

TOP OF THE LINE LLC's FCI
 FCI-23382
 01/12/2023 12:31 PM
 IO# (b)(6), Fairview Heights II (IO) Field Office

LICENSEE INFORMATION

Licensee Name TOP OF THE LINE LLC	RDS Key 3-37-03898	License/Permit Number 3-37-083-01-2K-03898	License Type 01 - Dealer License
Business Type Limited Liability Company (LLC)			
Premises Ownership Type Owned	Premises Address 902 SOUTH STATE STREET, Unit N/A, JERSEYVILLE, Illinois 6205		
Premises Location Type Required Store Front			

Address
 902 SOUTH STATE STREET
 Unit N/A
 JERSEYVILLE, Illinois 62052
 JERSEY
 United States

Address
 902 SOUTH STATE STREET
 Unit N/A
 JERSEYVILLE, Illinois 62052
 JERSEY
 United States

Phone Type	Phone Number	Remarks
Business	+1 618-639-4867	
Fax	+1 618-639-4528	

RECOMMENDATIONS

Final Decision Date
 Revocation 07/30/2022

Details

A compliance inspection of Top of the Line LLC dba Outrageous Outdoors (RDS 3-3-03898) has resulted in a recommendation of revocation. [redacted] purchasers received firearms with both no background check and no 4473 executed; [redacted] additional purchaser had no 4473 executed only (background check was done). In eight instances a total of 12 firearms were transferred with no NICS/POC background check resulting in the licensee being cited 27 CFR 478.102(a). A criminal history query of the eight purchasers yielded no prohibiting information. In [redacted] instances no ATF Form 4473 was executed resulting in the licensee being cited 27 CFR 478.124(a). All [redacted] recipients of the firearms were contacted by telephone and confirmed receipt of the firearm(s) from Outrageous Outdoors 3-37-03898.

Considering all violations cited in this inspection, continued operation of the FFL poses a threat to public safety, may contribute to violent crime and other criminal activities as well as failing to properly complete and maintain required records greatly impacts the traceability of firearms.

This investigation was sent through the chain of command and the Revocation was approved. The appeal date to the court system expired on 07-30-22. Contact was made with Responsible Person Robert C. Jones on 08-01-22 by Area Supervisor (b)(6) Mr. Jones advised he has transferred all firearms to 3-36-07011 and the records were being boxed at this time and would be delivered to the Fairview Heights II Field Office in the next week, but no later than 30 days from today's date of 08-01-22.

Out of Business Records and Inventory Management

Licensee Records

✔ The records are not available
 Records Unavailable Explanation
 Records will be delivered to Fairview Height II IO within 30 days

Licensee Inventory

✔ Inventory transferred to another licensee/permittee
 Date of Inventory Transfer
 07/29/2022
 Transferee RDS Key
 3-36-07011
 Licensee / Permittee
 SWAATS GUNSHOP LLC
 Business Name
 Business Premise Address
 150 N PRAIRIE VIEW DR
 MANTENO, IL 60950

Details

I concur with the recommendation of revocation as the licensee transferred firearms without conducting NICS checks or completing 4473s. The licensee also had over 600 violations of failing to maintain an accurate A&D book.

Special Agent in Charge Frederic Winston's Recommendation

I concur with revocation due to the violations notated above.

Division Counsel (b)(6) Review

Details

Revocation in this matter appears legally appropriate after Acting ACC (b)(6) and I all reviewed. Counsel's suggestion (b)(5) DPP (b)(5) DPP

Director of Industry Operations William Miller's Recommendation
Revocation

Details

Concur with Revocation, based in part upon the following:

- Failure of licensee to timely enter acquisitions/dispositions
- Failure to complete multiple sales forms
- Failure to retain 4473s
- Failure to complete NICS checks
- Failure to document transferee Identification

These failures adverse effect traceability of firearms and do not adequate prevent prohibited persons from receiving firearms.

Area Supervisor (b)(6) Recommendation
Revocation

Details

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Considering all violations cited in this inspection, continued operation of the FFL poses a threat to public safety, may contribute to violent crime and other criminal activities as well as failing to properly complete and maintain required records greatly impacts the traceability of firearms.

Industry Operations Investigator (b)(6) Recommendation
Revocation

Details

Revocation recommended

A recent firearms compliance inspection of Top of the Line LLC dba Outrageous Outdoors (RDS 3-3-03898) has resulted in a recommendation of revocation. purchasers received firearms with both no background check and no 4473 executed; additional purchaser had no 4473 executed only (background check was done). In 8 instances a total of 12 firearms were transferred with no NICS/POC background check resulting in the licensee being cited 27 CFR 478.102(a). A criminal history query of the 8 purchasers yielded no prohibiting information. In instances no ATF Form 4473 was executed resulting in the licensee being cited 27 CFR 478.124(a). All recipients of the firearms were contacted by telephone and confirmed receipt of the firearm(s) from Outrageous Outdoors 3-37-03898 (See attachment A). This also confirmed that all background checks were performed per the FTIP report. No recipients were prohibited.

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.
2. Failure to timely and/or correctly maintain records of sales or other dispositions of percent or more of the licensee's total dispositions during the inspection period, with a minimum of instances.
6. Failure to execute a Form 4473 for the return of a firearm that was consigned to the licensee; if the transferee is NOT prohibited.
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).

Firearms

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

NICS

1. Failure to conduct a NICS check or obtain alternative permit for the return of firearm that was consigned to the licensee.
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.
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

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

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
TOP OF THE LINE LLC	Limited Liability Company (LLC)	Yes

Additional Findings

The business is valid. A query of the IL Secretary of State website listed the business active and shows and incorporation date of 7/22/2013.

Attachment(s):

CorporateLlcController.pdf

Property Ownership Verification

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

Address

902 SOUTH STATE STREET
Unit N/A
JERSEYVILLE, Illinois 62052
JERSEY
United States

Additional Findings

[redacted] own the premises [redacted] A query of the Jersey County online property search verified property ownership.

Attachment(s):

Parcel Details for 0461000250.pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
OUTRAGEOUS OUTDOORS	Yes

Additional Findings

The trade name/DBA is registered. A query of the State of IL business tax search verified the trade name/DBA.

Attachment(s):

EIN.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?

Yes

Additional Findings

The business is in compliance with zoning. A query of the Jersey County property records showed the premise is zoned for improved commercial.

Attachment(s):

Parcel Details for 0461000250.pdf

APPOINTMENT DETAILS

Interview Date

06/29/2021

Address

902 SOUTH STATE STREET, Unit N/A, JERSEYVILLE, Illinois 62052

Responsible Attendee(s)

ROBERT CHARLES JONES

KIMBERLY A JONES

Non-Responsible Person(s)

(Deactivated)

RESPONSIBLE PERSON(S)

ROBERT CHARLES JONES

Name	Gender	Race	Ethnicity
ROBERT CHARLES JONES	Male		

Date of Birth	SSN	Job Title
[redacted]	[redacted]	MEMBER

Physical Identifiers

Height

Weight

Hair Color

Eye Color

Place of Birth

Country
United States Of America

State
(b)(6)

City

Home Address

(b)(6)

United States

Additional Names

Citizenship

United States

ID Type	Country	State	ID Number
State ID Card	United States	Illinois	(b)(6)

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
04/09/2020

KIMBERLY A JONES

Name	Gender	Race	Ethnicity
KIMBERLY A JONES	Female		
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	MEMBER	

Physical Identifiers

Height

Weight

Hair Color

Eye Color

Place of Birth

Country
United States Of America

State
(b)(6)

City

Home Address

(b)(6)

United States

Additional Names

Citizenship

United States

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
04/09/2020

NON-RESPONSIBLE PERSON(S)

Name	Date of Birth	Job Title
		Assistant Manager

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?

Top of the Line LLC dba Outrageous Outdoors is a sporting goods retailer located in the business district of Jerseyville, IL. The business does make internet sales and has the following website & Facebook page: <https://www.outrageousoutdoors.com/> & <https://www.facebook.com/outrageousoutdoors/>. Between June 27, 2020 and June, 27 2021 the licensee acquired (b)(4) firearms and disposed of (b)(4) firearms. Approximately (b)(4) of the firearms were handguns and (b)(4) were long guns. The licensee's primary suppliers of firearms are (b)(4).

Robert Jones stated that the business does not make sales at gun shows. Robert Jones also conducts concealed carry classes from the premises. There are no additional businesses conducted on the premises. Robert Jones (b)(6) and other employees operate the business day-to-day. No additional ATF licenses or permits were identified or required by the licensee.

This business is properly enrolled in the State of Illinois online Firearm Transfer Inquiry Program (FTIP). All required local and state tax licenses were valid at the time of this inspection. The business is in compliance with all local zoning ordinances, and is not located in a school zone. Outrageous Outdoors acquired the current FFL for this business on 9/9/2013. Licensee has no offsite storage of firearms.

Do they need an additional license or permit?
No

Who are their primary suppliers?
The licensee's primary suppliers of firearms are (b)(4)

Business Activities

Retail
Gunsmith

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping
Controlled Access to Keys

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

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

Robert Jones, Kimberly Jones, (b)(6) have access to the security codes.

Who has keys to the premises?

Robert Jones, Kimberly Jones, (b)(6) have keys to the premises.

Who has keys to locked inventory?

Robert Jones, Kimberly Jones, (b)(6) have keys to the locked inventory.

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

Robert Jones, (b)(6) Jones operate the business day-to-day.

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

No. Robert Jones stated that he obtained a bank loan to start the business.

Are any employees known to be prohibited?

No employees are known to be prohibited.

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

Robert Jones worked for his brother and father at Discount House under FFL 3-37-00990.

SECURITY WALKTHROUGH

Inspection Area Description

The business operates from a commercial building located in urban Jerseyville, IL. The inspection was conducted at the front counter and rear storage area of the store. The premises are suitable for a firearms business. Licensee operates a firearms business on the premises.

Primary Activity
Retail

Selected Physical Security Measures

GPS Coordinates

Latitude
39.11094

Longitude
-90.32101

(b)(4)

INTERVIEW NOTES

A recent firearms compliance inspection of Top of the Line LLC dba Outrageous Outdoors (RDS 3-3-03898) has resulted in a recommendation of revocation. (b)(4) purchasers received firearms with both no background check and no 4473 executed. (b)(4) additional purchaser had no 4473 executed only (background check was done). In 8 instances a total of 12 firearms were transferred with no NICS/POC background check resulting in the licensee being cited 27 CFR 478.102(a). A criminal history query of the 8 purchasers yielded no prohibiting information. In (b)(4) instances no ATF Form 4473 was executed resulting in the licensee being cited 27 CFR 478.124(a). All (b)(4) recipients of the firearms were contacted by telephone and confirmed receipt of the firearm(s) from Outrageous Outdoors 3-37-03898 (See attachment A).

Outdoors. The inspection was started on June 29, 2021. The compliance inspection covered the period from June 28, 2020 to June 28, 2021. The following persons were interviewed and assisted during this inspection:

Robert Jones (Member/RP) was identified by valid State of Illinois Firearms Owner's Identification Card (FOID) # (b)(6) expiring 7/12/2029, DOI (b)(6) SSN (b)(6)

Brandon Jones (Manager) was identified by valid State of Illinois Firearms Owner's Identification Card (FOID) # (b)(6) expiring 6/1/2024, DOI (b)(6)

Robert Jones and (b)(6) Jones answered questions, provided requested information, assisted with the completion of the inspection, and attended the closing conference.

Advance notification of the inspection was not provided.

Top of the Line LLC dba Outrageous Outdoors is a sporting goods retailer located in the business district of Jerseyville, IL. The business does make internet sales and has the following website & Facebook page: <https://www.outrageousoutdoors.com/> & <https://www.facebook.com/outrageousoutdoors/>. Between June 28, 2020 and June, 28 2021 the licensee acquired approx. (b)(4) firearms and disposed of approx. (b)(4) firearms. Approximately (b)(4) of the firearms were handguns and (b)(4) were long guns. The licensee's primary suppliers of firearms are (b)(4)

Robert Jones stated that the business does not make sales at gun shows. Robert Jones also conducts concealed carry classes from the premises. There are no additional businesses conducted on the premises. Robert Jones (b)(6) and other employees operate the business day-to-day. No additional ATF licenses or permits were identified or required by the licensee.

This business is properly enrolled in the State of Illinois online Firearm Transfer Inquiry Program (FTIP). All required local and state tax licenses were valid at the time of this inspection. The business is in compliance with all local zoning ordinances and is not located in a school zone. Outrageous Outdoors acquired the current FFL for this business on 9/9/2013. Licensee has no offsite storage of firearms.

The business operates as a limited liability company with Robert Jones as member and Kimberly Jones as member. The Federal Licensing System (FLS) database currently lists Robert Jones and Kimberly Jones as the only responsible persons for FFL 3-37-03898. FLS is accurate and does not need to be updated. There have been no unreported changes to the business structure. There were no indications of hidden ownership.

Licensee has no variances on file, and none were requested during this inspection.

There were 626 total firearms in inventory (approx. 39% handguns, 60% long guns, & 1% receivers) in inventory. During inventory IO (b)(6) discovered numerous firearms on display that were not recorded in the A&D book. The Acquisition and Disposition Record contained (b)(6) open dispositions. The serial numbers on the firearms in inventory were cross-referenced with the open dispositions and (b)(6) discrepancies were noted (b)(6) acquisitions not recorded & (b)(6) dispositions not recorded (b)(6) firearms were reported missing as a result of this inspection. All (b)(6) firearms were queried in NCIC and eTrace with negative results. No thefts were reported during the inspection period.

Licensee maintains a computerized A&D book for the business inventory. The A&D record book was in the correct format but was not accurate. 75 firearms were checked from acquisition through disposition without discrepancy and no trafficking issues were discovered. No obliterated serial numbers or illegal firearms were discovered. Robert Jones and Brandon Jones explained they were very behind on recording both acquisitions and dispositions. Furthermore, dispositions had not been recorded for approx. 3 months. FFL failed to have a system to ensure that acquired firearms were properly recorded in the A&D book. Unrecorded acquisitions were frequently discovered at the point of sale. The firearm would then be recorded in the A&D once it was discovered to be absent from the records. Additionally, FFL did not keep an A&D record for gunsmith/repair firearms. The licensee was cited 27 CFR 478.125(e).

Approximately 1987 FTIP responses were received from FTIP with 1980 proceed and 7 denied responses. 250 of these responses were verified by ATF Form 4473 review.

Transfers from licensee to licensee were not all documented properly during this inspection period. No sales to law enforcement officers on law enforcement letterhead were documented during this inspection period.

For the 12 months prior to this inspection, there were (b)(6) ATF Forms 4473 on file documenting completed transfers to customers. All ATF Forms 4473 on file were reviewed and the licensee was cited the following:

27 CFR 478.102(a) - In 8 instances totaling 12 firearms, licensee failed to complete a NICS/POC background check.

(b)(6)

27 CFR 478.124(a) - In (b)(6) instances licensee failed to execute an ATF F 4473.

27 CFR 478.102(c) - In (b)(6) instances licensee failed to initiate a new NICS check after 30-day lapse of initial check. A criminal history query of these (b)(6) purchasers yielded no prohibiting information.

27 CFR 478.124(c)(1) - In (b)(6) instances on (b)(6) forms the licensee failed to obtain a completed ATF F 4473

27 CFR 478.21(a) - In (b)(6) instances on (b)(6) forms the licensee failed to complete forms as prescribed

27 CFR 478.124(c)(3)(i) - In (b)(6) instances of (b)(6) forms the licensee failed to verify or record ID on ATF F 4473

27 CFR 478.124(c)(3)(iv) - In (b)(6) instances of (b)(6) forms the licensee failed to record NICS contact info on ATF F 4473

27 CFR 478.124(c)(5) - In (b)(6) instances on (b)(6) forms the licensee failed to sign and/or date an ATF F 4473

27 CFR 478.129(b) - In (b)(6) instances on (b)(6) forms the licensee failed to retain ATF F 4473

A discussion with the licensee regarding standard operating procedures relevant to ATF Forms 4473 disclosed the need to make improvements. Licensee was advised to implement a system to double check ATF Forms 4473 for completion & accuracy. Furthermore, licensee was advised to improve internal control methods for ensuring the retention of ATF forms 4473.

According to the information received from the Violent Crime Analysis Branch (VCAB), Licensee reported (b)(6) multiple sales during the last 12 months (b)(6) unreported multiple sales were disclosed. Licensee was cited 27 CFR 478.126a.

A review of the records disclosed no suspected traffickers, straw purchasers, or any other suspicious purchasers.

A criminal history check was conducted through Open Fox/NCIC on Robert Jones (Member/RP), Brandon Jones (Manager), & the individuals who received firearms with not NICS/POC background check. No prohibiting information was returned. No referrals were made.

According to the information received from the VCAB, Licensee was involved in (b)(6) traces during the last 12 months. No trace violations were cited.

During this inspection 25 secondary market firearms disposed by this licensee were queried in eTrace and NCIC; there were no hits to refer.

This Type 01 licensee is not an NFA/SOT Holder, Importer, Collector, or Manufacturer.

No referrals were made as a result of this inspection.

Deconfliction was conducted by Lead IO (b)(6) through NFORCE, NCIC and through ATF CE and Intel with negative results.

The licensee was in compliance with the Youth Handgun Safety Act (poster and notice) and secure gun storage/safety devices were available in the business premises.

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

Total Number of ATF F 4473 Reviewed

Total Number of Open Dispositions in A & D Record

Total Number of Firearms in Inventory

626

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](#)

Additional Comments

There were 626 total firearms in inventory (approx. 39% handguns, 60% long guns, & 1% receivers) in inventory. During inventory IO (b)(6) discovered numerous firearms on display that were not recorded in the A&D book. The Acquisition and Disposition Record contained open dispositions. The serial numbers on the firearms in inventory were cross-referenced with the open dispositions and discrepancies were noted; acquisitions not recorded & dispositions not recorded. firearms were reported missing as a result of this inspection. All firearms were queried in NCIC and eTrace with negative results. No thefts were reported during the inspection period.

Licensee maintains a computerized A&D book for the business inventory. The A&D record book was in the correct format but was not accurate. 75 firearms were checked from acquisition through disposition without discrepancy and no trafficking issues were discovered. No obliterated serial numbers or illegal firearms were discovered. Robert Jones and Brandon Jones explained they were very behind on recording both acquisitions and dispositions. Furthermore, dispositions had not been recorded for approx. 3 months. FFL failed to have a system to ensure that acquired firearms were properly recorded in the A&D book. Unrecorded acquisitions were frequently discovered at the point of sale. The firearm would then be recorded in the A&D once it was discovered to be absent from the records. Additionally, FFL did not keep an A&D record for gunsmith/repair firearms. The licensee was cited 27 CFR 478.125(e).

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Transfers from licensee to licensee were not all documented properly during this inspection period. No sales to law enforcement officers on law enforcement letterhead were documented during this inspection period.

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27 CFR 478.102(a) - In 8 instances totaling 12 firearms, licensee failed to complete a NICS/POC background check.

(b)(6)

27 CFR 478.124(a) - In instances licensee failed to execute an ATF F 4473.

27 CFR 478.102(c) - In 5 instances licensee failed to initiate a new NICS check after 30-day lapse of initial check. A criminal history query of these 5 purchasers yielded no

27 CFR 478.102(e) – In 5 instances licensee failed to initiate a new NICS check after 30-day lapse of initial check. A criminal history query of these 5 purchasers yielded no prohibiting information.

27 CFR 478.124(c)(1) – In [redacted] instances on [redacted] forms the licensee failed to obtain a completed ATF F 4473

27 CFR 478.21(a) – In [redacted] instances on [redacted] forms the licensee failed to complete forms as prescribed

27 CFR 478.124(c)(3)(i) – In [redacted] instances on [redacted] forms the licensee failed to verify or record ID on ATF F 4473

27 CFR 478.124(c)(3)(iv) – In [redacted] instances on [redacted] forms the licensee failed to record NICS contact info on ATF F 4473

27 CFR 478.124(c)(5) – In [redacted] instances of [redacted] forms the licensee failed to sign and/or date an ATF F 4473

27 CFR 478.129(b) – In [redacted] instances of [redacted] forms the licensee failed to retain ATF F 4473

A discussion with the licensee regarding standard operating procedures relevant to ATF Forms 4473 disclosed the need to make improvements. Licensee was advised to implement a system to double check ATF Forms 4473 for completion & accuracy. Furthermore, licensee was advised to improve internal control methods for ensuring the retention of ATF forms 4473.

According to the information received from the Violent Crime Analysis Branch (VCAB), Licensee reported [redacted] multiple sales during the last 12 months [redacted] unreported multiple sales were disclosed. Licensee was cited 27 CFR 478.126a.

A review of the records disclosed no suspected traffickers, straw purchasers, or any other suspicious purchasers.

A criminal history check was conducted through Open Fox/NCIC on Robert Jones (Member/RP), Brandon Jones (Manager), & the individuals who received firearms with not NICS/POC background check. No prohibiting information was returned. No referrals were made.

According to the information received from the VCAB, Licensee was involved in [redacted] traces during the last 12 months. No trace violations were cited.

During this inspection 25 secondary market firearms disposed by this licensee were queried in eTrace and NCIC; there were no hits to refer.

This Type 01 licensee is not an NFA/SOT Holder, Importer, Collector, or Manufacturer.

No referrals were made as a result of this inspection.

Deconfliction was conducted by Lead IO [redacted] (b)(6) through NFORCE, NCIC and through ATF CE and Intel with negative results.

The licensee was in compliance with the Youth Handgun Safety Act (poster and notice) and secure gun storage/safety devices were available in the business premises.

Attachment(s)

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Licensee Response to Violations Report.pdf

REPORT OF VIOLATIONS

THEFT/LOSS REPORT

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

Regulation	Corrective Actions	Licensee Response	Status Details
<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>1</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>Resume proper maintenance of required acquisition and disposition record.</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>We had lack of employees and did not prioritize things. We also had the computer out front instead of in back office. It was hard to get anything done with the computer up front. I was gone (b)(6) and nothing got done during vacation.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 09/23/2021</p>
<p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473 []</p> <p>Number of Instances: []</p> <p>2</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>We need to check more closely. I forget to do it right then. I need to walk back and just do it. My memory is just shot. If I don't stop and do it I won't remember it. I need to double check at the end of the day that we do them.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 09/23/2021</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473 []</p> <p>Number of Instances: []</p> <p>3</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>Make sure that they perform them and the day that they're supposed to. Check for more thorough forms. And make sure people don't put down date of birth.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 09/23/2021</p>
<p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473 []</p> <p>Number of Instances: []</p> <p>4</p>	<p>Complete all forms as prescribed.</p> <p>Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions.</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 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>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>We need to double check everything and triple everything. We are not taking our time and rushing to the next person. A lot of times its just us 2 working but now we hired some help.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 09/23/2021</p>
<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: []</p> <p>Number of Instances: []</p> <p>5</p>	<p>Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.</p>	<p>They are just getting sat and something may get sat on top of them and it may get filed with an invoice or something.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 09/23/2021</p>
<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 8</p> <p>Number of Instances: 8</p> <p>6</p>	<p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p>	<p>When we gave the guns back we just didn't do the 4473 or just misplaced the 4473s. And whenever we give consignments back guys complain and say that's my gun. I know we filled out (b)(6) but we just cant find it. For the benefit guns we just didn't realize we needed to do a background check for displaying guns. We won't let them take it anymore.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 09/23/2021</p>

		paperwork on but cant find it. Man there is just so much that you have to remember to do and do it correctly. (b)(6) "I bought them and I know I had too but I just did not."	
7	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.	Every single transaction needs a 4473. We did the call in but just didn't do a form. Status Correction Verified Verified Method In Person Date Correction Verified 09/23/2021
8	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 and accurately recorded on all future ATF Forms 4473, Section B. Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	We were in too much of a hurry and write down all of the information. We just need to slow down and right down everything. I think a copy of the FOID card was in some of them. Status Correction Verified Verified Method In Person Date Correction Verified 09/23/2021
9	27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check ATF Forms 4473: [] Number of Instances: []	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.	We didn't check and see of the 30 days had lapsed. It was a failure to it and we just need to do it. Status Correction Verified Verified Method In Person Date Correction Verified 09/23/2021
10	27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473 ATF Forms 4473: [] Number of Instances: []	Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B. Ensure that all required NICS/POC background check information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	We were taking a copy of their FOID card and not transferring the information to the form. We were running the background check while they were filling out the form and not putting it on the from when they were done. Status Correction Verified Verified Method In Person Date Correction Verified 09/23/2021
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.	Just trying to be in too much of a hurry to sign the paperwork after the customer did. Just not verifying the paperwork. Status Correction Verified Verified Method In Person Date Correction Verified 09/23/2021

CLOSING CONFERENCE

(9/23/2021)
09/23/2021

Closing Conference Additional Notes

The closing conference was conducted on September 23, 2021 with Robert Jones (Member/RP) and (b)(6) (Manager) in attendance. A copy of the cited violations was given and explained in great detail. Robert Jones was given the opportunity to provide a response for the violations (see violation section for licensee's responses) after which he signed the Report of Violations. IOI (b)(6) reviewed the Acknowledgement of Federal Firearms Regulations in great detail. Robert Jones signed the acknowledgement form and a copy was provided to him as required. Robert Jones was given ATF contact information, information concerning secure gun storage and safety device requirements, example copies of all required ATF forms, and instructions on how to visit the ATF website for further education and information.

Robert Jones advised that no one from the business has attended ATF training seminars in the past.

Attachment(s)

Attendee(s)

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 3-37-03898 Inspection Results
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
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Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
Correspondence	Spartan Notification RE: 3-37-03898 Monitored Case
UpdateLicensingCenter	MCS Top of the Line LLC 11-03-21.pdf
Correspondence	DIO William Miller Returned Inspection FCI-23382
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
ReturnedSignedROV	blank document.docx
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
TradeNameVerification	EIN.pdf
ZoningVerification	Parcel Details for 0461000250.pdf
PropertyOwnershipVerification	Parcel Details for 0461000250.pdf
BusinessVerification	CorporateLlcController.pdf

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

In the matter of License Number 3-37-083-01-2K-03898, as a/an A Dealer of Firearms Other Than Destructive Devices

issued to:

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

Top of the Line LLC
d/b/a Outrageous Outdoors
902 South State Street
Jerseyville, IL 62052

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 1251 NW Briarcliff Parkway, Suite 600 Kansas City MO 64116, in duplicate, for a hearing to review the revocation, suspension and/or fine of your license. The request must be received at the above address within 15 days of your receipt of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing; and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed. The hearing will be held as provided in 27 CFR Part 478.

If you do not request a hearing, or your request for a hearing is not received by ATF on time, a final notice of revocation, suspension, and/or imposition of civil fine (ATF Form 5300.13) shall be issued.

- Please see included brochure

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
12/14/2021	William J. Miller Director, Industry Operations ATF Kansas City Field Division	(b)(6)

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

- Certified mail to the address shown below.
Tracking Number: 7020 1810 0000 5121 7135 or
- Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
12/14/21	Investigative Analyst	(b)(6)
Print Name and Title of Person Served		Signature of Person Served

Address Where Notice Served

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 Top of the Line LLC d/b/a Outrageous Outdoors (“Licensee”). Specifically, the Director, Industry Operations, United States Department of Justice, ATF, Kansas City 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 2013. At that time, ATF reviewed and explained the federal firearms laws and GCA regulations and requirements with Licensee and provided resource and reference information.

Current Inspection

On June 29, 2021, ATF began a compliance inspection of Licensee’s premises that revealed the following:

Transfer in Violation of Law:

1. On occasion, Licensee willfully sold or disposed of a firearm to a person who Licensee knew or had reasonable cause to believe was subject to Federal firearms disabilities, in violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c). See Appendix ¶ 1.

Acquisition and Disposition Record Violations:

2. On occasions, Licensee willfully failed to timely and/or accurately record the acquisition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 2.
3. On occasions, Licensee willfully failed to timely and/or accurately record the disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 3.

Background Check Violations:

4. On 8 occasions, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System (“NICS”) and waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a). See Appendix ¶ 4.

5. On 5 occasions, Licensee willfully transferred a firearm to an unlicensed person after failing to initiate a new NICS after a 30-day lapse of the prior NICS check, in violation of 27 C.F.R. 478.102(c). See Appendix ¶ 5.

Failure to Report Multiple Sales Violation:

6. 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 ¶ 6.

Fail to Retain Records Violation:

7. On occasions, Licensee willfully failed to retain each Firearms Transaction Record, ATF Form 4473 for a period of not less than 20 years after the date of sale or disposition, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.129(b). See Appendix ¶ 7.

ATF Form 4473 Violations:

8. On occasions, Licensee willfully sold or otherwise disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. §§ 922(b)(5); 923(g)(1)(A) and 27 C.F.R. § 478.124(a). See Appendix ¶ 8.
9. On occasions, Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix ¶ 9.
10. On occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted 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 ¶ 10.

APPENDIX

NOTICE Paragraph 1 [27 C.F.R. § 478.99(c) Unlawful Transfer To A Person Reasonably Believed to be Subject to Federal Firearms Disabilities Violations]:

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

NOTICE Paragraph 2 [27 CFR 478.125(e) Acquisition Violations]:

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

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

NOTICE Paragraph 3 [27 CFR 478.125(e) Disposition Violations]:

Firearm Description

Discrepancy

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

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

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

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

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

NOTICE Paragraph 4 [27 CRF 478.102(a) NICS Violations]:

Transferee's Name	Date	Violation
(b)(6)	4/22/2019	NICS Violation – No NICS/POC Background Check completed for return of consignment firearm
(b)(6)	5/26/2021	NICS Violation – No NICS/POC Background Check completed
(b)(6)	6/20/2019	NICS Violation – No NICS/POC Background Check completed
(b)(6)	10/14/2019	NICS Violation – No NICS/POC Background Check completed
(b)(6)	2/6/2021	NICS Violation – No NICS/POC Background Check completed
(b)(6)	4/14/2021	NICS Violation – No NICS/POC Background Check completed for return of consignment firearm
(b)(6)	6/23/2021	NICS Violation – No NICS/POC Background Check completed
(b)(6)	9/24/2018	NICS Violation – No NICS/POC Background Check check for return of consignment firearm

NOTICE Paragraph 5 [27 CRF 478.102(c) After 30 day lapse of Initial NICS Check Violations]:

Transferee's Name	Date	Violation
(b)(6)	7/21/2020	No renewal of NICS Check after 30 days past initial check
(b)(6)	9/2/2020	No renewal of NICS Check after 30 days past initial check
(b)(6)	8/31/2020	No renewal of NICS Check after 30 days past initial check
(b)(6)	9/1/2020	No renewal of NICS Check after 30 days past initial check
(b)(6)	10/28/2020	No renewal of NICS Check after 30 days past initial check

NOTICE Paragraph 6 [27 CFR 126a Multiple Sales Violations]:

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

NOTICE Paragraph 7 [27 CFR 478.129(b) Fail to Retain Records Violations]:

Transferee's Name	Date	Discrepancy
(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)		
<small>(b)(6),(b)(7)(C)</small>		

NOTICE Paragraph 8 [27 CFR 478.124(a) Form 4473 Violations]:

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

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

NOTICE Paragraph 9 [27 CFR 478.124(c)(1) Form 4473 Violations]:

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

NOTICE Paragraph 10 [27 CFR 478.124(c)(3)(iv) Form 4473 Violations]:

Transferee's Name	Date	Omitted Information
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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)

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 3-37-083-01-2K-03898 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)*

Top of the Line, LLC d/b/a Outrageous Outdoors
902 South State Street
Jerseyville, Illinois 62052

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 upon receipt _____,
 - 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 1251 NW Briarcliff Parkway Suite 600 Kansas City MO 64116, 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 05/20/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official William J. Miller Director, Industry Operations ATF Kansas City Field Division	Signature (b)(6)
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I certify that, on the date below, I served the above notice on the person identified below by:

- Certified mail to the address shown below.
 Tracking Number: 7620 1290 0001 6240 9698 Or Delivering a copy of the notice to the address shown below.

Date Notice Served 5.24.22	Title of Person Serving Notice Administrative Assistant	(b)(6)
Print Name and Title of Person Served Top of the Line, LLC d/b/a Outrageous Outdoors		

Address Where Notice Served
902 South State Street, Jerseyville, Illinois 62052

Note: Previous Edition is Obsolete

Top of the Line LLC d/b/a Outrageous Outdoors
902 South State Street
Jerseyville, IL 62051

RE: FFL # 3-37-083-01-2K-03898

Top of the Line LLC d/b/a Outrageous Outdoors, 902 South State Street, Jerseyville, IL 62051 (“Licensee”) holds a Federal firearms license, under number 3-37-083-01-2K-03898, as a dealer in firearms other than destructive devices, issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On December 14, 2021, ATF issued a Notice to Revoke License, ATF Form 4500 (hereinafter “Initial Notice”) based upon violations discovered during an inspection commencing on June 29, 2021. [Gov. Ex. F; *see also* Gov. Ex. G, *Amended Notice used at hearing*]. Licensee timely requested a hearing to review the Initial Notice.

The hearing was held on April 5, 2022, at the ATF St. Louis Field Office located in St. Louis, Missouri. The hearing was conducted by ATF Kansas City Field Division Director, Industry Operations (DIO) William J. Miller. The Government was represented by ATF Senior Attorney (b)(6) ATF Industry Operations Investigator (IOI) (b)(6) provided testimony as to his inspection.

Licensee appeared by and through Licensee’s responsible person, Robert “Bob” Jones, along with attorney (b)(6). The hearing was recorded and transcribed through a court reporting service. The testimony and exhibits provided by both parties at the hearing constitute the administrative record in this proceeding.

Findings and Conclusions

Having considered the entirety of the record in this proceeding, I make the following findings and conclusions:

Licensee obtained a Federal firearms license in 2013. At that time, ATF held a qualification inspection with Licensee and reviewed the pertinent Federal firearms laws and regulations with Bob Jones and Kimberly Jones as the responsible persons for the licensed incorporated business entity, Top of the Line LLC. ATF provided Licensee with resources and reference information regarding the expectations and requirements for a Federal firearms licensee.

Following the 2013 qualification inspection, Bob Jones and Kimberly Jones signed the Acknowledgment of Federal Firearms Regulations Form indicating that ATF explained and reviewed the information listed on the form relating to firearms laws and regulations and answered all questions regarding the information. [Gov. Ex. B]. They further acknowledged

their responsibilities as responsible persons for Licensee to be aware and familiar with all the laws and regulations governing a licensed firearms business. [*Id.*].

Beginning on June 29, 2021, ATF conducted a compliance inspection at Licensee’s business premises. The violations found during this inspection were the basis for the Initial Notice and corresponding Appendix, which is incorporated herein, and discussed more as follows:

Violation #1 - Transfer in Violation of Law

On August 18, 2020, Licensee willfully sold or disposed of a firearm to a person who Licensee knew or had reasonable cause to believe was subject to Federal firearms disabilities, in violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c).

As reflected in Government’s Exhibit 1.1, (b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

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

At the hearing Bob Jones testified that he knew (b)(6) as a person that (b)(6) (b)(6) hat comes to the store frequently.” [Hearing Transcript, pgs. 158-59]. Mr. Jones presented other 4473 Forms to demonstrate other transactions in which Licensee sold (b)(6) firearms where the prohibited status questions on each respective form were checked “no.” [Lic. Ex. L-2 and L-3]. However, Licensee acknowledged that he “failed to look at” the yes or no answers on the form related to this violation and that the firearm transfer should not have happened, regardless of his familiarity with (b)(6) [See Hearing Transcript, pgs. 172-174].

I find that Licensee should not have transferred the firearm purchased by (b)(6) on August 18, 2020 based upon Transferee’s affirmative responses to the firearm prohibition questions on this particular Form 4473. Licensee was aware of this requirement based upon the instructions provided when the license was first issued, as well as instructions detailed on the Form 4473 itself and Mr. Jones’ own admissions at the hearing. I further conclude that this violation was willful.

Violations #2 and #3 - Acquisition and Disposition Records

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

On [] occasions¹, Licensee willfully failed to timely and/or accurately record the disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e).

¹ Although the initial notice of revocation lists [] occasions, there are duplicative numbers [] specified in the Appendix. [Gov. Ex. F]. The Government submitted an amended notice of revocation for purposes of the hearing to correct this scrivener’s error and to separate violations (b)(3) (112 Public Law 55 125 Stat 552)

At the time of the qualification inspection, Licensee was instructed on, and was made aware of, the obligations to timely and correctly record firearms acquisitions and dispositions. Licensee acknowledged knowing this requirement based upon the signed 2013 Acknowledgment of Federal Firearms Regulations [Gov. Ex. B]. At the hearing, Licensee acknowledged they “started falling behind” on documenting acquisition and disposition records and “to catch up with them...after you are there eight to ten hours a day...you really don’t want to spend the time afterwards to try to catch up.” [Hearing Transcript, pg. 160]. As the responsible person for Licensee, Bob Jones acknowledged it was his obligation to keep accurate acquisition and disposition records and he “did not do that.” [*Id.* at 161]. Licensee further showed the ability to properly complete acquisition and disposition records on other occasions.

I find that Licensee willfully failed to record the firearm acquisitions for [redacted] firearms located in inventory at the time of the inspection. I also find that Licensee willfully failed to record the dispositions of [redacted] firearms, resulting in [redacted] firearms not being accounted for in any manner. This violation made it necessary to report these [redacted] missing firearms as lost or stolen in the national law enforcement database (known more officially as the National Crime Information Center system).

Violations #4 and #5 - Background Checks

On eight occasions, Licensee willfully transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System (“NICS”)² and waiting three days before allowing the transfer, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(a).

On five occasions, Licensee willfully transferred a firearm to an unlicensed person after failing to initiate a new NICS after a 30-day lapse of the prior NICS check, in violation of 27 C.F.R. 478.102(c)

Upon reviewing Government’s Exhibits 4.1A to 4.8B and 5.1A to 5.5, along with the testimony provided for these violations, I make the following determinations:

- As to [redacted] (b)(6) a NICS check was not completed prior to the transfer of the firearm by Licensee. [Gov. Ex. 4.1A and 4.1B].
- As to [redacted] (b)(6) a NICS check was not completed prior to the transfer of the firearm. [Gov. Ex. 4.2A and 4.2B].
- As to [redacted] (b)(6) a NICS check was not completed prior to the transfer of the firearm by Licensee. [Gov. Ex. 4.3A and 4.3B].

respectively. [Gov. Ex. G]. The total occasions of disposition violations with this correction would be 494.

² NICS is operated by the Federal Bureau of Investigation (FBI).

- As to (b)(6), a NICS check was not completed prior to the transfer of firearm by the Licensee. [Ex. 4.4A, 4.4B and 4.4C]
- As to (b)(6) a NICS check was not completed prior to the transfer of firearm. [Gov. Ex. 4.5A and 4.5B].
- As to (b)(6) a NICS check was not completed prior to the transfer of the firearm by Licensee. [Gov. Ex. 4.6A and 4.6B].
- As to (b)(6) a NICS check was not completed prior to the transfer of firearm by Licensee. [Gov. Ex. 4.7A and 4.7B].
- As to (b)(6) a NICS check was not completed prior to the transfer of a firearm by Licensee. [Gov. Ex. 4.8A and 4.8B].

During the inspection, Bob Jones explained to IO (b)(6) that “when they gave the guns back, they didn’t do the 4473 or just misplaced the 4473. And whenever we give consignments back guys complain and say that’s my gun.” [Gov. Ex. E at 1-2 and Hearing Transcript, pg. 83].

(b)(6) an employee of Licensee, admitted that when “I bought them...I know I had to but I just did not” run a NICS check. [*Id.* at 2].

At the hearing, Licensee did not contest that Licensee had returned consignment guns without completing a NICS background check but understood that it should have run the NICS background check prior to either transferring or returning any firearm. [Hearing Transcript, pg. 175]. Therefore, I find that in each of these eight occasions, a NICS background was not conducted prior to the transfer of firearm, as required by the law and regulations.

Regarding the other five NICS violations, all firearms were transferred at least 30 days after the initial NICS check as follows:

- As to (b)(6) a NICS check with a “proceed” was obtained on June 19, 2020. [Gov. Ex. 5.1A]. The firearm was transferred by Licensee to (b)(6) on July 21, 2020. [*Id.*] Illinois State Police records confirmed a NICS check for (b)(6) was run on June 19, 2020, however no additional NICS check was run to lawfully permit this transfer of firearm. [Gov. Ex. 5.1B].
- As to (b)(6) a NICS check was originally run on March 21, 2020 and Licensee received a response of “delayed” until March 29, 2020. [Gov. Ex. 5.2A]. The firearm was transferred by Licensee to (b)(6) on September 2, 2020. [*Id.*] Illinois State Police records confirmed a NICS check for (b)(6) was run on March 21, 2020, however no additional NICS check was run to lawfully permit this transfer of firearm. [Gov. Ex. 5.2B].
- As to (b)(6) a NICS check was originally run on July 8, 2020 and Licensee received a response of “delayed” until July 14, 2020. [Gov. Ex. 5.3A]. The firearm was

transferred by Licensee on August 31, 2020. [*Id.*] Illinois State Police records confirmed a NICS check for (b)(6) was run on July 8, 2020, however no additional NICS check was run to lawfully permit this transfer of firearm. [Gov. Ex. 5.3B].

- As to (b)(6) a NICS check was originally run on July 22, 2020 and Licensee received a response of “proceed.” [Gov. Ex. 5.4]. Licensee transferred the firearm on September 1, 2020. [*Id.*] There was not any offered Illinois State Police NICS check records for (b)(6) and IOI (b)(6) did not find any evidence to conclude Licensee conducted a new NICS check to lawfully permit transfer of this firearm. [Hearing Transcript, pg. 93].
- As to (b)(6) a NICS check was originally run on an unknown date³ and Licensee received a response of “proceed” on September 22, 2020. [Gov. Ex. 5.5]. Licensee transferred the firearm on November 4, 2020. [*Id.*] There was not any offered Illinois State Police NICS check records for (b)(6) and IOI (b)(6) did not find any evidence to conclude Licensee conducted a new NICS check to lawfully permit transfer of this firearm. [Hearing Transcript, pg. 95].

During the inspection, Bob Jones explained that the 30-day lapse in the NICS check prior to transfer of the firearms occurred because “we didn’t check and see the 30 days had lapsed. It was a failure to do so and we must do it.” [Gov. Ex. E].

At the hearing, Licensee admitted Licensee knew that Licensee couldn’t transfer a firearm after a 30-day lapse of a NICS check and that they “messed up” in allowing this to happen. [Hearing Transcript, pg. 176].

Therefore, I find that in the three occasions involving (b)(6) a NICS background check had lapsed and a new NICS check was not conducted prior to the transfer of firearm, as required by the law and regulations.

In the two occasions of (b)(6) there were not any offered Illinois State Police Records related to NICS checks conducted on these individuals. Based upon the recorded NICS transaction information in the applicable Form 4473, I give Licensee the benefit of the doubt that a NICS check was originally run. However, even with that, the NICS check had lapsed by at least 30 days based upon the recorded date of the initial NICS check and the date of the transfer of firearm on the Form 4473. Based upon IOI (b)(6) s testimony, I find that there were not any records or evidence to believe a new NICS check was run to allow transfer of the firearm on the actual date of transfer, as required by law and regulations.

I find Licensee admitted that Licensee was aware of the requirement to contact NICS prior to the transfer of a firearm, as well as not transferring a firearm after a 30-day lapse from the NICS check. Licensee received such instruction as part of Licensee’s license application and

³ Section 19.a (the date the transferee’s identifying information was transmitted by Licensee to NICS) of the applicable Form 4473 is blank. However, Sections 19.b, 19.c and 19.d all have information written in the boxes to suggest that a NICS check (Transaction number (b)(6)) was actually run with a return of a “delayed” response and a proceed authorized on ‘9/22/2020.’ [Gov. Ex. 5.5].

confirmed knowledge of such instructions on the 2013 Acknowledgement of Federal Firearms Regulations. [Gov. Ex. B]. Licensee has demonstrated on other occasions the ability to properly follow the NICS background requirements. However, Licensee nonetheless failed to comply in these instances as discussed. Therefore, I conclude that each NICS violation was committed and was done willfully.

Violation #6 - Multiple Sales

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

Upon reviewing Government's Exhibits 6.1 to 6.9, along with the testimony provided for these violations, I make the following determinations:

Multiple sales of handguns and/or revolvers were made to (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) At the time of each of these transfers of two or more pistols and/or revolvers, Licensee did not submit a multiple sales form as required by law. At the direction of IOI (b)(6) during the inspection, multiple sales reports were submitted to document the transfer of two or more pistols in each respective transaction. [Gov. Ex. 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8 and 6.9].

During the inspection, Bob Jones explained that "we need to check more closely. I forgot to do it right then. I need to walk back and just do it. My memory is just shot. If I don't stop and do it, I won't remember it. I need to double check at the end of the day that we do them." [Gov. Ex. E].

At the hearing, Licensee admitted that it had correctly completed multiple sales previously. [Hearing Transcript, pgs. 176-77]. Licensee further indicated Licensee was aware of the obligation to report multiple sales of firearms and/or revolvers within five days and Licensee wasn't disputing the failure to report the multiple sales on these occasions. [*Id.*].

I find that in each of these [redacted] occasions, Licensee transferred two or more pistols or revolvers and did not submit a multiple sales report on each occasion within five consecutive business days of the transfer. Licensee admitted that Licensee was aware of this requirement. Licensee received such instruction as part of Licensee's license application and confirmed knowledge of such instructions on the 2013 Acknowledgement of Federal Firearms Regulations. [Gov. Ex. B]. Licensee has demonstrated on other occasions the ability to properly report multiple sales of handguns and revolvers. However, Licensee nonetheless failed to comply in each of these nine instances as discussed. Therefore, I conclude that each multiple sales violation was committed and was done willfully.

Violation #7 - Failure to Retain Records

On [redacted] occasions, Licensee willfully failed to retain each Firearms Transaction Record, ATF Form 4473 for a period of not less than 20 years after the date of sale or disposition, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.129(b).

Upon reviewing Government's Exhibits 7.1 to 7.9, along with the testimony provided for these violations, I make the following determinations:

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

[redacted]

At the hearing, Licensee indicated Licensee knew of the obligation to retain Forms 4473 and did not contest that Licensee apparently lost the described forms and thus failed to retain them as required. [Hearing Transcript, pg. 176].

I find that in each of these nine occasions, Licensee failed to retain the Form 4473 for 20 years from the date of sale. Licensee admitted that Licensee was aware of this requirement. Licensee received such instruction as part of Licensee's license application and confirmed knowledge of such instructions on the 2013 Acknowledgement of Federal Firearms Regulations. [Gov. Ex. B]. Licensee has demonstrated on numerous occasions the ability to properly retain Forms 4473. However, Licensee nonetheless failed to comply in these instances. Therefore, I conclude that each violation was committed and was done willfully.

Violations #8, #9 and #10 - ATF Form 4473

On occasions, Licensee willfully sold or otherwise disposed of a firearm to an unlicensed person without recording the transaction on a Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. §§ 922(b)(5); 923(g)(1)(A) and 27 C.F.R. § 478.124(a).

On occasions⁴, Licensee willfully failed to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1).

On occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date the Licensee contacted 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).

Licensee acknowledged familiarity with the Form 4473 and reading the instructions for the form. Licensee admitted to these errors for each of these cited violations, both during the inspection [Gov. Ex. E] as well as at the hearing. [Hearing Transcript, pg. 166]. Licensee also demonstrated the knowledge and ability to complete, and ensure completion of, in these respective sections of other Forms 4473 reviewed during the inspection. Although such errors were referred to as clerical mistakes by Licensee, each section of the Form 4473 is important, and the required information is on the form for specific reasons to ensure the traceability of firearms and promote public safety.

Therefore, I find that each of these violations occurred based upon my review of the respective ATF Forms 4473 and discussions on these violations at the hearing. Further, I conclude that each of these violations were willfully committed in violation of the law and regulations prescribed.

⁴ At the hearing, the Government requested one occasion of Violation #9, failure to obtain a complete and/or accurate Firearms Transaction Record, ATF Form 4473, from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, be stricken from the notice. [Hearing Transcript, pg. 130-131].

Application of Legal Standard

ATF may, after notice and opportunity for a hearing, revoke a Federal firearms license if it has reason to believe a licensee has willfully violated any provision of the GCA or the regulations issued thereunder. See 18 U.S.C. §§ 923(e) and (f)(3); 27 C.F.R. §§ 478.73 and 478.74.

For the Government to prove a willful violation of the Federal firearms statutes, it need only establish that a licensee knew of its legal obligation and “purposefully disregarded or was plainly indifferent” to the legal requirements. See *Article II Gun Shop, Inc. v. Gonzales*, 441 F.3d 492 (7th Cir. 2006) (found willful violation based upon facts establishing Licensee knew of his legal obligation and purposefully disregarded or was plainly indifferent to the record keeping requirements); see also *Borchardt Rifle Corp. v. Cook*, 684 F.3d 1037, 1042-43 (10th Cir. 2012) (holding that plain indifference towards a known legal obligation meets the willfulness requirement and that plain indifference may be shown with circumstantial evidence); see also *Lewin v. Blumenthal*, 590 F.2d 268, 269 (8th Cir. 1979); *On Target Sporting Goods, Inc. v. Attorney General of the United States*, 472 F.3d 572 (8th Cir. 2007) (violations by Federal firearms licensee were deemed willful and justified ATF’s licensing action when the licensee committed violations including the failure to keep proper records on acquisition and disposition of firearms; ATF inspectors had informed the licensee’s owner of the general record-keeping and firearm duties and the owner admitted he had fallen behind in the record-keeping responsibilities); *Trader Vic’s v. O’Neill*, 169 F.Supp.2d 957, 965 (N.D. Ind. 2001) (finding that a licensee has a duty to be cognizant of the rules and regulations issued by ATF and has a duty to follow those mandates in the course of his regulated business activities).

The Government is also not required to show that the violations occurred with any bad purpose. *Lewin*, 590 F.2d at 269; *On Target*, 472 F.3d at 575; *Gonzales*, 441 F.3d at 497. Any single willful violation of the Federal statutes or regulations controlling the firearms industry can be a basis for revoking or denying a license. See *Gun Shop, LLC v. United States Dep’t of Justice*, No. 4:10-CV-1459 (MLM), 2011 WL 2214671, at *6 (E.D. Mo. June 3, 2011) (“By the statute’s plain language, even a single willing violation can trigger ATF’s power of revocation.”), citing *American Arms Int’l v. Herbert*, 563 F.3d 78, 86 (4th Cir. 2009); see also *General Store, Inc. v. Van Loan*, 560 F.3d 920, 924 (9th Cir. 2009); *Armalite, Inc. v. Lambert*, 544 F.3d 644, 647 (6th Cir. 2008); *Article II Gun Shop, Inc. v. Gonzales*, 441 F.3d 492, 498 (7th Cir. 2006).

Furthermore, “[i]mproper recordkeeping is a serious violation.” *Fin & Feather Sport Shop, Inc. v. U. S. Treasury Dept.*, 481 F.Supp. 800, 806 (Neb. 1979) quoting *Huddleston v. United States*, 415 U.S. 814, 824 (1974). “Thus, a firearms dealer, by failing to keep the required records, seriously undermines the effectiveness and purpose of the Act and ultimately endangers society.” *Fin & Feather*, 482 F.Supp at 806. ATF has the right to insist on total compliance with the GCA to retain the privilege of dealing in firearms. *Willingham Sports, Inc. v. ATF*, 348 F.Supp.2d 1299, 1309 n.14 (S.D. Ala. 2004) (“gravity of the policy objectives of the Gun Control Act, from both a law enforcement standpoint and a safety standpoint, strongly militates in favor of allowing the ATF to insist on total compliance as a condition of retaining the privilege of dealing in firearms.”); *Dick’s Sport Center, Inc. v. Alexander*, No. 2:04-CV-74482, 2006 WL 799178, at *5 (E.D. Mich. Mar. 29, 2006) (licensee’s “failure to comply with exacting book keeping regulations may hinder the ATF’s ability to perform its mandated function.”).

It is acknowledged that this was Licensee's first compliance inspection. Although prior warnings can be used to establish willfulness, they are not necessary for such a finding. See *Borchardt*, 684 F.3d at 1043; *Nat'l Lending Grp., LLC v. Holder*, 365 F. App'x 747, 749 (9th Cir. 2010) (unpublished); *Nat'l Lending Group v. Mukasey*, No. CV 07-0024-PHX-PGRET, 2008 WL 5329888, at *8 n.13 (D. Az. Dec. 19, 2008) (no requirement to show there have been prior warnings in order to establish willfulness); *Francis v. ATF*, 2006 WL 1047026, at *4 (E.D. Okla. Apr. 20, 2006) (holding it does not logically follow that repeated violations following warnings are necessary to find willfulness); *Taylor v. Hughes*, 2013 WL 752838, at *3 (M.D.Pa., 2013) ("While it is true that this was the first compliance inspection ever conducted by the ATF upon Taylor, given the scope of the violations in this case, the duration of time in which Taylor failed to record any A&D information in his books, and his failure for years to take any steps prior to inspection to come into compliance demonstrates willful violation.").

Periodic compliance, such as a licensee's occasional adherence to regulatory obligations, can also support a finding of willfulness. *CEW Properties, Inc. v. U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 979 F.3d 1271, 1280 (10th Cir. 2020), citing *Simpson v. Att'y Gen.*, 913 F.3d 110, 115-16 (3d Cir. 2019) (noting that a licensee's "full compliance with [Gun Control Act] requirements in some instances belies his assertion that he did not understand those requirements," and his "inconsistent conduct suggests both that [he] knew of his obligations and was indifferent to complying with them").

In this present matter, the evidence and testimony presented at the hearing revealed that Licensee understood the legal requirements concerning the violations documented in the Initial Notice. In this regard, ATF reviewed the applicable laws and regulations with Licensee during the 2013 qualification inspection. [See Gov. Ex. B]. At that time, ATF provided Licensee with resource materials and informed Licensee of the opportunity to ask any questions.

Further, Licensee acknowledged awareness of the legal requirements and responsibilities to hold a Federal firearms license. Licensee was familiar with the instructions within the ATF Form 4473. Licensee demonstrated on numerous occasions the ability to properly complete and ensure proper completion by the transferee of the required ATF Form 4473, as well as the ability to properly conduct a background check for a firearm transferee and complete a multiple sale form.

The GCA does not require a purposeful bad act to establish willfulness, but instead a purposeful disregard or plain indifference to a known legal obligation is sufficient. The conduct of Licensee also cannot be attributed to only being mistakes. Licensee alluded that one of the reasons the acquisitions and dispositions were not kept as required was due to the volume of workload, as well as the Licensee's assertion of the previously inconvenient location of the computer used for keeping such records. Yet, regardless of these concerns, Licensee continued to conduct firearms transactions for a substantial period of time. This was done without correcting the issues or otherwise properly recording the firearms acquisitions or dispositions as the regulations prescribe.

Licensee's large volume of business transactions and workload backlogs cannot excuse a Licensee's legal obligations or negate willfulness. *Taylor*, 2013 WL 752838, at *3 (Court

recognizes that being “overwhelmed” is not a justifiable excuse for a licensee’s noncompliance with mandated laws and regulations and does not negate a finding of willfulness). Licensee continued to acquire firearms and conduct transactions despite these known deficiencies and problems in complying with the legal requirements. This continued failure to comply with the GCA requirements shows a purposeful disregard or, at a minimum, a plain indifference to the known legal obligations of a Federal firearms licensee.

It is also significant to note Licensee was unable to account for firearms which remain documented nationally with law enforcement as missing still to this day. These missing firearms, which cannot be successfully traced if used in a crime, are directly attributed to Licensee’s willful disregard of the legal obligations. This failure by Licensee undermines the public safety purposes of the GCA.

It is also important to highlight that on eight occasions Licensee transferred a firearm without running a NICS background check. Equally important, on other five occasions, Licensee transferred a firearm without initiating a new NICS background check after a 30-day lapse of the prior NICS check. In every firearms transaction and transfer, Licensee has a duty to properly comply with a NICS background check prior to the transfer of any firearm. This is a serious duty and fundamental to public safety to assure individuals who cannot lawfully possess firearms do not acquire firearms. There is no excuse that alleviates running a NICS checks by this Licensee. *See Abramski v. U.S.*, 573 U.S. 169, 180 (2104) (Federal gun law establishes an elaborate system of in-person identification and background checks to ensure that guns are kept “out of criminals and others who should not have them...”). It is accordingly imperative that licensees run background checks prior to the transfer of firearms so as to alleviate rendering as meaningless this Congressional goal of “keeping ‘firearms out of the hands of those not legally entitled to possess them’.” *Id.* at 181, *quoting Huddleston*, 415 U.S. at 824.

Although Licensee asserts that it is actively working to ensure the licensed business is now in compliance with regulations, these subsequent actions do not otherwise mitigate or change the fact that the willful violations occurred as documented during the inspection. *Post hoc* remedial efforts have little bearing on a licensee’s willfulness at the time of the violation. *CEW Properties*, 979 F.3d at 1281 n.12 (disregarding licensee’s claim of no willfulness due to subsequent efforts to remedy noncompliance by compiling A&D records into a bound book); *see also Shawano Gun & Loan, LLC v. Hughes*, 650 F.3d 1070, 1079 (7th Cir. 2011) (noting that “workplace changes to ensure compliance with Federal firearms laws” following a revocation notice “come too late,” and that the promise to “do better if given another chance is not an argument that reaches the merits of the case”); *Cucchiara v. Sec’y of Treasury*, 652 F.2d 28, 30 (9th Cir. 1981) (concluding that a licensee’s attempt to “correct his faulty recordkeeping system, after the violations ... is immaterial to the question of willfulness at the time the violations occurred”); *Sturdy v. Bensten*, 129 F.3d 122 (8th Cir.1997) (licensee’s after-the-fact efforts to correct the specific violations cited are irrelevant to the issue of willfulness at the time the errors occurred).

After presiding over the hearing and giving a full review and consideration of all the testimony and exhibits provided in the hearing record, I find and conclude that Licensee willfully violated the provisions of the GCA, and the regulations issued thereunder as documented in the Initial

Notice. Even though Licensee understood the responsibilities under the GCA, the evidence reveals that Licensee was plainly indifferent to, or purposefully disregarded, the firearms laws and regulations as documented and thoroughly discussed and reviewed herein.

Despite the knowledge and awareness of these obligations under its license, Licensee failed to maintain legally compliant records of acquisition and disposition and failed to timely or correctly record firearms in these required acquisition/disposition record. Licensee also failed to retain Forms 4473 and was unable to properly complete the ATF Forms 4473 under the explicit directives and instructions of the form, including not conducting the required NICS checks prior to the transfer of a firearm. At the conclusion of the inspection, Licensee admitted to IOI Walter the cited violations of noncompliance with the regulations. [Gov. Ex. E].

Therefore, as provided under the provisions of as provided by 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, the Federal firearms license held by Licensee Top of the Line d/b/a Outrageous Outdoors, 902 South State Street, Jerseyville, IL 62051, under Federal firearms license number 3-37-083-01-2K-03898, is hereby **REVOKED**.

Dated this 20th day of May 2022.

(b)(6)

William J. Miller

Director, Industry Operations - Kansas City Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
United States Department of Justice