-3J-08044 issued to Thomas M. Carpenter, Jr.

Mr. Carpenter,

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has made a determination to revoke your Federal firearms license (FFL) 6-14-111-01-3J-08044 as a Dealer of Firearms. Accordingly, you are being provided with a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500(5300.4).

This letter explains the Notices and Hearing process.

Your Response to the Notice

As indicated on the Notice, you may request a hearing to contest the revocation by submitting a written request to me—the Director of Industry Operations (DIO) at 32 Old Slip Suite 3500 New York, NY 10005—within 15 days from your receipt of the Notice. If you do not request a hearing within 15 days, and/or the request is not received within 15 days, the revocation of your license will become final.

If you submit a letter requesting a hearing, ATF will make appropriate arrangements. ATF regularly conducts hearings in-person. However, due to the COVID-19 pandemic, hearings may also be held virtually, either by videoconference, audio-conference, or by written submission. Please let me know immediately if you will be represented at the hearing so that we can expeditiously schedule the hearing at a time mutually convenient

Thomas M. Carpenter, Jr.

In the Matter of the Notice to Revoke 6-14-111-01-3J-08044 issued to Thomas M. Carpenter, Jr.

to all parties involved, including your representative.¹ Once the date, time and place are set, ATF will notify you via certified mail. Under limited circumstances, the DIO may reschedule the hearing for good cause.

Prior to the hearing date, you may request a meeting with the DIO to address the violations cited in the Notices. The purpose of the meeting will be to try to resolve this matter without conducting a hearing. While ATF is not obligated to grant such requests, if it does, at or before the meeting, you may submit mitigating facts, arguments, and proposals for settlement for review and consideration. You may also submit offers of potential resolution to the DIO after the hearing, however, the DIO will not entertain settlement offers at the hearing itself.

What to Expect at the Hearing

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

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

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

During the hearing, ATF, through an attorney, will enter in the official record all evidence establishing the violations cited in the enclosed Notices. The ATF attorney will generally ask the ATF investigator(s) who conducted the inspection, or other ATF employees or witnesses who have relevant information concerning your case, to describe

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

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

Thomas M. Carpenter, Jr.

In the Matter of the Notice to Revoke 6-14-111-01-3J-08044 issued to Thomas M. Carpenter, Jr.

their findings. At the conclusion of the government's presentation, you will have the opportunity to respond. You are encouraged to state your case as clearly and factually as possible. Be willing and prepared to address each violation described in the Notice. You may also present relevant evidence, such as documents, pictures, or witness testimony that tends to show that the violations listed in the Notices did not occur in the manner described.

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

After the Hearing

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

Sincerely yours,

(b)(6)

John Curtis

Director of Industry Operations

Enclosure.

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

In the matter of License Number 6-14-111-01-3J-08044, 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)

Thomas M. Carpenter, Jr.
d/b/a Tom's Taxidermy
7109 Route 209
Wawarsing, New York 12489

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 32 Old Slip, Suite 3500, New York, New York 10005, 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	(b)(6)
04/25/2022	John Curtis, Director, Industry Operations	

I certify that on the date shown below I served the above notice on the person identified below by:

- Certified mail to the address shown below.
Tracking Number: _____
- Or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	(b)(6)	Notice
4/25/2022	Administrative Support Assistant		
Print Name and Title of Person Served		Signature of Person Served	
Thomas M. Carpenter, Jr.,			

Address Where Notice Served
7109 Route 209, Wawarsing, New York 12489

Thomas M Carpenter, Jr.
d/b/a Tom's Taxidermy
7109 Route 209
Wawarsing, New York 12489
6-14-111-01-3J-08044

Your Federal Firearms License (FFL), number 6-14-111-01-3J-08044, as a Dealer in Firearms other than Destructive Devices, issued under Title 18, United States Code, Chapter 44, is subject to revocation. This Notice explains the basis for initiation of revocation proceedings.

Authorization for Revocation

Title 18, United States Code, Section 923(e), provides that the Attorney General may, after notice and opportunity for a hearing, revoke any license issued under [section 923] if the holder of such license has willfully violated any provision of [Chapter 44] or any rule or regulation prescribed by the Attorney General under [Chapter 44].

Compliance History

Your business was inspected by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in 2010 and 2011. As a result of the 2010 inspection, you were cited for the following violations of the GCA and implementing regulations:

27 C.F.R. § 478.125(e)	You failed to record in your Acquisition and Disposition ("A&D") record (i) <input type="text"/> firearm dispositions, (ii) <input type="text"/> firearm acquisitions, and (iii) the type of firearm on <input type="text"/> occasions.
27 C.F.R. § 124(b)	You failed to maintain the ATF Firearms Transaction Record ("F. 4473") in alphabetical, chronological, or numerical order on 28 occasions.
27 C.F.R. § 124(a)	You failed to execute the ATF F. 4473 on <input type="text"/> occasions involving <input type="text"/> firearms.
27 C.F.R. § 102(a)	You transferred firearms on five occasions without conducting a National Instant Criminal Background Check System (NICS) background check on the transferee.
27 C.F.R. § 478.21(a)	You failed to complete the ATF F. 4473 on <input type="text"/> occasions. <small>(b)(3) (112 Public Law 55 125 Stat 552)</small>
27 C.F.R. § 478.124(c)(1)	You failed to have a purchaser sign and certify the ATF F. 4473 on <input type="text"/> occasions.

As a result of these violations, you were issued a Report of Violations and received instruction and counseling from an ATF Industry Operations Investigator. You subsequently received a letter from ATF reminding you that retention of your FFL is conditioned on compliance with Federal laws and regulations, and that future violations could result in a revocation of your license. On September 1, 2010, you participated in a warning conference with ATF personnel in which the violations were again discussed with you and in which you had an opportunity to ask questions regarding your compliance obligations. You were again reminded that future violations, repeat or otherwise, could result in revocation of your license.

Thomas M Carpenter, Jr.
 d/b/a Tom's Taxidermy
 7109 Route 209
 Wawarsing, New York 12489
 6-14-111-01-3J-08044

In 2011, you were again inspected by ATF and no violations were discovered, indicating that you were aware your legal obligations under the GCA and implementing regulations, and had the ability to conduct operations in compliance with those obligations.

Basis for Revocation

COUNTS ONE AND TWO

(Acquisition and Disposition Record)

1. From on or about June 1, 2020, through on or about November 19, 2020, the dates being approximate and inclusive, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 478.125(e), you failed to maintain your (A&D) record. You acquired [redacted] handguns in [redacted] but did not enter the acquisition of the handguns into your A&D record until [redacted] when you believed the [redacted] handguns to have been lost or stolen from your premises.

See Appendix A.

2. From on or about March 3, 2020, through on or about March 3, 2021, the dates being approximate and inclusive, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 478.125(e), you failed to maintain your (A&D) record. You failed to record the acquisition of [redacted] firearms, failed to properly record the disposition of [redacted] firearms, and failed to timely or correctly record the acquisition of [redacted] firearm. Due to your failure to properly account for your firearms in the A&D record and other records, you were required to report the loss of [redacted] firearms.

See Appendix B.

COUNTS THREE THROUGH SIX

(Failure to Comply with National Instant Criminal Background Check System (NICS) Check Requirements)

3. On or about July 12, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without, prior to the completion of the transfer, contacting NICS. You transferred [redacted] (b)(3) (112 Public Law 55 125 Stat 552) (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) without first contacting NICS, by adding the firearm to an existing 4473 for a firearm transferred on June 18, 2020.

4. On or about July 26, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. §§ 478.102(a) and 478.102(c), you transferred a firearm to a person not licensed as an

Thomas M Carpenter, Jr.
 d/b/a Tom's Taxidermy
 7109 Route 209
 Wawarsing, New York 12489
 6-14-111-01-3J-08044

importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without, prior to the completion of the transfer, contacting NICS. You transferred (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) on July 26, 2020, based on an expired NICS check conducted on April 13, 2020, and without conducting a new NICS check prior to the transfer.

5. On or about November 22, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without, prior to the completion of the transfer, contacting NICS. You transferred (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) on November 22, without first contacting NICS, contacting NICS thereafter on November 28, 2022.

6. On or about December 1, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, after receiving a "Delay" response from NICS, and without waiting three business days or a proceed response from NICS. You transferred at (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) on December 1, 2020, after receiving a "Delayed" response from NICS on November 30, 2020.

COUNTS SEVEN THROUGH NINE

(Transferring a Firearm in Violation of New York State Law)

7. On September 9, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. On September 9, 2020, you transferred (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) approximately 11 days after receiving a response of "Delayed" from NICS (on August 28, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20

8. On October 21, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. On October 21, 2020, you transferred (b)(3) (112 Public Law 55 125 Stat 552), (b)(6) approximately nine days after receiving a response of "Delayed" from NICS (on October 12, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20.

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9. On December 24, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. On December 24, 2020, you transferred one (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) id two (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) approximately nine days after receiving a response of "Delayed" from NICS (on December 15, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20

For these reasons, your license is subject to revocation.

Appendix A

	Manufacturer	Serial Number	Caliber	Type	Acquisition Date	Date Entered into A&D Record
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(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)						
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Appendix B

	Manufacturer	Serial Number	Type	Acquisition Date	Description of Violation
(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 6-14-111-01-3J-08044 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)

Thomas M Carpenter, Jr., d/b/a Tom's Taxidermy
7109 Route 209
Wawarsing, New York 12489

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 June 4, 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).
- 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 _____, 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 05/18/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official John Curtis, Director, Industry Operations	S (b)(6)
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I certify that, on the date below, I served the above notice on the person identified below by:

Certified mail to the address shown below.
Tracking Number: _____ Or Delivering a copy of the notice to
the address shown below.

Date Notice Served 5/23/2022	Title of Person Serving Notice Industry Operations Investigator	(b)(6)
Print Name and Title of Person Served Thomas M Carpenter, Jr.		(b)(6)
Address Where Notice Served 7109 Route 209, Wawarsing, New York 12489		

Note: Previous Edition is Obsolete

Thomas M Carpenter, Jr.
d/b/a Tom's Taxidermy
7109 Route 209
Wawarsing, New York 12489
6-14-111-01-3J-08044

In the Matter of the Notice to Revoke or Suspend License and/or Impose a Civil Fine (NTR) issued to Thomas Carpenter, d/b/a Tom's Taxidermy, 7109 Route 209, Wawarsing, New York, Federal Firearms License (FFL), number 6-14-111-01-3J-08044, the Director, Industry Operations (DIO) hereby determines that FFL 6-14-111-01-3J-08044 is hereby **REVOKED** effective **June 4, 2022**.

This Notice provides a summary of my findings and conclusions.

Authorization for Revocation

Title 18, United States Code, Section 923(e), provides that the Attorney General may, after notice and opportunity for a hearing, revoke any license issued under [section 923] if the holder of such license has willfully violated any provision of [Chapter 44] or any rule or regulation prescribed by the Attorney General under [Chapter 44].

Procedural History

On April 25, 2022, ATF issued the NTR to Thomas Carpenter by certified mail. The NTR was received on April 30, 2022. The NTR informed Carpenter of the basis for the initiation of revocation proceedings and informed him that should he wish to request a hearing, such request must be made in writing and received within 15 calendar days. As of today's date, a request for hearing has not been received.

Findings and Conclusions:

Your business was inspected by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in 2010 and 2011. As a result of the 2010 inspection, you were cited for the following violations of the Gun Control Act (GCA) and implementing regulations:

27 C.F.R. § 478.125(e)	You failed to record in your Acquisition and Disposition ("A&D") record (i) _____ firearm dispositions, (ii) _____ firearm acquisitions, and (iii) the type of firearm on _____ occasions.
27 C.F.R. § 124(b)	You failed to maintain the ATF Firearms Transaction Record ("F. 4473") in alphabetical, chronological, or numerical order on 28 occasions.
27 C.F.R. § 124(a)	You failed to execute the ATF F. 4473 on _____ occasions involving _____ firearms.
27 C.F.R. § 102(a)	You transferred firearms on five occasions without conducting a National Instant Criminal Background Check System (NICS) background check on the transferee.
27 C.F.R. § 478.21(a)	You failed to complete the ATF F. 4473 on _____ occasions. <small>(b)(3) (112 Public Law 55 125 Stat 552)</small>

Thomas M Carpenter, Jr.
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 7109 Route 209
 Wawarsing, New York 12489
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27 C.F.R. § 478.124(c)(1)	You failed to have a purchaser sign and certify the ATF F. 4473 on [] occasions.
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As a result of these violations, you were issued a Report of Violations and received instruction and counseling from an ATF Industry Operations Investigator. You subsequently received a letter from ATF reminding you that retention of your FFL is conditioned on compliance with Federal laws and regulations, and that future violations could result in a revocation of your license. On September 1, 2010, you participated in a warning conference with ATF personnel in which the violations were again discussed with you and in which you had an opportunity to ask questions regarding your compliance obligations. You were again reminded that future violations, repeat or otherwise, could result in revocation of your license.

In 2011, you were again inspected by ATF and no violations were discovered, indicating that you were aware your legal obligations under the GCA and implementing regulations, and had the ability to conduct operations in compliance with those obligations.

Notwithstanding these prior warnings and your ability to comply, in June of 2020, you accepted [] handguns into your inventory but failed to make an appropriate entry in you Acquisition and Disposition (A&D) record. In November of 2020, when the customer came to retrieve the firearms, you were unable to locate them in inventory, and reported them missing to the local police department.¹ At this time, roughly five months later, you recorded the acquisition of the firearms in your A&D record. This failure to record the [] handguns clearly done with plain indifference or a reckless disregard to your known legal obligations.

In March of 2020, when ATF became aware of the loss of inventory, the [] firearms were found by a family member. However, when ATF personnel reviewed your records and inventory, [] additional discrepancies were found, including [] unrecorded dispositions and [] unrecorded acquisitions, and [] firearms which could not be located in your inventory and for which you were unable to find records of sale. These [] firearms were required to be reported missing.

When asked about your record keeping practices, you stated that you would acquire used guns but not always inform your wife so that the entries could be made in the A&D record. Whatever the cause, it is apparent that your poor record keeping practices were the result of plain indifference to a known legal obligation and that they had a significant impact on public safety as you were unable to properly account for the location and disposition of [] firearms.

You were also cited for four violations related to the properly conduct a National Instant Criminal Background Check System (NICS) background check, which is a repeat violation from your warning conference in 2010. On one occasion, you added a firearm to a customer's previously completed ATF F. 4473. On one occasion, you transferred a firearm after receiving a

¹ You did not report the loss to ATF, which is required under Federal law.

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d/b/a Tom's Taxidermy
7109 Route 209
Wawarsing, New York 12489
6-14-111-01-3J-08044

"delayed" response from NICS. In the remaining two occasions, you transferred firearms on expired NICS checks. While various explanations were provided during the ATF inspection, none of the explanations excuse the conduct or otherwise negate a finding that the conduct was willful. Here too, I find that you acted with plain indifference or recklessly disregarded a known legal obligation with respect to the transfers.

Lastly, you were cited with three counts of transferring firearms in violation of New York State law by disposing of firearms after receiving a "delayed" NICS response, but without waiting 30 days or until a "proceed" response is received. While you stated to ATF personnel that you did not realize that State law superseded the Federal Brady law, you have been repeatedly informed that you must comply with both State and Federal law. Further, the ATF F. 4473 informs you of the requirement to comply with State law, including with respect to firearms transfers after a "delayed" response. Accordingly, I hereby also find that you acted with plain indifference or recklessly disregarded a known legal obligation with respect to the transfers.

Basis for Revocation

COUNTS ONE AND TWO

(Acquisition and Disposition Record)

1. From on or about June 1, 2020, through on or about November 19, 2020, the dates being approximate and inclusive, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 478.125(e), you failed to maintain your A&D record. You acquired [] handguns in June of 2020 but did not enter the acquisition of the handguns into your A&D record until November of 2020, when you believed the [] handguns to have been lost or stolen from your premises.

See Appendix A.

2. From on or about March 3, 2020, through on or about March 3, 2021, the dates being approximate and inclusive, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 478.125(e), you failed to maintain your A&D record. You failed to record the acquisition of [] firearms, failed to properly record the disposition of [] firearms, and failed to timely or correctly record the acquisition of [] firearm. Due to your failure to properly account for your firearms in the A&D record and other records, you were required to report the loss of [] firearms.

See Appendix B.

Thomas M Carpenter, Jr.
 d/b/a Tom's Taxidermy
 7109 Route 209
 Wawarsing, New York 12489
 6-14-111-01-3J-08044

COUNTS THREE THROUGH SIX

(Failure to Comply with National Instant Criminal Background Check System (NICS) Check Requirements)

3. On or about July 12, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without prior to the completion of the transfer, contacting NICS. You transferred a (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) without first contacting NICS, by adding the firearm to an existing 4473 for a firearm transferred on June 18, 2020.

4. On or about July 26, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. §§ 478.102(a) and 478.102(c), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without prior to the completion of the transfer, contacting NICS. You transferred (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) on July 26, 2020, based on an expired NICS check conducted on April 13, 2020, and without conducting a new NICS check prior to the transfer.

5. On or about November 22, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without prior to the completion of the transfer, contacting NICS. You transferred a (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) on November 22, without first contacting NICS, contacting NICS thereafter on November 28, 2022.

6. On or about December 1, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, after receiving a "Delay" response from NICS, and without waiting three business days or a proceed response from NICS. You transferred an (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) on December 1, 2020, after receiving a "Delayed" response from NICS on November 30, 2020.

COUNTS SEVEN THROUGH NINE

(Transferring a Firearm in Violation of New York State Law)

7. On September 9, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. On September 9, 2020, you transferred a (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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approximately 11 days after receiving a response of "Delayed" from NICS (on August 28, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20

8. On October 21, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. On October 21, 2020, you transferred § (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) approximately nine days after receiving a response of "Delayed" from NICS (on October 12, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20.

9. On December 24, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. On December 24, 2020, you transferred on § (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) and two § (b)(3) (112 Public Law 55 125 Stat 552),(b)(6) approximately nine days after receiving a response of "Delayed" from NICS (on December 15, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20.

For these reasons, you have committed willful violations of 18 U.S.C. §§ 922(b)(2), 922(m), 922(t)(1), and 923(g)(1)(A), and 27 C.F.R. §§ 478.102(a) and 478.125(e), and your FFL 6-14-111-01-3J-08044 is hereby **REVOKED** effective **June 4, 2022**.

Appendix A

	Manufacturer	Serial Number	Caliber	Type	Acquisition Date	Date Entered into A&D Record
				(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)		

Appendix B

	Manufacturer	Serial Number	Type	Acquisition Date	Description of Violation
<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>					



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

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Date: 2022.04.04
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Curtis Gilbert
Deputy Assistant Director (Industry Operations)
Field Operations