

FAIRBURN PAWN INC's FCI
FCI-28094
08/15/2022 12:01 PM
IOI (b)(6) Atlanta VIII (IO) Field Office

LICENSEE INFORMATION

Licensee Name
FAIRBURN PAWN INC
RDS Key
1-58-16851
License/Permit Number
1-58-121-02-1G-16851
License Type
02 - Pawnbroker License
Business Type
Corporation

Premises Address

Premises Ownership Type
Owned
Premises Location Type
Store Front
Address
33 SW BROAD ST
Unit N/A
FAIRBURN, Georgia 30213
FULTON
United States

Mailing Address

Same as Premises Address

Phone Type	Phone Number	Remarks
Business	+1 770-964-7434	
Fax	+1 770-969-4755	
Email Address	Email Remarks	
fairburnpawninc@hotmail.com		

RECOMMENDATIONS

Final Decision
Warning Conference
Deputy Assistant Director - Industry Operations Curtis Gilbert's Recommendation
Warning Conference
Details

Per briefing to DAD(IO) on 5/12/22, please have A/S determine if cited 478.121(c) is the correct citation.

Presented by DAD(IO) to Acting Director, Associate Deputy Director and Chief Counsel on June 22, 2022 as an alternate to revocation due to extraordinary circumstances. The Acting Director found that extraordinary circumstances existed due to the fact that only one lower was transferred without a NICS check and (b)(5) DPP (b)(5) DPP Due to these facts the action of revocation was not the appropriate action in this scenario.

Special Agent in Charge Benjamin Gibbons's Recommendation

Concur with DIO recommendation of an alternate.

Senior Attorney (b)(6) Review
Details

Review completed

Director Industry Operations Scena Webb's Recommendation
Warning Conference
Details

DIO Recommends and Alternate to Revocation.

(b)(5) DPP

(b)(5) DPP

Area Supervisor **(b)(6)** Recommendation
Warning Conference
Details

I concur with IO **(b)(6)**'s recommendation for Warning Conference in lieu of Revocation. The licensee has shown an improvement on the number of instances in repeat violations. Violation 478.102(a) and 478.124(a) was the result of a lower receiver that was sold as an accessory by an employee who thought it was an accessory at the time of sale. The firearm was **(b)(6)**. Violation 478.121(c) was amended to 478.21a. At the time of entry, Spartan would not allow this citation to be chosen. An amended ROV has been issued to reflect this change. I recommend a warning conference be held with the RP and additional training be conducted to his employees.

Industry Operations Investigator **(b)(6)** Recommendation
Warning Conference
Details

The field inspection was conducted on 06/07/2021 - 07/01/2021. A ROV was issued for five recordkeeping violations, including 2 NICS instances and two conduct of business violations. Revocation was merited as a result of the following violations: 27 CFR 478.124(a), Failure to execute a Form 4473 and 27 CFR 478.102(a), Failure to conduct a NICS check. The one instance of both violations involved an employee selling a receiver thought to be a firearm accessory. License had reported the firearm a missing prior to commencement of the inspection. Neither were cited during the previous inspection conducted on 04/30/2019; 27 CFR 478.125(e), failure to properly maintain the A&D record, including **(b)(6)** firearm in **(b)(6)** instances. This included **(b)(6)** instance of a firearm discovered and reported missing after the inventory reconciliation. This repeat violation was cited during the 2019 inspection. There were a greater number of instances **(b)(6)** firearms had to be reported as missing. Also a majority of the current **(b)(6)** instances found were due to the licensee use of a new electronic A&D system, Pawnmaster. The licensee began using the new system in June 2019. The license was advised to contact Pawnmaster for updates to the system; and 27 CFR 478.124(c)(1), failure to obtain a properly completed form in **(b)(6)** instance. The license failed to halt the sale when the buyer answered "yes" in item 21.a. indicating that the buyer was a straw purchaser. This violation is now cited in SPARTAN in lieu of 27 CFR 478.21(a), forms prescribed. The **(b)(6)** instance is fewer than **(b)(6)** total instances cited for 27 CFR 478.124(c)(1) and 478.21(a) during the 2019 inspection. The four remaining violations were appropriately addressed by issuance of the ROV and Warning Letter when taking into account the licensee's inspection history. The 2019 inspection resulted in a total of ten violations as opposed to the current number of seven violations. Also, the current inspection revealed fewer instances of the repeat violations.

Inspection Findings

Records and Forms

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

4. Failure to conduct a NICS check or obtain an alternate permit (Exception: Select findings 1, 2, and 3 above for consignment sales, transfers to law enforcement officers for personal use, and FFL responsible persons if the transferee is NOT prohibited).

Miscellaneous

6. Actively engage in a straw purchase transaction (i.e., the licensee knows or has reasonable cause to believe that the transferee of record is not the actual buyer).

ELIGIBILITY VERIFICATION

Business Information Verification

Licensee Name

FAIRBURN PAWN INC

Business Type

Corporation

Is the business valid?

Yes

Additional Findings

Licensee is registered as a domestic profit corporation in the State of Georgia and was created under laws of the State of Georgia on January 26, 1981. The Georgia Secretary of State website shows that Mrs. Violet J. Todd is the Chief Executive Officer and Mr. Johnny D. Todd is the Secretary and CFO.

Attachment(s):

State annual registration Fairburn Pawn Inc.pdf

Property Ownership Verification

Premises Ownership Type

Owned

Premises Location Type

Store Front

Has the property ownership been verified?

Yes

Address

33 SW BROAD ST

Unit N/A

FAIRBURN, Georgia 30213

FULTON

United States

Additional Findings

The building is owned by Fairburn Pawn Inc.

Attachment(s):

Property Ownership Verification - Fairburn pawn shop, inc.-1.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?

Yes

Additional Findings

The business is located in the urban commercial downtown area of Fairburn.

Attachment(s):

RE_Zoning verification of property address of 33 SW Broad Street, Fairburn, GA 30213.pdf

APPOINTMENT DETAILS

Interview Date

06/21/2021

Address

33 SW BROAD ST, Unit N/A, FAIRBURN, Georgia 30213

Remarks

Prior notification was not provided to the licensee. The inspection commenced on June 7, 2021.

Responsible Attendee(s)

VIOLET JANE TODD

JOHNNY DEWITT TODD

Non-Responsible Person(s)

(Deactivated)
(Deactivated)
Lauren Todd
(Deactivated)

RESPONSIBLE PERSON(S)

VIOLET JANE TODD

Name
Mrs. VIOLET JANE TODD
Gender
Female
Race
White
Ethnicity
Not Hispanic or Not Latino
Date of Birth
(b)(6)
SSN
(b)(6)
Job Title
PRES

Physical Identifiers

Height
Weight
Hair Color
Black
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)	

Criminal History Check

Date Criminal History Check Conducted
06/21/2021
Criminal History Check Comments
No prohibiting information received
JOHNNY DEWITT TODD

Name
Mr. JOHNNY DEWITT TODD
Gender
Male
Race
White
Ethnicity
Not Hispanic or Not Latino
Date of Birth
(b)(6)
SSN
(b)(6)

Job Title
CFO/SECRETARY

Physical Identifiers

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

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
Driver's License	United States	(b)(6)	(b)(6)
Phone Type	Phone Number	Remarks	
Mobile	(b)(6)		
Email Address	Email Remarks		
fairburnpawninc@hotmail.com			

Criminal History Check

Date Criminal History Check Conducted
06/21/2021
Criminal History Check Comments
No prohibiting information received

NON-RESPONSIBLE PERSON(S)

Name
Date of Birth

Job Title
Employee

Name
Date of Birth

Job Title
Employee

(b)(6)

Name
(b)(6)
Date of Birth

Job Title

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
Licensee is a pawnbroker with a store front location in the urban downtown area of Fairburn. Deals in firearm accessories, jewelry, small electronics and garden equipment. Internet sales are conducted via gunbroker.com. No business website.

Do they need an additional license or permit?

Yes

Who are their primary suppliers?

(b)(4)

Other State or Local Permits

Type	Number	Expiration
State/Local Business License	0369	12/31/21

Business Activities

Pawnbroker

Retail

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping

PREMISES INFORMATION

Inspection Area Description

Business is in a commercial urban location in the downtown area of the city of Fairburn.

Primary Activity

Retail

GPS Coordinates

Latitude

33.33588

Longitude

-084.34562

Selected Physical Security Measures

(b)(4)

INTERVIEW NOTES

Period of inspection 6/5/2020 through 6/5/2021. Amended ROV signed on 5/24/2022.

ONSITE SUMMARY

Total Number of ATF Form 4473s for Inspection Review Period

(b)(4)

Total Number of ATF F 4473 Reviewed

(b)(4)

Total Number of Open Dispositions in A & D Record

(b)(4)

Total Number of Firearms in Inventory

892

Actual Number of Firearms Verified

892

Number of Firearms Missing Before Reconciliation

0

Total Number of Firearms Missing After Reconciliation

1

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

0

Total Number of Those Traces That Were Unresolved

0

Inspection Period Start Date

06/07/2020

Inspection Period End Date

06/07/2021
 Number Of Traces Resolved By IOI
 0

[Click Here to See List of Perfected Traces](#)

Compliance History

3/28/2019 FCI-4869 DE Inspection completed resulting in Warning Conference in lieu of Revocation

Violations cited: 478.21(a) [redacted] instances; 478.124(c)(1) [redacted] instances; 478.124(c)(4) [redacted] instances; 478.124(c)(5) [redacted] instances; 478.102(a)(1) [redacted] instance; 478.102(d)(1) [redacted] instance; 478.131(a)(2) [redacted] instance; 478.126a [redacted] instances; 478.129(b) [redacted] instances; 478.125(e) [redacted] instances [redacted] missing firearms)

4/8/2013 DE Inspection completed resulting in ROV only, no recall. Violations cited was 478.124(c)(1) and 478.125(e).

2/3/2010 DE Inspection completed resulting in Warning Letter and recall. Violations cited was 478.124(c)(1); 478.125(e); 478.21(a); 478.124(c)(3)(i); 478.124(c)(3)(ii); 478.124(c)(3)(iv); 478.124(c)(4); 478.126a; 478.102

7/28/2006 DE Inspection- No violations cited

11/20/2003 DE Inspection resulting in Warning Conference.

Additional Comments

FFL ha [redacted] ATF Forms 4473 on file for the inspection period. A sample review was authorized by DIO, Scena Webb and AS [redacted] (b)(6). The sample consisted of [redacted] forms, including all forms related to the cited violations.

The Inventory reconciliation revealed that the licensee ha [redacted] instances of failure to record the disposition of a firearm [redacted] instance of failure to record the acquisition of a firearm [redacted] duplicate entry of a firearm and [redacted] missing firearm.

Attachment(s)

- Report of Violations.pdf
- Licensee Response to Violations Report.pdf
- Licensee Response to Violations Report.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances [redacted]</p>	<p>Firearms reported as lost or stolen must be logged out of the electronic A&D record system and the corresponding ATF incident be entered in the A&D record. When transactions are held in the electronic A&D record for reasons including delayed or denied responses from the NICS, the licensee must ensure that the system default did not prematurely log out the firearm. When the firearm is transferred, the licensee must ensure that electronic A&D accurately and timely reflects the date of transfer.</p> <p>The IOI advises that the licensee to do the following: Conduct quarterly comparisons of the A&D record and physical inventories to ensure that the A&D accurately reflect all acquired firearms descriptions and history; Designate specific employee(s) to input information into the A&D record system as to help to ensure that A&D is properly and regularly maintained; Establish a standard operating procedure for employees who enter information in to the electronic A&D record to further help alleviate errors.</p> <p>Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information.</p>	<p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552)</p>

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

		(b)(3) (112 Public Law 55 125 Stat 552)
2	<p>27 CFR 478.124(a): Failure to execute an ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>IOI advise the licensee to ensure that employees are educated and trained in how to how to identify a firearm, including receiver and instruct them on how to conduct a firearm transfer. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552)</p>
3	<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>IOI again advise the licensee to establish a standard operating procedure that educates the employees on how to identify a firearm, and properly conduct a firearm transfer. Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>NICS Violation: <input type="text"/> (b)(3) (112 Public Law 55 125 Stat 552)</p>
4	<p>27 CFR 478.102(b): Failure to record a NICS/POC transaction number on an ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Ensure that all required NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p> <p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
5	<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Halt the transaction when a purchaser indicates that they are not purchasing the firearm for themselves. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
6	<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Licensee should capture the firearm manufacturer, model, serial number and caliber information directly from the firearm in order to ensure that the correct information is captured on the ATF Form 4473 and required record. Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p> <p style="text-align: center;">(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
7	<p>27 CFR 478.121(c): Making false entry, omitting entry, or failing to properly maintain required recordkeeping</p> <p>Number of Instances: 0</p>	<p>When correcting the ATF Form 4473 after the transfer of the firearm, a photo copy of the form must be made and corrections are to be made on the photo copied form. No corrections are to be made to the original form after the firearm has been transferred. Cease and desist from engaging in deceptive practices.</p>

THEFT/LOSS REPORT

(b)(3) (112 Public Law 55 125 Stat 552)**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: <input type="text"/></p>	<p>Firearms reported as lost or stolen must be logged out of the electronic A&D record system and the corresponding ATF incident be entered in the A&D record. When transactions are held in the electronic A&D record for reasons including delayed or denied responses from the NICS, the licensee must ensure that the system default did not prematurely log out the firearm. When the firearm is transferred, the licensee must ensure that electronic A&D accurately and timely reflects the date of transfer.</p> <p>The IOI advises that the licensee to do the following: Conduct quarterly comparisons of the A&D record and physical inventories to ensure that the A&D accurately reflect all acquired firearms descriptions and history; Designate specific employee(s) to input information into the A&D record system as to help to ensure that A&D is properly and regularly maintained; Establish a standard operating procedure for employees who enter information in to the electronic A&D record to further help alleviate errors.</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>Many of the errors were caused by the Pawnmaster electronic system and they be contacted ensure that the system does not automatically log out firearms that were not transferred. Also, licensee will enter, verify and correct any incorrect information shown in the electronic A&D.</p>	<p>Status Correction Verified Verified Method In Person Date Correction Verified 07/14/2021</p>
<p>27 CFR 478.124(a): Failure to execute an ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>IOI advise the licensee to ensure that employees are educated and trained in how to identify a firearm, including receiver and instruct them on how to conduct a firearm transfer. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Licensee explained how the firearm was reported as missing when the mistake was discovered. Employees have been educated about what ATF defines as firearm. This error will not reoccur.</p>	<p>Status Licensee Notified Verified Method In Person Date Licensee Notified 07/14/2021</p>
<p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>IOI again advise the licensee to establish a standard operating procedure that educates the employees on how to identify a firearm, and properly conduct a firearm transfer. Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p>	<p>This error will not reoccur as the employee has received instructions on how to transfer a firearm receiver.</p>	<p>Status Licensee Notified Verified Method In Person Date Licensee Notified 07/14/2021</p>
<p>27 CFR 478.102(b): Failure to record a NICS/POC transaction number on an ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Ensure that all required NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>The omission of the NTN was a human error. Future forms will be properly completed.</p>	<p>Status Licensee Notified Verified Method In Person Date Licensee Notified 07/14/2021</p>
<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: <input type="text"/> Number of Instances: <input type="text"/></p>	<p>Halt the transaction when a purchaser indicates that they are not purchasing the firearm for themselves. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>Again human error and closer attention will be given to each form.</p>	<p>Status Licensee Notified Verified Method In Person Date Licensee Notified 07/14/2021</p>

<p>27 CFR 478.124(c)(4): Failure to record firearm information on an ATF F 4473</p> <p>ATF Forms 4473 [redacted] Number of Instances: [redacted]</p> <p>6</p>	<p>Licensee should capture the firearm manufacturer, model, serial number and caliber information directly from the firearm in order to ensure that the correct information is captured on the ATF Form 4473 and required record.</p> <p>Ensure that all required firearm identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section D.</p>	<p>All information will be obtain from the firearm and recorded accordingly.</p>	<p>Status Licensee Notified Verified Method In Person Date Licensee Notified 07/14/2021</p>
<p>27 CFR 478.121(c): Making false entry, omitting entry, or failing to properly maintain required recordkeeping</p> <p>Number of Instances: 0</p> <p>7</p>	<p>When correcting the ATF Form 4473 after the transfer of the firearm, a photo copy of the form must be made and corrections are to be made on the photo copied form. No corrections are to be made to the original form after the firearm has been transferred.</p> <p>Cease and desist from engaging in deceptive practices.</p>	<p>Employee was unaware of how to correct the ATF Form 4473 and will properly correct all forms in the future.</p>	<p>Status Licensee Notified Verified Method In Person Date Licensee Notified 07/14/2021</p>

CLOSING CONFERENCE

Review Regulations conducted offline
(7/14/2021)
07/14/2021
Closing Conference Additional Notes
Amended ROV signed on-site 5/25/2022
Attachment(s)

Attendee(s)

JOHNNY DEWITT TODD

WARNING CONFERENCE

Scheduling Letter

Assigned To
[redacted] (b)(6)
Delivery Method
Hand-Delivery
Recipient Name
Johnny Todd
Delivery Date
08/03/2022 05:00 PM
Conference Details

Warning Conference Lead
Scena Webb
Conference Date/Time
08/04/2022 02:34 PM
Conference Address
2635 Century Pkwy NE, Atlanta, Georgia 30345
Representing ATF
Scena Webb and [redacted] (b)(6)
Responsible person(s) representing the licensee
JOHNNY DEWITT TODD
Non-Responsible person(s) representing the licensee
[redacted] (b)(6)

Follow-Up Letter Details
Violation of 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms in [redacted] instances.

In response to this violation, Mr. Todd explained that he maintains both electronic and manual A&D record books. Mr. Todd plans to continue using the electronic A&D as the "Official" record and plans to correct the electronic record on a case by case basis. However, since the system generates and/or captures incorrect disposition information for transferred and non-transferred firearms and will require the identification privately made firearms (PMF), the licensee was advised to either contact the software company for a solution, obtain new software or use the manual A&D record as the "Official" record. The licensee was also advised to conduct regular inventories in order to ensure that all firearms are accounted for and to detect discrepancies and errors in the physical and A&D record inventories.

The licensee was instructed on and provided portions of the updated Federal Register involving the following: Requirements to serialize firearms that do not have a serial number before transfer beginning 8/24/2022; Requirement to identify privately made firearms in the A&D record; sales of a firearm kits requiring an ATF Form 4473 and background check; and types of firearm activities performed by gunsmiths and a firearm manufacturers.

Violations of 27 CFR 478.124(a) Failure to execute an ATF Form 4473 and 27 CFR 478.102(a) Failure to Complete a NICS/POC background check both in involving the transfer of a receiver.

During the conference, Mr. Todd stated that the individual who sold the receiver will no longer work in the store and that the firearms parts and receivers will no longer be offered for sale at the store. Mr. Todd further explained that the electronic system provides an alert to obtain purchaser ID when a firearm is purchased. Mr. Todd was advised that training and educating all store employees helps to ensure that firearms are not transferred without accurate completion of the ATF Forms 4473 and background checks.

Violations of: 27 CFR 478.102(b) Failure to record a NICS transaction number on the ATF Form 4473; 27 CFR 478.124(c)(1) Failure to obtain a completed ATF Form 4473 ; 27 CFR 478.124(c)(4); Failure to record firearm information on the ATF Form 4473 and 2 CFR 478.21(a) Failure to furnish or provide information called for by the headings and instructions pertaining to the ATF Form 4473.

In response to this violation you stated that all forms will continue to be reviewed three times before the firearm leaves the premises. The licensee was advised to remain consistent to ensure that all forms are accurately and thoroughly completed.

The licensee was instructed on and provided portions of the updated Federal Register involving the following: Requirements to serialize firearms that do not have a serial number before transfer beginning 8/24/2022; requirement to identify privately made firearms in the A&D record; sales of firearm kits requiring an ATF Form 4473 and background check; and types of firearm activities performed by gunsmiths and a firearm manufacturers.

Follow-Up Letter

Delivery Method
 Hand-Delivery
 Recipient Name
 Johnny Todd
 Delivery Date
 08/11/2022 11:23 AM
 Additional Notes
 Letter hand delivered at the licensed premise location.

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 1-58-16851
WarningConferenceFollowUpLetter	Inspection Results Follow Up Letter.pdf
WarningConferenceSchedulingLetter	Scheduling Letter.pdf
Correspondence	Spartan Notification RE: 1-58-16851
Correspondence	Monitored Case Spartan Notification RE: 1-58-16851
Correspondence	Monitored Case Spartan Notification RE: 1-58-16851
Correspondence	Monitored Case Spartan Notification RE: 1-58-16851
LicenseeResponseToViolationsPDF	Response to Violations Report.pdf
ReturnedSignedROV	Signed Amended ROV Fairbum Pawn 5.24.2022.pdf
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
Correspondence	
Correspondence	DADIO Curtis Gilbert Returned Inspection FCI-28094
Correspondence	Spartan Notification RE: 1-58-16851
Correspondence	Monitored Case Spartan Notification RE: 1-58-16851
Correspondence	Monitored Case Spartan Notification RE: 1-58-16851
Correspondence	Monitored Case Spartan Notification RE: 1-58-16851
Correspondence	Monitored Case Spartan Notification RE: 1-58-16851

Correspondence	Notification RE: 1-58-16851 Monitored Case Spartan
LicenseeResponseToViolationsPDF	Response to Violations Report.pdf
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
ZoningVerification	RE_Zoning verification of property address of 33 SW Broad Street, Fairburn, GA 30213.pdf
PropertyOwnershipVerification	Property Ownership Verification - Fairburn pawn shop, inc.-1.pdf
BusinessVerification	State annual registration Fairburn Pawn Inc.pdf



August 3, 2022

WARNING CONFERENCE

FAIRBURN PAWN INC
33 SW BROAD ST
FAIRBURN, Georgia 30213

Re: Federal Firearms License Number: 1-58-16851

FAIRBURN PAWN INC,

As a result of a recent compliance inspection conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) at your firearms business located at 33 SW BROAD ST, Unit N/A, FAIRBURN, Georgia 30213 on 6/21/2021 through 07/14/2021, you were cited for violations of 27 Code of Federal Regulations, Part 478. The violations were discussed with you during the inspection. A copy of the Report of Violations issued at the time of the inspection is enclosed.

You should be aware that any willful violations of the Gun Control Act may result in revocation of your Federal firearms license. As a result of the recently cited violations, it is important that we have a meeting with you to discuss the violations found. The conference will be held at 2635 Century Pkwy NE, Atlanta, Georgia 30345 on 08/04/2022 at 1:34 PM. The agenda for the meeting will include a discussion of the reasons for the violations, a review of the legal requirements, and a discussion of steps to be taken by you to ensure future compliance. Although we do not believe it necessary, legal counsel may assist you at your own expense if you so choose. **Please bring with you documentation verifying the corrective action you have taken and any compliance plan you have developed to ensure these violations do not recur.**

Also, you are hereby notified that, pursuant to 18 U.S.C. § 930(a), no person may bring a firearm or other dangerous weapon into an ATF office. Possession of a firearm or other dangerous weapon in an ATF office may result in a fine of \$100,000 or imprisonment for not more than 1 year or both.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing effort to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business to aid in this effort to combat violent crime.

We will conduct a follow-up inspection in the future. Any violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license.

Please contact Industry Operations Investigator [REDACTED] or me at [REDACTED] to confirm this appointment, and to ask any questions you may have regarding this conference. We look forward to meeting with you to resolve these issues.

Sincerely,
Scena Webb
Director Industry Operations
Atlanta Field Division



August 4, 2022

WARNING CONFERENCE FOLLOW UP

FAIRBURN PAWN INC

33 SW BROAD ST
FAIRBURN, Georgia 30213

Re: Federal Firearms License Number: 1-58-16851

FAIRBURN PAWN INC,

This letter is a follow-up to the warning conference held with you on August 4, 2022 at 2:34 PM. During this conference, the violations cited during the inspection conducted on 6/21/2021 through 7/14/2021, and the necessary corrective action to prevent the violations from reoccurring were discussed. The following people were in attendance:

Representing the ATF Atlanta Field Division Field Division: Scena Webb and (b)(6)
Responsible person(s) representing the licensee: JOHNNY DEWITT TODD
Non-Responsible person(s) representing the licensee: (b)(6)

You were given the opportunity to comment on the violations and what specific action you have taken to ensure that the violations will not reoccur. With respect to the cited violations, we are providing a summary of your response to each violation:

Violation of 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms (b)(6) instances.

In response to this violation, Mr. Todd explained that he maintains both electronic and manual A&D record books. Mr. Todd plans to continue using the electronic A&D as the "Official" record and plans to correct the electronic record on a case by case basis. However, since the system generates and/or captures incorrect disposition information for transferred and non-transferred firearms and will require the identification privately made firearms (PMF), the licensee was advised to either contact the software company for a solution, obtain new software or use the manual A&D record as the "Official" record. The licensee was also advised to conduct regular inventories in order to ensure that all firearms are accounted for and to detect discrepancies and errors in the physical and A&D record inventories.

The licensee was instructed on and provided portions of the updated Federal Register involving the following: Requirements to serialize firearms that do not have a serial number before transfer beginning 8/24/2022; Requirement to identify privately made firearms in the A&D record; sales of a firearm kits requiring an ATF Form 4473 and background check; and types of firearm activities performed by gunsmiths and a firearm manufacturers.

Violations of 27 CFR 478.124(a) Failure to execute an ATF Form 4473 and 27 CFR 478.102(a) Failure to Complete a NICS/POC background check both in involving the transfer of a receiver.

During the conference, Mr. Todd stated that the individual who sold the receiver will no longer work in the store and that the firearms parts and receivers will no longer be offered for sale at the store. Mr. Todd further explained that the electronic system provides an alert to obtain purchaser ID when a firearm is purchased. Mr. Todd was advised that training and educating all store employees helps to ensure that firearms are not transferred without accurate completion of the ATF Forms 4473 and background checks.

Violations of: 27 CFR 478.102(b) Failure to record a NICS transaction number on the ATF Form 4473; 27 CFR 478.124(c)(1) Failure to obtain a completed ATF Form 4473; 27 CFR 478.124(c)(4); Failure to record firearm information on the ATF Form 4473 and 2 CFR 478.21(a) Failure to furnish or provide information called for by the headings and instructions pertaining to the ATF Form 4473.

In response to this violation you stated that all forms will continue to be reviewed three times before the firearm leaves the premises. The licensee was advised to remain consistent to ensure that all forms are accurately and thoroughly completed.

The licensee was instructed on and provided portions of the updated Federal Register involving the following: Requirements to serialize firearms that do not have a serial number before transfer beginning 8/24/2022; requirement to identify privately made firearms in the A&D record; sales of firearm kits requiring an ATF Form 4473 and background check; and types of firearm activities performed by gunsmiths and a firearm manufacturers.

The violations for which you were cited could adversely impact law enforcement's ability to reduce violent crime and protect the public. You are reminded that future violations, repeat or otherwise, could be viewed as willful and may result in the revocation of your license. You may anticipate further inspections to ensure your compliance.

Please contact us if you have any questions concerning your responsibilities as a licensee or if you require further clarification about particular requirements of Federal firearms laws.

Sincerely,
Scena Webb
Director Industry Operations
Atlanta Field Division