

TUMBLEWEED ENTERPRISES INC's FCI
 FCI-26818
 10/13/2022 01:47 PM
 IOI (b)(6), Charlotte III (IO) Field Office

LICENSEE INFORMATION

Licensee Name TUMBLEWEED ENTERPRISES INC	RDS Key 1-56-12539	License/Permit Number 1-56-021-07-3L-12539	License Type 07 - Manufacturer of Firearms License
---	-----------------------	---	---

Business Type
Corporation

Premises Ownership Type Owned	Premises Address 18 SUNSET DR, Unit N/A, ASHEVILLE, North Carolina 28806
----------------------------------	--

Premises Location Type Required

Address
 18 SUNSET DR
 Unit N/A
 ASHEVILLE, North Carolina 28806
 BUNCOMBE
 United States

Address
 18 SUNSET DR
 Unit N/A
 ASHEVILLE, North Carolina 28806
 BUNCOMBE
 United States

Phone Type	Phone Number	Remarks
Business	+1 828-252-9487	
Fax	+1 828-258-0178	

Email Address	Email Remarks
(b)(6)	

Online Presence Type	Online Presence URL	Remarks
Website	pfcustom.com	

RECOMMENDATIONS

Final Decision Date
 Revocation 06/13/2022

Details

DIO Scena Web issued the Final Notice of Revocation on June 13, 2022. After the FFL requested a stay of revocation to liquidate (b)(6) inventory, DIO Webb granted a stay with an effective date of revocation of August 15, 2022. FFL did not appeal the decision. License is revoked as of that date and FFLC has been notified.

Out of Business Records and Inventory Management

Licensee Records

✔ Submitted to the Federal Licensing Center

Licensee Inventory

✔ Inventory transferred to another licensee/permittee
 Date of Inventory Transfer
 09/14/2022
 Transferee RDS Key
 1-56-09180
 Licensee / Permittee
 NORTH AMERICAN TRADE LLC
 Business Name
 NAT LLC
 Business Premise Address
 388 CANE CREEK RD, STE 22
 FLETCHER, NC 28732

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

Details

Concur with field recommendation.

SAC concurs with Recommendation of Revocation

Division Counsel (b)(6)'s Review

Details

I will pursue revocation

Director of Industry Operations Stephen Albro's Recommendation

Revocation

Details

Revocation recommended due to licensee's failure to run NICS after 30 days on a transfer.

Area Supervisor (b)(6)'s Recommendation

Revocation

Details

Concur with IOI (b)(6)' recommendation of Revocation

Industry Operations Investigator's Recommendation

Revocation

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

Warning Letter

Details

Submitting to return

Inspection Findings

Firearms

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

NICS

- 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.

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name	Business Type	Is the business valid?
TUMBLEWEED ENTERPRISES INC	Corporation	Yes

Additional Findings

Accurant database was queried to verify corporation validity. See attached.

Attachment(s):

Tumbleweed Corporation Report.pdf

Property Ownership Verification

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

Address

18 SUNSET DR
Unit N/A
ASHEVILLE, North Carolina 28806
BUNCOMBE
United States

Additional Findings

Mr. Flack, the RP does own the property and was verified with Accurant.

Attachment(s):

Tumbleweed Property Report (Assessment & Deeds).pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
PF CUSTOM GUNS	Yes

Additional Findings

This DBA was not found in Accurant. NC State Assumed Business Name also found nothing. During the inspection, Mr. Flack submitted the proper paperwork to register with the County of Buncombe his Assumed Business Name. See attached.

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings

Buncombe County for zoning of (b)(6) confirmed there were no permits required and would be permissible according to their zoning regulations. Contact name and number are attached.

Contact Information

Name (b)(6) Date Contacted 06/14/2021
Organization
County of Buncombe
Job Title
Zoning Administrator

Phone Type	Phone Number	Remarks
Business	+1 828-250-4830	Not direct number hit #5 and get duty person

Contact Remarks

(b)(6) stated that there are no permits required according to their regulations for zoning.

Attachment(s):

APPOINTMENT DETAILS

Interview Date

05/03/2021

Address

18 SUNSET DR, Unit N/A, ASHEVILLE, North Carolina 28806

Responsible Attendee(s)

MARION PHIL FLACK

Non-Responsible Person(s)

(Deactivated)

RESPONSIBLE PERSON(S)

MARION PHIL FLACK

Name MARION PHIL FLACK Gender Male Race Ethnicity
Date of Birth (b)(6) SSN Job Title PRESIDENT

Physical Identifiers

Height Weight Hair Color Eye Color

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

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

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

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
03/22/2021

Criminal History Check Comments
There were no results from the criminal history query. See attached.

NON-RESPONSIBLE PERSON(S)

Name	Date of Birth	Job Title
		Gunsmith

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
Licensee stated they buy and sell firearms and accessories. They have machine shop area to manufacture (b)(3)(26 USC § 6103) in the past he stated and they conduct gunsmith work.

Do they need an additional license or permit?
No

Who are their primary suppliers?
(b)(4)

Business Activities

(b)(3)(26 USC § 6103)
Internet Sales/Transfers
Retail
Gunsmith
Gun Show Participant

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping
Controlled Access to Keys
Suspicious persons/activities reporting protocols

Internet Sales/Transfers Website

pfcustom.com

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

If there is a security system, who has access to the security codes?
Licensee stated people working here have access.

Who has keys to the premises?
People working there have keys.

Who has keys to locked inventory?
People working there have keys.

Who is operating the business on a day-to-day basis?
People working there have keys.

Is financial backing provided by anyone that is not a responsible person on the license/permit?
(b)(6) who is being added as an RP now.

Are any employees known to be prohibited?
No

Are any employees associated with a previously denied/revoked/surrendered license/permit?
No

SECURITY WALKTHROUGH

Inspection Area Description
Attach garage has display cases and firearms on racks. A side area conducts some gunsmith activities. The basement area has two offices that contain firearms and stored paperwork and an open area with firearms. There are also a couple of out buildings that did not contain any records or firearms, but may be used for gun shows.

Primary Activity
Retail

GPS Coordinates

Latitude
35.36272
Longitude
-82.63736

Selected Physical Security Measures

Alarm Monitoring (with Cellular Back-Up)
Bars on Doors
Bars on Windows
Deadbolts
Floodlights
Motion Sensors
Local Audible Alarm
Safe(s)/Vault(s)
Security Cameras

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

936

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](#)

(b)(3)(26 USC § 6103)

AFMER Verified

Yes

(b)(3)(26 USC § 6103)

Attachment(s)

Report of Violations.pdf

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
1 27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check ATF Forms 4473: 2 Number of Instances: 2	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.	NICS Violation NICS Violation (b)(6)
2 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473: [redacted] Number of Instances: [redacted]	This is a repeat violation. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
27 CFR 478.21(a): Failure to complete forms as prescribed	This is a repeat violation. Correct/Update photocopies of all specified ATF	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

<p>3</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Form 4473 discrepancies, in accordance with form headings and instructions. Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions. Ensure that the most up-to-date version of the ATF Form 4473 is used for all future over-the-counter transactions.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>4</p> <p>(b)(3)(26 USC § 6103)</p>	<p>(b)(3)(26 USC § 6103)</p>	<p>(b)(3)(26 USC § 6103)</p>
<p>5</p> <p>27 CFR 478.123(b): Failure to maintain an accurate/complete/timely licensee disposition record Number of Instances: []</p>	<p>This is a repeat violation. Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information.</p>	<p>(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF</p>
<p>27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record Number of Instances: []</p>	<p>Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information.</p>	<p>(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF</p>

(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF

27 CFR 478.123(a): Failure to maintain an accurate/complete/timely manufacture or acquisition record

Number of Instances:

Accurately, completely & timely record all required future firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm acquisition information.

(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF

7

(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF

8

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

ATF Forms 4473:
Number of Instances:

This is a repeat violation.
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.

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

9

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

ATF Forms 4473:
Number of Instances:

This is a repeat violation.
Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.
Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.

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

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:

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

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

(b)(3)(26 USC § 6103)

11

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.

(b)(3)(26 USC § 6103)

THEFT/LOSS REPORT

Acquisition Date Type Manufacturer Importer Model Caliber/Gauge Serial Number

(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check ATF Forms 4473: 2 Number of Instances: 2	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.	Licensee stated he didn't know what he was supposed to do when the time expired.	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/21/2021
27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	This is a repeat violation. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection. Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.	Licensee stated he was aware of this regulation and just missed one. It was submitted as required.	Status Correction Verified Verified Method In Person Date Correction Verified 07/21/2021
27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	This is a repeat violation. Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions. Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions. Ensure that the most up-to-date version of the ATF Form 4473	Licensee stated he realizes that he gets too busy at guns shows or in the shop and fails to double check that the forms are complete.	Status Licensee Notified Verified Method In Person Date Licensee Notified 07/21/2021

	is used for all future over-the-counter transactions.		
4	(b)(3)(26 USC § 6103)	(b)(3)(26 USC § 6103)	(b)(3)(26 USC § 6103) ,(b)(6)
5	27 CFR 478.123(b): Failure to maintain an accurate/complete/timely licensee disposition record Number of Instances: <input type="checkbox"/>	This is a repeat violation. Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information.	The licensee stated that he felt the books labeled TBD would be his downfall. All corrections had been made. Status Correction Verified Verified Method In Person Date Correction Verified 07/21/2021
6	27 CFR 478.123(d): Failure to maintain an accurate/complete/timely nonlicensee disposition record Number of Instances: <input type="checkbox"/>	Accurately, completely & timely record all required future firearm disposition information. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report. Amend/Update A&D Record to accurately record all required firearm disposition information.	The licensee had recorded all of the disposition entries and stated that he will be timely from now on. Status Correction Verified Verified Method In Person Date Correction Verified 07/21/2021
7	27 CFR 478.123(a): Failure to maintain an accurate/complete/timely manufacture or acquisition record Number of Instances: <input type="checkbox"/>	Accurately, completely & timely record all required future firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm acquisition information.	The licensee recorded all of the firearms listed in his A & D record and did not have a reason why it happened. Status Correction Verified Verified Method In Person Date Correction Verified 07/21/2021
8	27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	This is a repeat violation. 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.	The licensee stated he understood how to make the corrections in the future by making a copy of the erroneous form and make the changes to the copy if necessary in the future. Also stated he will try to be more careful at gun shows or when it's busy. Status Licensee Notified Verified Method In Person Date Licensee Notified 07/21/2021
9	27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473 ATF Forms 4473: <input type="checkbox"/> Number of Instances: <input type="checkbox"/>	This is a repeat violation. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future ATF Forms 4473, Section B.	The licensee stated he understood how to make the corrections in the future by making a copy of the erroneous form and make the changes to the copy if necessary in the future. Also stated he will try to be more careful at gun shows or when it's busy. Status Licensee Notified Verified Method In Person Date Licensee Notified 07/21/2021
	27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473	This is a repeat violation. Ensure that all required transferee/buyer identification information is obtained and accurately recorded on all future	The licensee stated he understood how to make the corrections in the future by making a copy of the erroneous form Status Licensee Notified Verified Method

Correspondence	
Correspondence	Action required concerning your Federal Firearms License
Correspondence	
Correspondence	Action required concerning your Federal Firearms License
Correspondence	
Correspondence	Action required concerning your Federal Firearms License
WarningConferenceSchedulingLetter	Scheduling Letter.pdf
ReturnedSignedROV	Tumbleweed Amended and signed ROV.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
FirearmTheftLossList	Firearm Theft Loss List.pdf
TradeNameVerification	Tumbleweed DBA Application form.pdf
PropertyOwnershipVerification	Tumbleweed Property Report (Assessment & Deeds).pdf
BusinessVerification	Tumbleweed Corporation Report.pdf

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

In the matter of License Number 1-56-021-07-3L-12539, as a/an

Manufacturer of Firearms issued to:

Name and Address of Licensee (Show number, street, city, State and ZIP Code)
Tumbleweed Enterprises Inc. dba PF Custom Guns
18 Sunset Drive
Asheville, NC 28806

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 2635 Century Parkway NE, Suite 400, Atlanta, GA 30345, 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
02/01/2022	Scena B. Webb, Director of Industry Operations - Atlanta 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: FedEx # 775930360134
- Or Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice
02/01/2022	Senior Operations Officer

Signature of Person Serving Notice

(b)(6)

Print Name and Title 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 of the revocation of the Federal firearms license specified above, in that the Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Charlotte Field Division, has reason to believe that Tumbleweed Enterprises, Inc. (hereinafter Tumbleweed), 18 Sunset Drive, Asheville, North Carolina 28806, 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.

Compliance History

In or about 2017, ATF issued a Federal Firearms License to Tumbleweed (FFL# 1-56-12539). Prior to the issuance the current license, the licensee's Responsible Person, Phil Flack, held a Federal Firearms License as a sole proprietor for more than thirty (30) years (hereinafter Prior License). ATF conducted compliance inspections of the Prior License in 1990, 1995, and 2010 in which no violations were cited.

In 2017, a compliance inspection of the Prior License resulted in licensee being cited for eleven (11) violations. ATF also discovered that the licensee had begun operating as a corporation several years earlier without obtaining a Federal Firearms License for the new entity. Industry Operations Investigators had the licensee submit a new FFL application for the corporation and assisted him in putting his sole proprietor license out of business. The 2017 inspection revealed multiple firearms in inventory with obliterated serial numbers. Licensee's Responsible Person, Phil Flack, attended a warning conference in lieu of revocation.

Current Inspection

In or about May 2021, ATF Industry Operations Investigator (b)(6) conducted a compliance inspection of the licensee's premises. The inspection revealed the following:

1. Licensee willfully failed in two (2) instances (forms (b)(3) (112 Public Law 55 125 Stat 552)) to initiate a new NICS background check for a transferee after 30 days had lapsed since a prior NICS check was conducted in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(c).

	<u>Date</u>	<u>Transferee</u>	<u>Error</u>
1.	01/26/21	(b)(6)	Failed to perform NICS check
2.	09/09/20		Failed to perform NICS check

2. Licensee willfully failed on (b)(3) (112 Public Law 55 125 Stat 552) occasions on (b)(3) (112 Public Law 55 125 Stat 552) forms to ensure that the transferee correctly recorded the required information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1).

<u>Date</u>	<u>Transferee</u>	<u>Error</u>
-------------	-------------------	--------------

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

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

3. Licensee willfully failed on [REDACTED] occasions on [REDACTED] forms to ensure that the ATF Form 4473 was complete and accurate as required prior to transferring a firearm in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.21a.

Date

Transferee

Error

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

THIS IS A REPEAT OF VIOLATION CITED IN 2017 WITH PRIOR LICENSE HELD BY TUMBLEWEED'S RESPONSIBLE PERSON.

4. Licensee willfully failed in [REDACTED] instances to timely and/or accurately record the disposition of firearms to a licensee in its Acquisition and Disposition Record in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(b).

Firearm

Serial No.

Type

Error

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

THIS IS A REPEAT OF VIOLATION CITED IN 2017 WITH PRIOR LICENSE HELD BY TUMBLEWEED'S RESPONSIBLE PERSON.

5. Licensee willfully failed in [REDACTED] instance to timely and/or accurately record the disposition of firearms to a nonlicensee in its Acquisition and Disposition Record in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(d). See Appendix A.

6. Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances to timely and/or accurately record the Manufacture or acquisition of firearms in its Acquisition and Disposition Record in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(a).

Firearm Serial No. Type Error

<u>Firearm</u>	<u>Serial No.</u>	<u>Type</u>	<u>Error</u>
(b)(3) (112 Public Law 55 125 Stat 552)			

6. Licensee willfully failed on (b)(3) (112 Public Law 55 125 Stat 552) occasion to report the multiple sales or other dispositions of pistols or revolvers in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a.

Date Transferee Error

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

THIS IS A REPEAT OF VIOLATION CITED IN 2017 WITH PRIOR LICENSE HELD BY TUMBLEWEED'S RESPONSIBLE PERSON.

7. Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances to verify and record identification documents on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i).

Date Transferee Error

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

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

THIS IS A REPEAT OF VIOLATION CITED IN 2017 WITH PRIOR LICENSE HELD BY TUMBLEWEED'S RESPONSIBLE PERSON.

8. Licensee willfully failed in [] instance to document NICS information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv).

Date

Transferee

Error

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

THIS IS A REPEAT OF VIOLATION CITED IN 2017 WITH PRIOR LICENSE HELD BY TUMBLEWEED'S RESPONSIBLE PERSON.

APPENDIX A

Firearms Dispositions Not Listed In A&D Book For Which Licensee Can Account

MAKE	SERIAL#	NAME	TRANSFER DATE
-------------	----------------	-------------	----------------------

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

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

Firearms Logged In For Which Licensee Cannot Account (Reported Missing)

MAKE

SERIAL #

ACQUISITION DATE

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

**Licensee later stated that he had destroyed the weapon and declined to report it missing.

**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 1-56-021-07-3L-12539 as a/an
Manufacturer of Firearms Other Than Destructive Devices, issued to:

Name and Address of Applicant or Licensee (Show number, street, city, state and Zip Code)
Tumbleweed Enterprises Inc.
dba PF Custom Guns
18 Sunset Drive
Asheville, NC 28806

Notice is Hereby Given That:

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

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 2635 Century Parkway NE, Suite 400, Atlanta, GA 30345

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

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

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

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
06/09/2022	Dr. Scena B. Webb, Director, Industry Operations, Atlanta Field Division	(b)(6)

(b)(6)

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: 777110784953

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
6/13/2022	Senior Operations Officer	(b)(6)
Print Name and Title of Person Served		Signature of Person Served
Address Where Notice Served		

Note: Previous Edition is Obsolete

Tumbleweed Enterprises, Inc., doing business as P.F. Custom Guns (Licensee), 18 Sunset Drive, Asheville, North Carolina, 28806, a Manufacturer, holds Federal firearms license #1-56-021-07-6A-85250 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 February 1, 2022, ATF issued a Notice of Revocation and/or Fines of License, ATF Form 4500, to the Licensee via FedEx delivery. The Licensee timely requested a hearing to review that Notice. The hearing was scheduled for April 21, 2022 at the ATF Asheville Office.

The hearing was conducted by ATF Director of Industry Operations (DIO) Scena B. Webb, Atlanta Field Division, sitting by designation. ATF was represented by Charlotte Division Counsel [redacted (b)(6)], ATF Industry Operations Investigators [redacted (b)(6)], and Area Supervisor [redacted (b)(6)] appeared as witnesses on behalf of the Government. The Sole Responsible Person, Marion Phillip Flack (Phil Flack), and [redacted (b)(6)] attorney for Licensee, appeared at the hearing. The hearing was recorded and transcribed by the Government through a court reporter service. The Government offered testimony and exhibits.

Findings of Fact

Having reviewed the record in this proceeding, I make the following findings:

1. At the hearing, ATF introduced evidence of a compliance inspection conducted by Investigator [redacted (b)(6)] and others at the licensed premises M. Phil Flack doing business as PF Custom Guns on or about September 19, 2017. Almost immediately after initiating the inspection, Investigator [redacted (b)(6)] learned that Phil Flack had begun operating as a corporate entity, Tumbleweed Enterprises, Inc., without having obtained a license to do so. Investigator [redacted (b)(6)] instructed Mr. Flack to cease all operations and complete an ATF Form 7 Application for a new license. Investigator [redacted (b)(6)] testified that he expedited the approval process, and a new Federal Firearms License was issued for the corporation within approximately seven business days.
2. At the conclusion of the compliance inspection, Investigator [redacted (b)(6)] prepared a Report of Violations citing M. Phil Flack doing business as PF Custom Guns with eleven (11) violations of the GCA and its regulations. Some of the violations cited included possession of firearms with obliterated serial numbers, failing to conduct FBI NICS checks on law enforcement officers, failing to report the multiple sales of handguns, [redacted] instances of failing to timely record the acquisition and disposition of firearms, and other record-keeping violations.
3. Investigator testified that the Report of Violations was reviewed and signed by Investigator [redacted (b)(6)] and Phil Flack on December 11, 2017. *See* Government Exhibit 6.
4. Investigator [redacted (b)(6)] testified that he reviewed GCA laws and regulations with Phil Flack after the conclusion of the compliance inspection. ATF introduced a signed

Acknowledgement of Federal Firearms Regulations dated December 11, 2017 demonstrating that ATF reviewed the legal requirements applicable to Licensee. *See* Government Exhibit 7.

5. Investigator (b)(6) testified that the compliance inspection resulted in an initial recommendation to initiate revocation proceedings. Instead of pursuing revocation, ATF conducted a warning conference with the Licensee on March 15, 2018. During the warning conference, Licensee provided ATF with a letter dated March 10, 2018 that addressed the violations and remedial actions taken to ensure future compliance. *See* Government Exhibit 8.
6. Investigator (b)(6) testified that one of Licensee's voluntary remedial actions was that it would conduct annual inventories of its firearms. He testified that ATF does not require Licensees to do inventories but doing so was a good business practice to accurately account for the acquisition and disposition of firearms.
7. ATF issued a warning conference follow-up letter dated March 26, 2018 to Licensee. The letter addressed what occurred during warning conference and advised Licensee that future violations could be viewed as willful and result in revocation of the license. *See* Government Exhibit 9.
8. Investigator (b)(6) testified that after the compliance inspection but prior to the warning conference, he emailed Licensee a publication titled "Facilitating Private Sales: A Federal Firearms Licensee Guide". *See* Government Exhibits 15A, 15B and 15C. The publication addresses how licensees should comply with NICS requirements.
9. Investigator (b)(6) testified that occasionally ATF conducts education seminars for licensees (FFL Seminar). ATF invited Licensee to attend an FFL Seminar on May 23, 2018. *See* Government Exhibit 10. Licensee responded that he and several of his employees would attend. *See* Government Exhibit 11. Investigator (b)(6) testified that he saw Phil Flack and at least two of his employees at the FFL Seminar on May 23, 2018.
10. Investigator (b)(6) testified that Industry Operations Investigator (b)(6), who has since retired, presented a PowerPoint presentation on Gun Shows and Conduct of Business. The Conduct of Business portion of the PowerPoint addressed the topic of NICS and North Carolina. Specifically, the presentation advised Licensees that a NICS Check is valid for 30 calendar days from the date the check is initiated. *See* Government Exhibit 12.
11. Industry Operations Investigator (b)(6) testified that she conducted a compliance inspection of Licensee's business premises on or about May 2nd or 3rd of 2021. As a result of the inspection, Investigator (b)(6) cited Licensee with multiple violations of the GCA.
12. As set forth in paragraph 1 of the Notice of Revocation, Licensee willfully failed in two (2) instances to initiate a new NICS background check for a transferee after 30 days had

lapsed since a prior NICS check was conducted in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102(c). The Government produced a sample Firearms Transaction Record, ATF Form 4473 that Investigator (b)(6) used to indicate how she determined that Licensee committed the violation on two occasions. *See* Government Exhibit 12. When asked whether Licensee provided an explanation for the violation, Investigator (b)(6) testified that Licensee stated that he was unaware that it had to conduct another NICS check after 30 days.

13. As set forth in paragraph 2 of the Notice of Revocation, Licensee willfully failed on (b)(3) (112 Public Law 55 125 Stat 552) occasions on (b)(3) (112 Public Law 55 125 Stat 552) forms to ensure that the transferee correctly recorded the required information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). During the hearing, the Government introduced testimony regarding two (2) of the thirty-three (33) violations. Counsel for the Government asked Counsel for Licensee if doing a representative sample of to support the violation as acceptable instead of having Investigator (b)(6) testify to all (b)(3) (112 Public Law 55 125 Stat 552) instances. Counsel for Licensee agreed.
14. As set forth in paragraph 3 of the Notice of Revocation, Licensee willfully failed on () occasions on () forms to ensure that the ATF Form 4473 was complete and accurate as required prior to transferring a firearm in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.21a. The Government introduced testimony to support each of the violations cited. Investigator (b)(6) also testified that the violation was a repeated violation as cited by Investigator (b)(6) in 2017. Specifically, it was cited as violation #6 on the Report of Violations issued on December 11, 2017. *See* Government Exhibit 6.
15. As set forth in paragraph 4 of the Notice of Revocation, Licensee willfully failed in () instances to timely and/or accurately record the disposition of firearms to a licensee in its Acquisition and Disposition Record in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(b). The Government introduced testimony and evidence to support each of the violations cited. *See* Government Exhibits 16A, 16B, and 16C. Investigator (b)(6) also testified that the violation was a repeated violation as cited by Investigator (b)(6) in 2017. Specifically, it was cited as violation # 11 on the Report of Violations issued on December 11, 2017. *See* Government Exhibit 6.
16. As set forth in paragraph 5 of the Notice of Revocation, Licensee willfully failed in () instances to timely and/or accurately record the disposition of firearms to nonlicensee in its Acquisition and Disposition Record in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(d). Using Appendix A of the Notice of Revocation and copies of Licensee's A&D record, the Government introduced testimony and evidence regarding () of the (b)(3) (112 Public Law 55 125 Stat 552) violations. *See* Government Exhibits 1, 17A, 17B, 17C, and 17D.
17. As set forth in paragraph 6 of the Notice of Revocation, Licensee willfully failed in (b)(3) (112 Public Law 55 125 Stat 552) instances to timely and/or accurately record the Manufacture or acquisition of firearms in its Acquisition and Disposition Record in violation of 18 U.S.C. §

923(g)(1)(A) and 27 C.F.R. § 478.123(a). The Government introduced testimony and evidence to support the violation cited in the Notice of Revocation. *See* Government Exhibits 18A, 18B, and 18C.

18. As set for in paragraph 7, as amended, of Notice of Revocation¹, failed on [REDACTED] occasion to report the multiple sales or other dispositions of pistols or revolvers in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. The Government introduced testimony and evidence to support the violation cited in the Notice of Revocation. *See* Government Exhibits 19 and 20. Investigator [REDACTED] also testified that the violation was a repeated violation as cited by Investigator [REDACTED] in 2017. Specifically, it was cited as violation #5 on the Report of Violations issued on December 11, 2017. *See* Government Exhibit 6.
19. As set forth in paragraph 8, as amended, of the Notice of Revocation, Licensee willfully failed in [REDACTED] instances to verify and record identification documents on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i). The Government produced testimony to support the violation. Investigator [REDACTED] also testified that the violation was a repeated violation as cited by Investigator [REDACTED] in 2017. Specifically, it was cited as violation #8 on the Report of Violations issued on December 11, 2017. *See* Government Exhibit 6.
20. As set forth in paragraph 9, as amended, of the Notice of Revocation, Licensee willfully failed in one (1) instance to document NICS information on the ATF Form 4473 in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). The Government produced testimony to support the violation. Investigator [REDACTED] also testified that the violation was a repeated violation as cited by Investigator [REDACTED] in 2017. Specifically, it was cited as violation #10 on the Report of Violations issued on December 11, 2017. *See* Government Exhibit 6.
21. Investigator [REDACTED] testified that by the conclusion of the compliance inspection, she had provided Licensee sufficient time to reconcile firearms missing from inventory for which there was no record of a disposition. Investigator [REDACTED] determined that Licensee was unable to account for [REDACTED] firearms; however, Licensee only agreed to accept that [REDACTED] firearms were missing from inventory even though Licensee could not verify disposition of the firearm. Licensee completed a theft/loss report for [REDACTED] firearms. *See* Government Exhibit 14.
22. Investigator [REDACTED] testified that she asked Phil Flack how and why the violations she cited occurred. Mr. Flack's responses were that he was very busy, did not take the time to double-check things, and was not unaware of some of his obligations. Investigator [REDACTED] also testified that Mr. Flack advised that he had not conducted regular inventories.

¹ During the hearing, Counsel for Licensee noted that Government Exhibit 1, Notice of Revocation, contained two violations numbered as #6. Counsel for the Government acknowledged the error and verbally amended the Notice to change the numbering of the remaining violations cited.

23. Area Supervisor (b)(6) testified for the Government. Supervisor (b)(6) testified about the warning conference she held with Licensee on March 15, 2018 and the warning conference follow-up letter she mailed to him on March 26, 2022. See Government Exhibit 9.

Conclusions of Law

Pursuant to the GCA, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license if the licensee has willfully violated any provision of the GCA or the regulations issued thereunder. 18 U.S.C. § 923(e); 27 C.F.R. § 478.73. For purposes of 18 U.S.C. § 923, a “willful” violation occurs when the Licensee had knowledge of the GCA and either purposefully disregards the requirements or is plainly indifferent to them. *American Arms, Int'l v. Herbert*, 563 F.3d 78, 85 (4th Cir. 2009); *CEW Props v. United States DOJ*, 979 F.3d 1271, 1279 (10th Cir. 2020); *Simpson v. AG United States*, 913 F.3d 110, 114 (3^d Cir, 2019); *The General Store v. Van Loan*, 560 F.3d 920, 924 (9th Cir. 2009); *Armalite, Inc. v. Lambert*, 544 F.3d 644, 648 (6th Cir. 2008); *On Target Sporting Goods, Inc. v. Attorney General*, 472 F.3d 572 (8th Cir. 2007); *Article II Gun Shop, Inc. v. Gonzales*, 441 F.3d 492 (7th Cir. 2006); *Willingham Sports, Inc. v. BATF*, 415 F.3d 1274 (11th Cir. 2005). See also, *Bryan v. United States*, 524 U.S. 184, 197-198 (1998). In several instances, the courts have held that ATF may revoke a FFL based on a single willful GCA violation. *Fairmount Cash Mgmt., L.L.C. v. James*, 858 F. 3d 356, 362 (5th Cir, 2017); *American Arms, Int'l v. Herbert*, 563 F.3d at 86; *DiMartino v. Buckles*, 129 F. Supp. 2d 824, 827 (D. Md. 2001). It is not necessary that a licensee act with “bad purpose or evil motive.” *Article II Gun Shop, Inc. v. Gonzales*, 441 F.3d 492, 497-98 (7th Cir. 2006); *Prino v. Simon*, 606 F.2d 449, 451 (4th Cir. 1979) (“no showing of malicious intent is necessary” to show willfulness).

The evidence and testimony support the contention that the Licensee understood the requirements that it must conduct NICS checks when required, timely and accurately record the acquisition and disposition of firearms in the A&D record, timely and accurately report the multiple sale of pistols and revolvers, accurately record required NICS information on the ATF Form 4473 and ensure that the ATF Form 4473 is accurately completed by the transferee and Licensee in all instances.

As indicated in the Notice of Revocation, ATF previously cited the Licensee for some of the same violations as the result of a compliance inspection in 2017. During the 2017 inspection, ATF reviewed the federal laws and regulations with the Licensee’s Sole Responsible Person, Marion Phillip Flack, with which the Licensee is required to comply as a holder of a federal firearms license. The review included Marion Phillip Flack signing the acknowledgments certifying that all the information was explained to him, any questions were answered, and he received a copy of the form.

Additionally, the Licensee’s Sole Responsible Person, Marion Phillip Flack, met with the Area Supervisor in a warning conference following the 2017 compliance inspection. In that instance, Mr. Flack listened as each of the violations and regulatory requirements were again reviewed and explained with him. Mr. Flack also provided ATF with a remedial plan indicating that he would

implement procedures to ensure that future violations did not occur. Mr. Flack was warned that future violations could lead to the loss of the federal firearms license.

One of the remedial measures Licensee promised to implement in 2018 was an annual inventory of firearms. Investigator (b)(6) testified that Phil Flack told her that he did not conduct inventories. During questioning by Counsel for the Government, Phil Flack stated initially that he did conduct inventories but acknowledged only doing “spot checks” when pressed on the matter.

Counsel for the Government questioned Phil Flack about the (b)(3) (112 Public Law 55 125 Stat 552) firearms missing at the conclusion of the compliance inspection that began in May 2021. Mr. Flack testified that a Taurus 63 firearm reported missing after the inspection was located on April 3, 2022. When asked to clarify that a firearm reported missing almost a year earlier had been in the Licensed premises the entire time, Phil Flack testified that, “it was squirreled away somewhere” in his shop.

A review of Licensee’s A&D record introduced by the Government demonstrates that Licensee periodically logged the acquisition and disposition of firearms accurately and timely. It is evident that Licensee’s failures to do so on numerous occasions demonstrates plain indifference to its known responsibilities.

A federal firearms licensee has a duty to be cognizant of the rules and regulations issued by ATF and to follow those mandates. It was apparent that the Licensee, who was a veteran firearms dealer, knew and understood his responsibilities, and was repeatedly advised of the responsibilities, and periodically complied with the GCA, yet was plainly indifferent to the firearms laws and regulations. *See CEW Props v. United States DOJ*, 979 F.3d at 1279-1281 (veteran FFL who had been trained by ATF regarding compliance with GCA and periodically complied with GCA was plainly indifferent to these responsibilities when he violated the GCA); *Simpson v. AG United States*, 913 F.3d at 114-15 (same).

I find that Licensee willfully violated 18 U.S.C. § 922(t) and 27 CFR § 478.102(c) when it failed to initiate a new NICS background check for a transferee after 30 days had lapsed since a prior NICS check was conducted.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1) when it failed to ensure that the transferee correctly recorded the required information on the ATF Form 4473.

I find that Licensee willfully violated 18 U.S.C. § 922(g)(1)(A) and 27 C.F.R. §§ 478.21a when it failed to ensure that the ATF Form 4473 was complete and accurate as required prior to transferring a firearm.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(b) when it failed to timely and/or accurately record the disposition of firearms to a licensee in its Acquisition and Disposition Record.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(d) when it failed to timely and/or accurately record the acquisition and disposition of firearms to a nonlicensee in its Acquisition and Disposition Record. I further find that Licensee's willful violation resulted in Licensee's inability to account for the disposition of at least [REDACTED] firearms requiring the filing of a theft/loss report.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(a) when it failed to timely and/or accurately record the Manufacture or acquisition of firearms in its Acquisition and Disposition Record.

I find that Licensee violated 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a when it failed to report the multiple sales or other dispositions of pistols or revolvers in [REDACTED] instance; however, I do not find the violation to be willful.

I find that Licensee willfully violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i) when it failed to verify and record identification documents on the ATF Form 4473.

I find that Licensee violated 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv) when it failed to document NICS information on the ATF Form 4473 in [REDACTED] instance; however, I do not find the violation to be willful.

As such, I conclude that the Licensee willfully violated the provisions of the Gun Control Act, as amended, and the regulations issued thereunder. Accordingly, as provided by 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, the Federal firearms license held by Tumbleweed Enterprises, Inc., doing business as P.F. Custom Guns, is hereby REVOKED.