

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) DECKER ENTERPRISES INC PETES GUN SHOP 9 GROVE ST ADAMS, MA 01220, BERKSHIRE	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 762055-2017-0302-B1B			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 604003010B06460</td> <td style="width: 33%;">4a. TARGET DATE 12/30/2017</td> <td style="width: 33%;">4b. TARGET HOURS 60</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 604003010B06460	4a. TARGET DATE 12/30/2017	4b. TARGET HOURS 60
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	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)			

6. ATF OFFICER(S) ASSIGNED
(b)(6) - Lead Investigator

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)
(b)(6), Area Supervisor, 09/14/2017

8. PURPOSE/SPECIAL INSTRUCTIONS
 RELATED TO FMI 762055-2015-0097

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	7	NO. OF REFERRALS	2	2111 - PER DIEM	
NO. OF TECS CHECKS	114	NO. OF TECS HITS	2	2112 - P.O.A.	
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR	
		\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR	
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES	
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.	
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.	

11. ATF OFFICER'S RECOMMENDATION
 Submitted by **(b)(6)** - Industry Operations Investigator

 Submitted on: 06/01/2018
 Violations and Revocation.

Based on current ATF policy, the licensee falls within the guidelines for revocation. Specifically, the licensee falls within the guidelines for revocation based on the licensee's participation in straw sales. During the course of the current ATF inspection evidence was obtained that the licensee engaged in straw sales in at least **(b)(6)** instances. In the instances cited, the licensee executed the ATF Forms 4473 and entered the straw buyer's information into his A&D record knowing, or with reasonable cause to believe, that the straw purchaser was not the actual buyer and/or intended recipient of the firearm in violation of 27 CFR 478.128(c). The licensee was cited for a total of **(b)(6)** separate violations of federal firearm laws and regulations.

In addition to the above revocation level violations, the licensee is also being recommended for revocation based on violations discovered under the separate inspection of his Vermont Federal Firearms license. See ATF Hartford UI#762055-2015-0097.

Specifically, the licensee falls within the guidelines for revocation under his Vermont FFL based on false statements made to ATF regarding his manufacturing activities in violation of 27 CFR 478.128(c) & 18 U.S.C. 923(g)(5).

Specifically, the licensee reported the manufacturer of 2 rifles in 2013 on his required AFMER report, however, he failed to report 3 additional rifles that he manufactured in 2013. Furthermore, the inspection revealed that the licensee did not report the manufacture of any firearms in 2014, 2015, or 2016, despite manufacturing firearms in each of those years. In total there were at least 14 firearms that were manufactured in the years 2013 through 2016 and not reported to ATF. It was further discovered that the licensee marked firearms that he initially made in 2013, but thereafter manufactured firearms and failed to place his marks of identification on them in violation of federal firearm laws and regulations. The licensee was aware that he was required to mark firearms manufactured by him but chose not to do so. When IOI **(b)(6)** inquired as to why he did not mark the firearms that were manufactured by him he stated that he found it hard to sell them with his name on them.

Viols and Revocation / Denial of Renewal App

12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)
SEP 2017	50.50
OCT 2017	109.50
NOV 2017	72.50

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	3. PERMIT/LICENSE NUMBER 4a. TARGET DATE 4b. TARGET HOURS 604003010B06460 12/30/2017 60
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)

12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)	
DEC 2017	19.00	
JAN 2018	3.00	
APR 2018	8.00	
JUN 2018	1.00	
ATF OFFICER'S SUBTOTAL	263.50	ATF OFFICER'S SIGNATURE
TOTAL HOURS	263.50	

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Decker Enterprises, Inc.
d.b.a. Pete's Gun Shop
DE Compliance, 6-04-06460
IOI (b)(6)

Forwarded to DIO for Recommendation of Revocation.

Based on current ATF policy, the licensee falls within the guidelines for revocation due to his participation in straw sales. The inspection revealed evidence of possible straw sales. These instances revealed that the licensee executed the ATF Forms 4473 and entered the straw buyer's information into his A&D record knowing, or with reasonable cause to believe, that the straw purchaser was not the actual buyer and/or intended recipient of the firearm.

The licensee is also being recommended for revocation based on violations discovered under the separate inspection of his Vermont Type 07 FFL. See ATF Hartford UI#762055-2015-0097.

Under his Vermont FFL the licensee has made false statements to ATF regarding his manufacturing activities and filed false Annual Firearms Manufacturing and Exportation Reports (AFMER) for for 2013, 2014, 2015 and 2016.

The licensee reported the manufacturer of two rifles in 2013 on his required AFMER report, however, he failed to report 3 additional rifles that he manufactured in 2013. Furthermore, the inspection revealed that the licensee did not report the manufacture of any firearms in 2014, 2015, or 2016, despite manufacturing firearms in each of those years. In total there were at least 14 firearms that were manufactured between 2013 - 2016. It was further discovered that the licensee marked firearms that he initially made in 2013, but thereafter manufactured firearms and failed to place his marks of identification on them in violation of federal firearm laws and regulations. The licensee was aware that he was required to mark firearms manufactured by him but chose not to do so. When questioned as to why he did not mark the firearms he manufactured he stated he found them hard to sell with his name marked on them.

In lieu of revocation, a settlement has been reached. Reference document in source documents.

Violations - Stipulated/Negotiated Settlement in Lieu of Revocation

REVIEWED
 CONCUR
 SEE COMMENTS
 FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 12/19/2017
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Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) DECKER ENTERPRISES INC PETES GUN SHOP 9 GROVE ST ADAMS,MA 01220, BERKSHIRE	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 762055-2017-0302-B1B		
	3. PERMIT/LICENSE NUMBER 604003010B06460	4a. TARGET DATE 12/30/2017	4b. TARGET HOURS 60
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Revocation Recommended. Exhibit 8c requested.

Viols and Revocation / Denial of Renewal App

REVIEWED CONCUR SEE COMMENTS FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Acting DIO	REVIEW DATE 12/20/2017
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REVIEW COMMENTS AND RECOMMENDATION

In lieu of revocation, a settlement has been reached. Reference document in source documents.

Violations - Stipulated/Negotiated Settlement in Lieu of Revocation

REVIEWED CONCUR SEE COMMENTS FINAL DISPOSITION

SIGNATURE AND TITLE NEOLEARY - Director, Industry Operations	REVIEW DATE 05/21/2018
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ROUTING SEQUENCE AND DATE

- 1. _____
- 2. _____
- 3. _____
- 4. _____

CONTROL FILE POSTED DATE _____

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor Decker Enterprises INC/DBA: Pete's Gun Shop	Street Address 9 Grove Street	City Adams	State MA	ZIP Code 01220	County Berkshire	Page 1 of 7 Pages
License Permit/Registry Number (if any) 6-04-003-01-0B-06460		Expiration Date February 1, 2020	Date(s) or Period of Inspection March 28, 2009 - September 27, 2017			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken <i>(If not corrected immediately)</i>	Date Corrections to be Made <i>(If not corrected immediately)</i>
1.	27 CFR 478.21(a)	<p>Forms prescribed. The licensee failed to execute ATF required forms fully and completely and per the instructions on the form and/or failed to use the updated version of a required form in approximately [redacted] instances.</p> <p>Specifically, in [redacted] instances the licensee failed to record the type of firearm on ATF Form 4473 (question 16, 4473 version 2016 & question 18, version 2012). See ATF Forms 4473 for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)</p> <p>In [redacted] instance the licensee used an out of date multiple sales form (ATF Form 3310.1). In this instance the licensee used a 2009 version instead of the 2012 version. See ATF Forms 4473 for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)</p> <p>In [redacted] instances the licensee failed to record the number of firearms bought by the purchaser on the ATF Form 4473 (question 29, ATF Form 4473 version 2016 & question 30a, version 2012). See ATF Forms 4473 for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)</p> <p>In [redacted] instances the licensee failed to ensure the buyer certified that he was the actual buyer of a firearm (question 11a) on ATF Form 4473. See ATF Forms 4473 for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)</p> <p>See next page.</p>	<p>Licensee was advised that he must fill out all required forms completely and correctly and per the instructions on the forms. Licensee was reminded that they must use the most up to date version of all required forms.</p> <p>Licensee was instructed to correct a COPY of the ATF Form 4473, and initial and date the corrected copy, and attach the corrected copy to the original form.</p>	<p>Immediately within 30 days of the issuance of the ROV. (b)(6) 11/29/17</p> <p>Immediately within 30 days. 11/29/17</p>

I Have Received a Copy of This Report of Violations (Proprietor's signature and title)	Date
Signature and Title of ATF Officer (b)(6) ATF IOE	Date 29 Nov 17 11/29/17

Report of Violations

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Name of Proprietor Decker Enterprises INC/DBA: Pete's Gun Shop	Street Address 9 Grove Street	City Adams	State MA	ZIP Code 01220	County Berkshire	Page 2 of 7 Pages
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License/Permit Registry Number (if any) 6-04-003-01-0B-06460	Expiration Date February 1, 2020	Date(s) or Period of Inspection March 28, 2009 - September 27, 2017
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Inspection Results

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Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (If not corrected immediately)	Date Corrections to be Made (if not corrected immediately)
1.	27 CFR 478.21(a)	Continued from prior page: In (b)(3) - 11 instance the licensee failed to print the name of the seller and the title of the seller of the firearm on ATF Form 4473 (Questions 33&35). See ATF Form for (b)(3) - 112 Public Law 55 125 Stat 55 Licensee in (b)(3) - 112 instance failed to record the trade name or the company name on the ATF Form 4473 (Question #31). See 4473 for (b)(3) - 112 Public Law 55 125 Stat 55	See prior page	Immediately within 30 days of the issuance of the ROV. (b)(6) 11/29/17
2.	27 CFR 478.124(c)(1) & 27 CFR 478.32(d)(9) & 27 CFR 478.32(d)(1) & 27 CFR 478.32(d) & 27 CFR 478.(d)(2)	Firearms transaction record (ATF Form 4473). Licensee in eight instances failed to obtain the required certification on the ATF Form 4473 that the the firearm Transferee/Buyer was not prohibited from receiving a firearm prior to transferring the firearm to that individual, and/or failed to have the buyer sign and date the form. Specifically, in four instances the licensee transferred firearms to individuals who indicated they were prohibited from receiving firearms by answering "Yes" to the Prohibited Person Questions. In (b)(3) - 11 of these instances the licensee transferred a firearm to a buyer who indicated they were prohibited from receiving firearms by a "Yes" response to question 11.i., "Have you been convicted of a misdemeanor crime of domestic violence". See ATF Form 4473 for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) In (b)(3) - 112 of these instances the licensee transferred a firearm to an individual who indicated on the ATF Form 4473 that he was a prohibited person by answering "Yes" to questions 11.b. through 11.i. In addition the buyer left question 12.c. blank. See ATF Form 4473 for (b)(3) - 112 Public Law 55 125 Stat 55 See next page.	Licensee was advised he must ensure that the buyer has answered all the ATF Form 4473 questions correctly and completely prior to transferring a firearm. Licensee was reminded he may not transfer a firearm to anyone who indicates they are prohibited from receiving a firearm. Licensee was advised that he should attempt to contact the buyers to have them return and correct a COPY of the ATF Form 4473.	Within 30 days of the issuance of the Report of Violations (ROV).

Report of Violations

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License/Permit/Registry Number (if any) 6-04-003-01-0B-06460		Expiration Date February 1, 2020	Date(s) or Period of Inspection March 28, 2009 - September 27, 2017			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken <i>(If not corrected immediately)</i>	Date Corrections to be Made <i>(If not corrected immediately)</i>
2.	27 CFR 478.124(c)(1)	Continued from prior page. In (b)(3)-112 of the instances the licensee transferred a firearm to a buyer who indicated they were prohibited from receiving firearms by a "Yes" response to question 11.b., "Are you under indictment for a felony or any other crime where the judge could have imprisoned you for more than 1 year". See ATF Form 4473 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) In (b)(3)-112 instance the licensee failed to have the buyer of the firearm answer a prohibited person question 11.d. "Are you a fugitive from Justice". See ATF Form 4473 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) In (b)(3)-112 instances the licensee failed to have the buyer sign and date the ATF Form 4473 (Questions 14&15, version 2016 & Questions 16 & 17, version 2012). See ATF Form 4473 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) In instance the licensee failed to obtain the buyer's state of residence on the ATF Form 4473 (Question #13). See ATF Form 4473 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)	See prior page.	Within 30 days.
3.	27 CFR 478.124(c)(3)(iv)	Firearms transaction record. The licensee (b)(3)-112 instances failed to record on the ATF Form 4473 the NICS contact date, the NICS transaction number, the initial NICS response and/or the final NICS response. See ATF Forms 4473 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)	Licensee was reminded that they must record all of the required NICS information onto the ATF Form 4473. Licensee was instructed to correct a COPY of the ATF Form 4473, and initial and date the corrected copy, and attach the corrected copy to the original form.	Immediately within 30 days. (b)(6) 11/29/17

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License/Permit/Registry Number (if any) 6-04-003-01-0B-06460		Expiration Date February 1, 2020	Date(s) or Period of Inspection March 28, 2009 - September 27, 2017			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken <i>(If not corrected immediately)</i>	Date Corrections to be Made <i>(If not corrected immediately)</i>
4.	27 CFR 478.124(c)(5)	Firearms transaction record. In (b)(3) - 112 instances the licensee failed to sign and date the ATF Form 4473 (Questions 34 & 36). See ATF Form 447 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) In (b)(3) - 112 instance the licensee certified that the date of the firearm transfer was October 30, 2016, which was prior to the NICS proceed date of November 3, 2016, and prior to the date the buyer signed Section C, which was on November 4, 2016. See ATF Form 44 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)	Licensee was reminded they must certify the ATF Form 4473 by signing and dating the form at the conclusion of the transaction and prior to transferring the firearm to the buyer. Licensee was reminded that the Date of Transfer must accurately reflect the date the firearm was transferred to the customer. Licensee was instructed to correct a COPY of the ATF Form 4473, and initial and date the corrected copy, and attach the corrected copy to the original form.	Immediately within 30 days of the issuance of the ROV.
5.	27 CFR 478.126a	Reporting multiple sales or other disposition of pistols and revolvers. The licensee (b)(3) - 112 instances failed to report or properly report multiple sales to ATF as required. In six of these instances their was no record of the Multiple Sale on file with the ATF. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) In (b)(3) - 112 P these instances the licensee failed to timely report the multiple sale to ATF (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)	Licensee was instructed to report the sales to ATF as required on ATF Form 3310.1 Licensee was reminded that multiple sales must be submitted no later than the close of business on which day the multiple sale occurs.	Immediately

Report of Violations

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License/Permit/Registry Number (if any) 6-04-003-01-0B-06460		Expiration Date February 1, 2020	Date(s) or Period of Inspection March 28, 2009 - September 27, 2017			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken <i>(If not corrected immediately)</i>	Date Corrections to be Made <i>(If not corrected immediately)</i>
6.	27 CFR 478.125(e)	<p>Firearm receipt and disposition by licensed dealers. Firearms Acquisition and Disposition Record. (A&D Record).</p> <p>The licensee in ^{(b)(3) - 112 F} instances failed to maintain or properly maintain the A&D record.</p> <p>In ^{(b)(3) - 112 P} instances* firearms were found on the premises that were not recorded in the A&D record as being in the on hand inventory.</p> <p>*In ^{(b)(3) - 112} of the ^{(b)(3) - 112 P} instances the firearm was listed as destroyed in 2014 but found in inventory (b)(3) - 112 Public Law 55 125 Stat 552</p> <p>*In ^{(b)(3) - 112} of these ^{(b)(3) - 112} instances firearms were found on the premises that had never been logged into the A&D record (b)(3) - 112 Public Law 55 125 Stat 552</p> <p>*In ^{(b)(3) - 112} of these ^{(b)(3) - 112} instances firearms were logged out of the A&D but were still on the premises (b)(3) - 112 Public Law 55 125 Stat 552 (b)(3) - 112 Public Law 55 125 Stat 552</p> <p>In ^{(b)(3) - 112} instances the licensee sold or transferred firearms and never logged them out of the A&D record as required (b)(3) - 112 Public Law 55 125 Stat 552 (b)(3) - 112 Public Law 55 125 Stat 552</p> <p>In ^{(b)(3) - 112} instance the licensee recorded a firearm (b)(3) - 112 Public Law 55 125 Stat 552 as being returned to Maglin when in fact a receipt was found showing a shipment to another FF (b)(3) - 112 Public Law 55 125 Stat 552</p>	<p>Licensee was advised to correct the A&D record to show the proper acquisition and disposition of the firearms in question and to initial and date the change in the A&D record.</p>	<p>Immediately</p>

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Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (If not corrected immediately)	Date Corrections to be Made (If not corrected immediately)
6.	27 CFR 478.125(e)	In an additional ^{(b)(3)} instances the licensee entered incorrect firearm information into the A&D record (incorrect serial number, manufacturer and/or missing importer).	See prior page	Immediately
7.	27 CFR 478.128(c)	False Statement or representation. During the course of the ATF inspection evidence was obtained that the licensee was engaging in straw sales. The licensee in these instances executed the ATF Form 4473 and entered the straw buyer's information into his A&D record knowing, or with reasonable cause to believe, that the straw purchaser was not the actual buyer, and/or intended recipient of the firearm. The following was discovered: (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)	Licensee was reminded that they may not transfer firearms to anyone with reasonable cause to believe they are not the intended recipient of the firearm. Records must accurately reflect the actual disposition of a firearm	Immediately

Report of Violations

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License/Permit/Registry Number (if any) 6-04-003-01-0B-06460	Expiration Date February 1, 2020	Date(s) or Period of Inspection March 28, 2009 - September 27, 2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (If not corrected immediately)	Date Corrections to be Made (If not corrected immediately)
7.	27 CFR 478.128(c)	Continued from prior page: False Statement or representation. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)	Licensee was reminded that they may not transfer firearms to anyone with reasonable cause to believe they are not the intended recipient of the firearm. Records must accurately reflect the actual disposition of a firearm.	Immediately

I Have Received a Copy of This Report of Violations (Proprietor's signature and title)

Signature and Title of ATF Officer

(b)(6)

ATF IOE

Date
29 Nov 17

Date
11/29/17

ATF E-Form 5030.5
Revised April 2005

FIREARMS INSPECTION REPORT

Name: Decker Enterprises INC **UI#:** 762055-2017-0302
Trade Name: Pete's Gun Shop (PGS) **FFL#:** 6-04-003-01-0B-06460

Address: 9 Grove Street
Adams, MA 01220
(b)(6)
Petesgunshop.com

1 – Introduction

Inspection Profile:

ATF Industry Operations Investigators (IOIs):
Hartford, CT Area Office

(b)(6)

Investigative Participants:

IA (b)(6)

(b)(6), ATF Special Agent (SA) ATF Springfield, MA CE Office

Persons Interviewed: Pete's Gun Shop (herein after referred to as PGS or and/or licensee)

Thomas Allen Decker ((b)(6)): Owner/Responsible Person (RP) on the Federal Firearms License (FFL);

Patricia Decker, Controlling Party;

(b)(6), Retail clerk

(b)(6), Gunsmith

Thomas Decker was identified via his Vermont Driver's License. **See Exhibit 1.** (b)(6) was also identified via his Massachusetts Driver's License. **See Exhibit 2.**

Opening Conference Held/Inspection Onsite Commencement Date:

September 13, 2017

Main Onsite Inspection Dates: September 13, 2017 – October 12, 2017

Follow Up Dates: November 28, 2017 & November 30, 2017

Inspection Period/Main Records Review:

*September 12, 2016 through September 27, 2017 (ATF Form 4473 review)

*Records review for delayed/denied sales were expanded back to March 28, 2009 after the discovery that the licensee was engaging in straw sales.

FIREARMS INSPECTION REPORT

Name: Decker Enterprises INC **UI#:** 762055-2017-0302
Trade Name: Pete's Gun Shop (PGS) **FFL#:** 6-04-003-01-0B-06460

Inspection Close out & Presentation of Report of Violations (ROV): ROV Issued to Thomas Decker and Patricia Decker on November 29, 2017.

Nforce Queried for Company and Responsible Persons on September 13, 2017, prior to the start of the onsite inspection. No current hits. Nforce re-queried on December 6, 2017. No hits. NCIS/NLETS checks on Decker were negative.

ATF CE Burlington was notified prior to the start of the onsite inspection as the Compliance Inspection was initially initiated on the licensee's Vermont FFL on September 11, 2017 FFL#6-03-00512. Thomas Allen Decker holds a Type 07 Manufacturer of FFL in Vermont. No concerns were raised by ATF Burlington to the inspection.

On September 13, 2017, after the discovery of the fact that the licensee was transferring firearms without maintaining required records from his Vermont FFL to the store in Adams, MA a second inspection was initiated on PGS. ATF Springfield was notified on September 13, 2017 to the start of the inspection in Adams, MA. No concerns were raised by ATF Springfield CE to the inspection.

No advance notice of inspection was initially given*.

Purpose of Inspection: Firearms Compliance Inspection/Disposition Emphasis

*Inspection Notice: Unannounced inspection attempted September 11, 2017, at the licensed premises in Vermont under FFL#6-03-00512, however, Decker was not home at the time of the inspection. Contact was made via phone call later the same day, and a follow up appointment was made for September 12, 2017. On September 13, 2017, a second inspection was initiated in consultation with the ATF chain of command of PGS in Adams, MA, of which Thomas Decker is an owner/responsible person.

Business Profile:

Thomas Allen Decker has held a Federal Firearms License as an ATF Type 07-Manufacturer of Firearms at his licensed premises in Readsboro, Vermont since July 2009. A compliance inspection was conducted on that license. See ATF Hartford UI#762055-2015-0097 for details on that inspection.

Decker also owns and operates a Type 01- Dealer in Firearm's business in Massachusetts under Decker Enterprises INC/DBA: Pete's Gun Shop (PGS), which is located at 9 Grove Street, Adams, MA 01220 (FFL#6-04-06460). The

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current inspection and this report primarily covers the inspection results under PGS.

PGS has been licensed with ATF since 1983 as a dealer in firearms. PGS was originally owned and operated by Thomas Decker's father, Peter Decker until his (Peter's) death in 2004. Since that time the business has been operated primarily by Thomas Decker and his wife Patricia Decker, along with their son Michael Decker.

PGS is located in a stand-alone two story red brick building, with a retail sales area on the first floor, a gunsmithing area in the basement and firearm and records storage located on the second floor. See attached photo of the premises. **See Exhibit 3.** The building is owned by Thomas Decker. PGS is located in the rural, small town of Adams, MA, which is located in the northwest corner of Massachusetts in the county of Berkshire, MA.

PGS is one of Western Massachusetts largest firearm retailers with over 500 firearms in stock. Estimated firearms acquired and disposed of are approximately (b)(4) firearms a year. Licensee sells longguns, handguns, receivers and both new and used firearms. Primarily suppliers are: (b)(4) (b)(4)

PGS is licensed with ATF with a Type 01, Dealer in Firearms license, which is appropriate for the business. The license is valid through February 1, 2020.

Thomas Allen Decker, as previously mentioned is also licensed with ATF as a Type 07, Manufacturer of Firearms, and is an NFA SOT Payer which allows him to engage in firearms manufacturing activities, repair, and sales of firearms, including NFA Firearms. The FFL is valid until August 1, 2018. There are no State or local licenses need to manufacturer or sell firearms in the State of Vermont.

Licensee is active in sales at gun shows throughout the year and throughout the state, including the Big E Gun Show (West Springfield, MA), Plymouth, and Marlborough Gun Show. Licensee is also active in internet sales, including on gunbroker.com.

No firearms that were currently listed in the on hand inventory were stored off site.

Ownership and Control:

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PGS is a corporation registered under the name of Decker Enterprises INC. Both Thomas Decker and Patricia Decker are listed as directors of the corporation. **See Exhibit 4.**

No hidden ownership suspected.

Variance:

No variances.

2 – Recommendation

Violations and Revocation.

Based on current ATF policy, the licensee falls within the guidelines for revocation. Specifically, the licensee falls within the guidelines for revocation based on the licensee's participation in straw sales. During the course of the current ATF inspection evidence was obtained that the licensee engaged in straw sales in at least ^{(b)(6)} instances. In the instances cited, the licensee executed the ATF Forms 4473 and entered the straw buyer's information into his A&D record knowing, or with reasonable cause to believe, that the straw purchaser was not the actual buyer and/or intended recipient of the firearm in violation of 27 CFR 478.128(c). The licensee was cited for a total of 7 separate violations of federal firearm laws and regulations.

In addition to the above revocation level violations, the licensee is also being recommended for revocation based on violations discovered under the separate inspection of his Vermont Federal Firearms license. See ATF Hartford UI#762055-2015-0097.

Specifically, the licensee falls within the guidelines for revocation under his Vermont FFL based on false statements made to ATF regarding his manufacturing activities in violation of 27 CFR 478.128(c) & 18 U.S.C. 923(g)(5).

Specifically, the licensee reported the manufacturer of 2 rifles in 2013 on his required AFMER report, however, he failed to report 3 additional rifles that he manufactured in 2013. Furthermore, the inspection revealed that the licensee did not report the manufacture of any firearms in 2014, 2015, or 2016, despite manufacturing firearms in each of those years. In total there were at least 14 firearms that were manufactured in the years 2013 through 2016 and not reported to ATF. It was further discovered that the licensee marked firearms that he initially made in 2013, but thereafter manufactured firearms and failed to place his marks of identification on them in violation of federal firearm laws and regulations. The licensee was aware that he was required to mark firearms manufactured by him but chose not to do so. When IOI ^{(b)(6)} inquired as to

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why he did not mark the firearms that were manufactured by him he stated that he found it hard to sell them with his name on them.

3 - Inspection History

Date of Inspection: No inspection history found during the last 15 years.
Type of Inspection:
UI#:
Inspection Results:
Cited Violations:

Date of Inspection: No other inspection History
Type of Inspection: N/A
UI#: N/A
Inspection Results: N/A
Cited Violations: N/A

4 - Acquisition & Disposition (A&D) Record – Inventory

On September 13, 2017, ATF IOI (b)(6) initiated an onsite firearms compliance inspection at the licensed premises of PGS. IOI (b)(6) requested access to any and all firearms (to include frames & receivers) on the premises, as well as access to all ATF required records (A&D records, 4473s). During the course of the inspection, and based on current ATF Inspection Guidelines, ATF IOI (b)(6) conducted a 100% inventory by comparing all open entries to business firearms on the premises.

The 100% inventory revealed that the licensee had (b)(3)-(11) open entries in his A&D Book, all but (b)(6) of these were accounted for in the physical inventory. It was determined that the (b)(6) firearms in question had been sold but not logged out by the licensee (see ATF Worksheet 1, Entry #10 & #16). See also photos of A&D record and sales documentation. **See Exhibit 5 & 6.**

A total of (b)(3)-(11) business firearms were found in the physical inventory. *(See qualification of this statement below). The five additional firearms found on the premises had not been entered into the A&D record or were logged out but found in inventory. See also ATF Worksheet 1, Entry #1-4 & #7. **See also Exhibits 7-11 for these five firearms.**

The licensee was cited for these above 7 violations under 27 CFR 478.125(e) for failing to maintain the A&D record. **See Report of Violations (ROV) Violation #6. Reference also ATF Worksheet 1. Reference also Exhibits 5-11.**

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A review of firearms in inventory and a review of A&D records, also revealed the licensee was not properly or fully identifying firearms in his A&D Record in an additional (b)(7)(E) instances also in violation of 27 CFR 478.125(e). Reference ATF Worksheet 1 and ROV Violation #6.

In an additional instance the licensee incorrectly recorded the disposition of a firearm. See also ATF Worksheet 1 and ROV #6.

Documentation for the above violations is stored electronically in the Hartford Area Office. They are not included in this report due to their size.

In total the licensee was cited for (b)(7)(E) instances of failing to properly maintain the A&D record.

*It should be noted that (b)(7)(E) firearms were found in the inventory at Pete's Gun Shop that were transferred by Thomas Decker from Vermont with no record kept in Vermont and without listing them in any A&D Record in Adams, MA (see ATF UI#762055-2015-0097 for further details). In addition, approximately (b)(7)(E) additional firearms were found on the premises. The licensee claimed these were personal firearms. As dictated by ATF policy the licensee did have these tagged out as NSF (not for sale) so a violation was not cited. However, it should be noted that these firearms were not entered into any A&D record or any other record at Pete's showing they were on the premises. This made these firearms particularly vulnerable to diversion or theft. (b)(7)(E)

The licensee was cited for the (b)(7)(E) firearms under his Vermont FFL for failing to maintain a record as required by 27 CFR 478.125a. The (b)(7)(E) referenced firearms that were not currently found in any records were queried through NCIC/ETRA. There were no hits.

It was recommended to the licensee that he maintain a log book of the (b)(7)(E) firearms and/or consider logging them into the A&D record in order to maintain accountability and control over the firearms. Licensee was cautioned that if he had a robbery or theft, ATF and law enforcement may not be aware of what firearms were taken from the premises if there are no records maintained to account for all the firearms that are on the premises.

Illegal Firearms:

During the course of the inspection IOI (b)(6) discovered a HK 91 type firearm (Hesse, model H91, (b)(6)) with a HK/G3 type full auto trigger pack that appeared to have been tampered with. See Exhibit 12. The Trigger pack had been modified in order to fit onto a semi-automatic receiver, which is a possible indication that someone

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may had been trying to convert the firearm into a machine gun. The licensee stated to IOI (b)(6) that he had obtained the firearm years prior in the condition that it was found in. There was no NFA registration found with ATF NFA Branch for the suspected machine gun. See Exhibit 13. Thomas Decker further stated to IOI (b)(6) that he had no interest in the firearm and to his knowledge it did not function.

On September 13, 2017, IOI (b)(6) after consultation with the ATF Firearms Technology Group, and the ATF Chain of Command, contacted ATF Criminal Enforcement in order to have the firearm sent to the ATF lab for examination and classification. On September 14, 2017, SA (b)(6) was dispatched to pick to pick up the firearm for submission to the ATF lab. See Exhibit 14. FTB ultimately determined that the submitted sample was not a machine gun as defined under federal firearm laws. See Exhibit 15.

Discovery of Firearms with Obliterated Serial Numbers (Violation of 18 U.S.C. 922(k)) at the licensee's premises

On November 30, 2017, on the day after the issuance of the ROV, the licensee, Thomas Decker notified IOI (b)(6) that he was in possession of 2 firearms with obliterated serial numbers that had been transferred to him from the North Adams, MA Police Department (NAPD). See the Other section of this report for further details.

Licensee advised that his standard operating procedures for inventory and the A&D record involve immediately logging firearms into and out of the A&D record upon receipt and disposition. The licensee also records an inventory tag number that corresponds to the A&D entry which helps to ensure firearms are properly logged into and out of the A&D Book. Licensee acknowledged that he had misidentified some firearms and had not closely examined the actual firearm markings on the gun in some instances. IOI (b)(6) reminded the FFL that he should always examine each firearm to ensure the A&D matches the actual firearm markings (and not the invoice). Licensee was reminded that both the manufacturer, and the importer of a firearm must be recorded. Licensee advised they conduct inventory every 6 months.

There were no thefts or losses to report for the review period. Licensee has had at least (b)(3)-11 theft or loss in the past. (b)(3) - 112 Public Law 55 125 Stat 552

A query of the firearm in Etrace did not reveal any recovery information.

5 - ATF Forms 4473 – NICS & Other Dispositions

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Based on current ATF Guidelines 100% of the ATF Forms 4473 were examined for the last 12 months. There were approximately (b)(3)-1124-F on file for the review period and all were reviewed. The inspection of these forms revealed that the licensee failed to execute the form properly in (b)(3) instances.

The following violations were disclosed during the ATF Form 4473 review:

Forms prescribed. The licensee failed to execute ATF required forms fully and completely and per the instructions on the form and/or failed to use the updated version of a required form in approximately (b)(3) instances in violation of 27 CFR 478.21(a).

Specifically, In (b)(3) instances the licensee failed to record the type of firearm on ATF Form 4473 (question 16, 4473 version 2016 & question 18, version 2012). In (b)(3)-11 instance the licensee used an out of date multiple sales form (ATF Form 3310.1). In (b)(3)-11 instance the licensee used a 2009 version instead of the 2012 version. In (b)(3)-112 P instances the licensee failed to record the number of firearms bought by the purchaser on the ATF Form 4473 (question 29, ATF Form 4473 version 2016 & question 30a, version 2012). In (b)(3)-11 instances the licensee failed to ensure the buyer certified that he was the actual buyer of a firearm (question 11a) on ATF Form 4473. In (b)(3)-11 instance the licensee failed to print the name of the seller and the title of the seller of the firearm on ATF Form 4473 (Questions 33&35). Licensee in (b)(3)-11 instance failed to record the trade name or the corporate name on the ATF Form 4473 (Question #31).

Licensee was cited under 27 CFR 478.21(a) for the above violations. See ROV, Violation #1. Reference also ATF Worksheet 2.

Copies/photos of the forms documenting these violations were obtained during the inspection but are not included here due to their volume. Forms are stored electronically in the Hartford Area Office and under the Boston Shared Drive/Hartford Area Office Folder/Thomas Decker/Pete's Gun Shop inspection.

In addition to the above violations the licensee also transferred firearms to individuals who indicated they were prohibited under federal firearms laws from receiving firearms and/or failed to obtain the necessary certification from the buyer prior to transferring a firearm.

Licensee in (b)(3)-1124-F instances failed to obtain the required certification on the ATF Form 4473 that the firearm Transferee/Buyer was not prohibited from receiving a firearm prior to transferring the firearm to that individual, and/or failed to have the buyer sign and date the form.

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Specifically, in ^{(b)(3) - 112} instances the licensee transferred firearms to individuals who indicated they were prohibited from receiving firearms by answering "Yes" to the Prohibited Person Questions.

In ^{(b)(3) - 112} of these instances the licensee transferred a firearm to a buyer who indicated they were prohibited from receiving firearms by a "Yes" response to question 11.i., "Have you been convicted of a misdemeanor crime of domestic violence". See ATF Form ^{(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)}. See Exhibit 16 & 17 for copies of these two forms.

In ^{(b)(3) - 112} of these instances the licensee transferred a firearm to an individual who indicated on the ATF Form 4473 that he was a prohibited person by answering "Yes" to questions 11.b. through 11.i. In addition, the buyer left question 12.c. blank. See ATF ^{(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)}. See Exhibit 18.

In ^{(b)(3) - 112} of the instances the licensee transferred a firearm to a buyer who indicated they were prohibited from receiving firearms by a "Yes" response to question 11.b., "Are you under indictment for a felony or any other crime where the judge could have imprisoned you for more than 1 year". See ^{(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)}. See Exhibit 19.

In ^{(b)(3) - 112} instance the licensee failed to have the buyer of the firearm answer a prohibited person question, 11. d., "Are you a fugitive from Justice". See ^{(b)(3) - 112 Public Law 55 125 Stat 552}. See Exhibit 20.

In ^{(b)(3) - 112} instances the licensee failed to have the buyer sign and date the ATF Form 4473 (Questions 14&15, version 2016 & Questions 16 & 17, version 2012). See ATF Form ^{(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)} See Exhibit 21&22.

In instance the licensee failed to obtain the buyer's state of residence on the ATF Form 4473 (Question #13). See ^{(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)} See Exhibit 23.

The licensee was cited under 27 CFR 478.124(c)(1) for the above reference violations. Additionally the licensee was also cited under 478.32(d)(9) & 27 CFR 478.32(d)(1) & 27 CFR 478.32(d) & 27 CFR 478.(d)(2) for transferring firearms to purchasers who indicated they were prohibited from receiving firearms. See ROV, Violation #2. Reference also ATF Worksheet 2 and Exhibits 16-23.

In addition to the above referenced violations the licensee was also cited under 27 CFR 478.124(c)(3)(iv) for failing to record required NICS information on the ATF Forms 4473 in ^{(b)(3)} instances. See attached ROV, Violation #3. Reference also ATF Worksheet 2.

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Copies/photos of the forms documenting these violations were obtained during the inspection but are not included here due to their volume. Forms are stored electronically in the Hartford Area Office and under the Boston Shared Drive/Hartford Area Office Folder/Thomas Decker/Pete's Gun Shop inspection.

In addition the licensee was also cited for failing to sign and date the ATF Form 4473 prior to the transfer of a firearm under 27 CFR 478.124(c)(5) and . See attached ROV, Violation #4. See also ATF Worksheet 2.

No direct sales to law enforcement officers were found during the review period. Licensee had at least two firearm sales directly to departments (not the individual officer). Licensee advised if selling to individual law enforcement officers they have them complete the ATF Form 4473. IOI (b)(6) recommended that the licensee maintain a record/invoice from the police department for the law enforcement sales. Licensee appeared to be logging firearms out correctly to other FFLs.

The NICS Audit log was compared to the licensee's ATF Forms 4473. No discrepancies were found during this portion of the audit. There were 148 NICS Audit transactions for the review period and all were matched to the ATF Forms 4473. When examining the NICS audit log it was discovered that the licensee had 3 transactions which were still listed as open where a final NICS response was not received. See attached 4473 for Almorì (Exhibit 24), Kirby (Exhibit 25) and Kirby (Exhibit 26). NICS/NLETS checks were conducted on these buyers. No disabling hits were found for the buyers.

During the inspection IOI (b)(6) spoke with Patricia Decker and Thomas Decker regarding transactions where a NICS response is not received after an initial delay. IOI (b)(6) reminded the licensee that the FFL is not required to transfer the firearm if they do not receive a response. IOI (b)(6) also reminded the FFL that the buyer may wish to go through the NICS voluntary file process in order to avoid delays. While IOI (b)(6) was discussing these types of transactions, Patricia Decker Stated to IOI (b)(6) "what should we tell the buyer that you (ATF) are not doing your job?" IOI (b)(6) reminded Mrs. Decker that the FBI handles the NICS background checks and further advised her that there may be multiple reasons for NICS delays (including the lack of a disposition record in the system). Patricia Decker then stated, "well I guess we would just have to lose out on these sales, which is a lot of our buyers." IOI (b)(6) again reminded the FFL that under federal law if the resolution is not provided by NICS in the 3 business days that they have the option to transfer the firearm, but some FFLs elect not to do so just in case the buyer is actually prohibited.

SOPS were deemed to not be sufficient for ensuring the accuracy and completeness of the ATF Forms 4473. It did not appear that the licensee was ensuring a secondary review or second set of eyes on forms to ensure they were completed properly.

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A review of the NICS Audit log revealed 30 NICS denials over the last 10 years, which is a relatively high number for an FFL in Massachusetts. IOI (b)(6) reviewed these denials on file as well as incomplete transactions and discovered a pattern of sales that revealed the licensee was engaging in straw purchasing/firearm diversions in at least ten instances. See Section 7 of this report for further details.

6 - Multiple Sales

A review of the ATF VCAB Report for the previous 12 months indicated the licensee had (b)(3) multiple sales during the time frame. See Exhibit 27.

A review of ATF Forms 4473 on file however revealed that the licensee had (b)(3) - 112 P multiple sales that were not properly reported or not reported to ATF. Of these multiple sales the licensee failed to timely report (b)(3) - 11 of the sales, and (b)(3) - multiple sales were found that were not reported to the ATF. See ATF Worksheet 2.

Licensee was cited under 27 CFR 478.126a for these violation. Reference ROV Violation #5. See also W/S 2 and Exhibit 27.

Documentation of these violations (copies of ATF Forms 4473 are stored electronically in the Hartford Area Office. They are not referenced here due to their volume.

7 - Suspicious/Prohibited Purchasers

IOI (b)(6) utilizing standard trafficking diversion indicator worksteps examined the licensee's incomplete and denied transactions that were on file with the licensee. This exercise initially revealed that the licensee had close to (b)(3) - 11 transactions that were not completed, including approximately (b)(3) denials over the last ten years.

An initial review of incomplete transactions and denials revealed indications that the licensee was engaging in straw sales. Based on this discovery all denials and incomplete transactions over the last ten years were traced to the A&D record and final sale record to determine if there were further indications that the licensee was engaging in straw sales.

In conducting the comparison IOI (b)(6) selected common names and addresses that showed in at least (b)(3) instances the licensee knowingly engaged in a straw sale or completed a straw sale with reasonable cause to believe that the final purchaser was not the actual buyer of the firearm. This included (b)(3) - 112 Public Law 55 125 Stat 552

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

These transactions are all summarized on a chart showing the relationship between the attempted purchaser, the final buyer, firearm bought and NICS information when known. **See Exhibit 28.**

It should be noted that the exercise above was limited to connections that could be made through a records review only (i.e. common last names and addresses). It is therefore possible that additional straw purchases may have occurred where the buyers were associated but not related.

The licensee was cited under 27 CFR 478.128 (c) false statements, for executing an ATF Form 4473 with the suspected straw purchaser and with recording the straw purchaser in his ATF required A&D Record with knowledge or reasonable cause to believe the person was not the actual purchaser of a firearm. **See Report of Violations, Violation #7.**

Copies of the ATF Forms 4473 and associated paperwork for these sales are on file in the Hartford Area Office. They are not included here due to their volume.

Based on the nature and number of these violations a referral was also generate to the ATF New England Crime Gun Intelligence Center for these suspected straw purchases. **Reference ATF Hartford IO Referral #2018-001.** The referral and exhibits documenting the straw sales are also stored in Nspect.

It should be noted that on multiple occasions during the inspection that both Thomas Decker and Patricia Decker demonstrated knowledge of restrictions on straw sales, and that they should not engage in these transactions. Specifically, on October 5, 2017, while at the front counter with Tom and Patricia Decker, IOI (b)(6) presented the FFLS with a hypothetical scenario of what they would do if an individual was denied and the next day a wife or brother came in would they sell them the firearm? Both Tom and Patricia stated they would not make the sale. Tom Decker later qualified his answer by saying if he was aware of the linkage he would not make the sale. Both Tom Decker and Patricia indicated they had refused such sales in the past.

8 - Trace Activity

The licensee had (b)(3) - 112 Pub firearm traces in the previous 12 months. All were successfully completed. There were no unsuccessful traces.

9 - NFA/Importer/Collector/Manufacturer

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No NFA, Importing, Collecting or Manufacturing.

It should be noted that the collateral inspection of Thomas Decker's FFL in Vermont revealed that he was manufacturing AR-15 type rifles (assembled from receivers), was not maintaining manufacturing records, and was not marking the firearms as required. Thomas Decker further acknowledged that he was aware he had to mark the firearms manufactured by him but did not do so as he found it hard to sell them with his name on them. He further stated to IOI (b)(6) that he manufactured the firearms in Vermont. However, it was noted that the licensee had a full complement of drill presses and Bridgeport machines at his premises in Adams, MA.

10 – Referrals

Two referrals were generated during the course of the inspection. Referral is as follows:

ATF Hartford IO Office Referral 2018-001:

A referral was generated to ATF New England Crime Gun Intelligence Center (CGIC) for the licensee engaging in straw sales in at least (b)(3) instances in possible violation of 18 U.S.C. 1001 and 18 U.S.C. 924 (a)(1)(A) and 18 U.S.C. 922(m).

ATF Hartford IO Office Referral (Temp Referral #T-61001):

A referral was generated through the ATF Chain of Command to the Massachusetts Attorney General Maura Healey regarding an issue with the North Adams, MA Police Department. IOI (b)(6) during the course of the inspection discovered that the NAPD had transferred 75 firearms to the FFL without any transfer paperwork. Two of the firearms were also found to have obliterated serial numbers (placing the FFL in potential felony violation of 18 U.S.C. 922(k)).

Additionally, it was discovered that the PD transferred approximately 50 police reports and incident reports to the FFL that contained law enforcement sensitive information, including suspect and offender information (including Cori information) in possible violation of Massachusetts State Law Chapter 6, Section 178. IOI (b)(6) also discovered that the police reports also included victim and witness information, potentially jeopardizing criminal cases and possibly placing these victims and witnesses in danger. See the other section below for further details.

11 – Other

As previously detailed the licensee/responsible person Thomas Decker also has a second FFL located in Readsboro, Vermont. A collateral inspection of that license was also conducted which also revealed violations that merit revocation. It is recommended that both licenses be revoked.

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In addition during the course of the current ATF Inspection and prior to the close out of the inspection, Patricia Decker (the wife of Thomas Decker) filed an application for her own federal firearms license in Readsboro, Vermont. During the current inspection Ms. Decker approached IOI (b)(6) and had asked what would happen to Thomas Decker and his FFL. IOI (b)(6) at that time had declined to answer as the inspection was ongoing. Ms. Decker indicated that she was aware that there were a lot of violations concerning his Vermont FFL. It should be noted that Ms. Decker completed some of the straw purchases as detailed in Exhibit 28. Based on this information her application for a FFL is also being recommended for denial. See ATF UI#762055-2018-0113.

POST ONSITE INSPECTION ISSUES:

On November 30, 2017, after the presentation of the ROV, IOI (b)(6) was contacted by Thomas Decker who informed him that he was concerned about a shipment of guns that he had picked up from the North Adams Police Department (NAPD). Decker advised IOI (b)(6) that (b)(6) from the NAPD had transferred firearms to him a week and a half prior, and that (b)(6) had picked up a second shipment of firearms from the police department that morning. (b)(6) advised he was a bonded storage facility for Police Departments (including for North Adams and Adams, MA). (b)(6) further advised that he was allowed to sell some of the firearms but had concerns about who he could sell or transfer firearms to (see further details below).

Decker further advised IOI (b)(6) that he believed there was at least two firearms with obliterated serial numbers that the police department (Sgt. (b)(6)) had transferred to him and he knew it was an issue for him to have firearms with an obliterated serial number. After conferring with his chain of command IOI (b)(6) responded to the FFLs premises the same day to examine the firearms and any paperwork associated with the firearm transfers.

Upon arrival IOI (b)(6) was shown the collection of firearms (which turned out to be 75 firearms). IOI (b)(6) requested access to any firearm transfer forms or inventory list from the NAPD showing which firearms were transferred to him from the PD. Mr. Decker advised IOI (b)(6) that he had not been given any transfer paperwork, nor had he been give an inventory list of firearms from the NAPD to document which firearms had been given to him*. Decker did state that he had been provided with Police Reports and Incidents Report from (b)(6).

Decker stated to IOI (b)(6) that he had logged in the firearms from a week and a half ago into his Storage Book (that also functions as his ATF A&D Book for these firearms) and had not yet logged in the firearms that were received that morning (including the oblits). IOI (b)(6) instructed the licensee to log the firearms into the A&D/Storage book in order that it could be utilized to for an inventory. The A&D record for these firearms that were received from the NAPD is attached. See Exhibit

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29. IOI (b)(6) utilized this record to inventory the firearms and to assist in determining if there were any illegal firearms in the transfer.

During the inventory, IOI (b)(6) discovered 2 firearms/pistols with obliterated serial numbers. See Exhibit 30. In addition there was one firearm with a double stamped serial number. See Exhibit 31.

IOI (b)(6) after documenting these firearms informed his ATF Chain of Command regarding the discovery of firearms with obliterated serial numbers on the FFLs premises. IOI (b)(6) also spoke with SA (b)(6) of the Springfield, MA Field Office and informed him of the discovery. SA (b)(6) advised ATF CE would respond the following day and/or have the NAPD pick the firearms back up.

IOI (b)(6) in examining the police incident reports and arrest reports that had been provided to the FFL discovered that the folder contained suspect and offender information (including offense information), as well as victim and witness information that could be considered law enforcement sensitive. There was also CORI information in the file that may have been provided to the FFL in possible violation of State and/or Federal privacy laws (to include M.G.L. Chapter 6, Section 178). In addition there were in some instances police reports that contained detailed and sensitive information including (b)(6). In total there were approximately 50 police reports in the folder. Mr. Decker provided IOI (b)(6) a copy of the folder and requested assistance in how to determine who the firearms could be transferred to.

IOI (b)(6) asked the licensee if he had been given any other kind of written guidance regarding who he could transfer the firearms to from the PD and Mr. Decker stated that he had not.

Decker further stated that he was advised some firearms had to be returned to their owners, while some of the owners were prohibited and he was not sure who he could give them too. He also advised that he was told by the police department that he could sell some of the firearms (which he termed police department guns). Decker stated that he did not pay for the firearms but gave the police department discounts on guns and ammo. He also advised he could charge storage fees for the firearms.

Mr. Decker also stated to IOI (b)(6) that he was concerned about who he could transfer the firearms to and specifically stated that in light of the recent ATF Report of Violations that he was issued, including for completing straw purchases that he had concerns about who he could give the firearms to (for example he brought up if the husband has his gun seized could he transfer the firearm to his wife). IOI (b)(6) advised the licensee he would inform his chain of command regarding these transfer issues but again reminded him he could not transfer firearms to anyone without a NICS check and a 4473 and he should not complete suspected straw sales.

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On December 1, 2017, the FFL advised IOI (b)(6) that Sgt. (b)(6) of the NAPD picked up the firearms with the obliterated serial numbers. **See Exhibit 32.**

Recommended Action Plan NAPD Issues:

(b)(5), (b)(6)

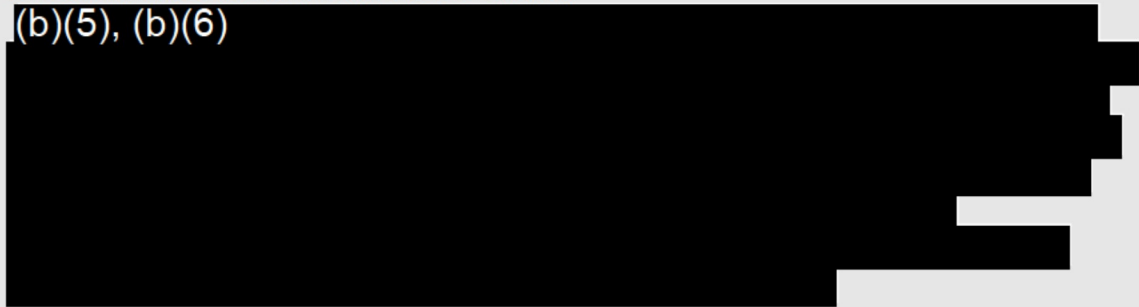


Exhibit 34.

*Although it is not required that the FFL obtain a transfer form or inventory list from the PD, based on IOI (b)(6) training and experience there are typically transfer forms executed by police departments (as well as within ATF) when property items (including firearms) are transferred to someone else. The lack of these documents could indicate poor internal controls or procedures at the police department regarding their control of property/firearms. Prior to the close of the report Division Management (Field Division Counsel, DIO and ATF CE Springfield RAC) agreed to meet with the NAPD Chief to go over ATF's concerns and to provide guidance with the NAPD moving forward regarding these types of transfers in the future. It is therefore recommended that further follow up be conducted by the PD in regards to the 75 firearms found on the premises to ensure they were legitimately transferred from the PD to the FFL. It is also recommended that the chief be provided with the Police Reports found onsite with the FFL for his review and evaluation as to whether the transfer of these reports were in accordance with department policies and/or applicable state laws.

POST ONSITE INSPECTION ACTIVITY:

On March 5, 2018, A Notice of Revocation/Denial of Application was sent to Patricia and Thomas Decker.

On March 12, 2018, Thomas Decker and Patricia Decker requested a hearing regarding their license revocation and denials. On April 9, 2018, a meeting was held in Boston for a possible settlement with Thomas and Patricia Decker in attendance as well as their Attorney (b)(6). On May 21, 2018, ATF entered into a settlement agreement with the Decker's and their attorney in response to the violations of federal firearm laws

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and regulations (see **Settlement Agreement entered into Nspect/Source Documents**). As part of the agreement the Decker's agreed to withdraw the FFL Application filed by Patricia Decker and the FFL held by Thomas Decker in Vermont was previously surrendered. (see **signed withdrawal entered in Nspectt/Source documents**). It was determined that the FFL held by PGS would not be revoked at this time, however in lieu of revocation the following conditions in part were placed on the FFL for a 2 year period;

- The FFL must implement an electronic record keeping system;
- The FFL must implement a straw purchasing detection method/internal controls as outlined in the agreement;
- The FFL agreed to a 3 week shutdown of the gun store;
- The FFL agreed to unlimited ATF Inspections;
- Violation of the agreement may result in the revocation of the FFL.

12 - Closing Actions

On November 29, 2017, the licensee was issued a Report of Violations at the closing conference. The violations were fully explained to Thomas Decker and Patricia Decker who were both present for the review of the ROV. Their responses are noted below under Section 13 of this report. See attached **Report of Violations**. Thomas Decker and Patricia Decker both signed the ROV.

The acknowledgment of Federal Firearms Regulations was also reviewed with Thomas Decker and Patricia Decker by them. See **Exhibit 35**. The licensee was also provided documents and publications to assist in their future compliance and provided an overview and instructions into their use. See attached handout list marked as **Exhibit 36**.

Report initially submitted for review on December 7, 2017.

13 - Violations

1. 27 CFR 478.21(a)

Forms prescribed. The licensee failed to execute ATF required forms fully and completely and per the instructions on the form and/or failed to use the updated version of a required form in approximately [REDACTED] instances.

Specifically, In [REDACTED] instances the licensee failed to record the type of firearm on ATF Form 4473 (question 16, 4473 version 2016 & question 18, version 2012). See ATF

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

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

In (b)(3) - 112 P instance the licensee used an out of date multiple sales form (ATF Form 3310.1). In this instance the licensee used a 2009 version instead of the 2012 version. See ATF Forms 4473 for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6).

In (b)(3) - 112 P instances the licensee failed to record the number of firearms bought by the purchaser on the ATF Form 4473 (question 29, ATF Form 4473 version 2016 & question 30a, version 2012). See ATF Forms 4473 for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In (b)(3) - 112 P instances the licensee failed to ensure the buyer certified that he was the actual buyer of a firearm (question 11a) on ATF Form 4473. See ATF Forms 4473 for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In (b)(3) - 112 P instance the licensee failed to print the name of the seller and the title of the seller of the firearm on ATF Form 4473 (Questions 33&35). See (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee in (b)(3) - 112 P instance failed to record the trade name or the corporate name on the ATF Form 4473 (Question #31). See (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Corrective Action:

Licensee was advised that he must fill out all required forms completely and correctly and per the instructions on the forms. Licensee was reminded that they must use the most up to date version of all required forms.

Licensee was instructed to correct a COPY of the ATF Form 4473, and initial and date the corrected copy, and attach the corrected copy to the original form.

Licensee's Response:

Doing the forms to quickly, must have been at a gun show. Licensee will get rid of the old forms (in regards to outdated MS form).

Reference Exhibits

Reference ATF Worksheet 1.

2. 27 CFR 478.124(c)(1) & 27 CFR 478.32(d)(9) & 27 CFR 478.32(d)(1) & 27 CFR 478.32(d) & 27 CFR 478.(d)(2)

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Nature of Violation:

Licensee in (b)(3) - 112 P instances failed to obtain the required certification on the ATF Form 4473 that the firearm Transferee/Buyer was not prohibited from receiving a firearm prior to transferring the firearm to that individual, and/or failed to have the buyer sign and date the form.

Specifically, in (b)(3) - 112 P instances the licensee transferred firearms to individuals who indicated they were prohibited from receiving firearms by answering "Yes" to the Prohibited Person Questions.

In (b)(3) - 111 of these instances the licensee transferred a firearm to a buyer who indicated they were prohibited from receiving firearms by a "Yes" response to question 11.i., "Have you been convicted of a misdemeanor crime of domestic violence". See ATF Form (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In (b)(3) - 111 of these instances the licensee transferred a firearm to an individual who indicated on the ATF Form 4473 that he was a prohibited person by answering "Yes" to questions 11.b. through 11.i. In addition the buyer left question 12.c. blank. See ATF (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In (b)(3) - 111 of the instances the licensee transferred a firearm to a buyer who indicated they were prohibited from receiving firearms by a "Yes" response to question 11.b., "Are you under indictment for a felony or any other crime where the judge could have imprisoned you for more than 1 year". See (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In (b)(3) - 111 instance the licensee failed to have the buyer of the firearm answer a prohibited person question, 11. d., "Are you a fugitive from Justice". See (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In (b)(3) - 111 instances the licensee failed to have the buyer sign and date the ATF Form 4473 (Questions 14&15, version 2016 & Questions 16 & 17, version 2012). See ATF Form (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In instance the licensee failed to obtain the buyer's state of residence on the ATF Form 4473 (Question #13). See (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Corrective Action:

Licensee was advised he must ensure that the buyer has answered all the ATF Form 4473 questions correctly and completely prior to transferring a firearm.

Licensee was reminded he may not transfer a firearm to anyone who indicates they are prohibited from receiving a firearm.

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Licensee was advised that he should attempt to contact the buyers to have them return and correct a COPY of the ATF Form 4473.

Licensee's Response:

No comment, but maybe these occurred at gun shows and we were over pressured.

Reference Exhibits

ATF Worksheet 2 & Exhibits 16-23.

27 CFR 478.124(c)(3)(iv)

3.

Nature of Violation:

Firearms transaction record. The licensee in [REDACTED] instances failed to record on the ATF Form 4473 the NICS contact date, the NICS transaction number, the initial NICS response and/or the final NICS response. See (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) [REDACTED]
(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) [REDACTED]

Corrective Action:

Licensee was reminded that they must record all of the required NICS information onto the ATF Form 4473.

Licensee was instructed to correct a COPY of the ATF Form 4473, and initial and date the corrected copy, and attach the corrected copy to the original form.

Licensee's Response:

No Comment.

Reference Exhibits:

ATF Worksheet 2

27 CFR 478.124(c)(3)(4)

4.

Nature of Violation:

Firearms transaction record. In [REDACTED] instances the licensee failed to sign and date the ATF Form 4473 (Questions 34 & 36). See (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) [REDACTED]

In [REDACTED] instance the licensee certified that the date of the firearm transfer was October 30, 2016, which was prior to the NICS proceed date of November 3, 2016, and prior to

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the date the buyer signed Section C, which was on November 4, 2016. See (b)(3) - 112 Public Law 55 12

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

Corrective Action:

Licensee was reminded they must certify the ATF Form 4473 by signing and dating the form at the conclusion of the transaction and prior to transferring the firearm to the buyer.

Licensee was reminded that the Date of Transfer must accurately reflect the date the firearm was transferred to the customer.

Licensee was instructed to correct a COPY of the ATF Form 4473, and initial and date the corrected copy, and attach the corrected copy to the original form.

Licensee's Response:

No comment.

Reference Exhibits

Reference ATF W/S 1.

5. 27 CFR 478.126a

Nature of Violation:

Reporting multiple sales or other disposition of pistols and revolvers. The licensee in (b)(3) instances failed to report or properly report multiple sales to ATF as required.

In (b)(3) of these instances there was no record of the Multiple Sale on file with the ATF. See (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In (b)(3) - 112 of these instances the licensee failed to timely report the multiple sale to ATF ((b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)).

Corrective Action:

Licensee was instructed to report the sales to ATF as required on ATF Form 3310.1

Licensee was reminded that multiple sales must be submitted no later than the close of business on which day the multiple sale occurs.

Licensee's Response:

These probably occurred at gun shows. No ability to send in from there. We did fax some in.

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Reference Exhibits

ATF Worksheet 2 and Exhibit 27.

6. 27 CFR 478.125(e)

Nature of Violation:

Firearm receipt and disposition by licensed dealers. Firearms Acquisition and Disposition Record. (A&D Record).

The licensee in [REDACTED] total instances failed to maintain or properly maintain the A&D record.

In [REDACTED] instances* firearms were found on the premises that were not recorded in the A&D record as being in the on hand inventory.

*In [REDACTED] of these [REDACTED] instances the firearm (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

*In [REDACTED] of these [REDACTED] instances firearms were found on the premises that had never been logged into the A&D record; (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

*In [REDACTED] of these [REDACTED] instances firearms were logged out of the A&D but were still on the premises; (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

In [REDACTED] instances the licensee sold or transferred firearms and never logged them out of the A&D record as required; (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

[REDACTED], and not logged out of the A&D record at the time of the inspection in September 2017.

In [REDACTED] instance the licensee recorded (b)(3) - 112 Public Law 55 125 Stat 552

In an additional [REDACTED] instances the licensee entered incorrect firearm information into the A&D record (incorrect serial number, manufacturer and/or missing importer).

Corrective Action:

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Licensee was advised to correct the A&D record to show the proper acquisition and disposition of the firearms in question and to initial and date the change in the A&D record.

Licensee's Response:

We already corrected these.

Reference Exhibits

Reference ATF W/S 1. See also Exhibits 5-11.

7. **27 CFR 478.128(c)**

Nature of Violation:

False Statement or representation. During the course of the ATF inspection evidence was obtained that the licensee was engaging in straw sales. The licensee in these instances executed the ATF Form 4473 and entered the straw buyer's information into his A&D record knowing, or with reasonable cause to believe, that the straw purchaser was not the actual buyer, and/or intended recipient of the firearm.

The following was discovered:

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

[Redacted]

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

[Redacted]

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

Corrective Action:

Licensee was reminded that they may not transfer firearms to anyone with reasonable cause to believe they are not the intended recipient of the firearm. Records must accurately reflect the actual disposition of a firearm.

Licensee's Response:

*Prior to the presentation of the ROV, IOI (b)(6) spoke with Patricia and Thomas Decker regarding straw purchases during the review of the Acknowledgement of Federal Firearms Regulations. Both Thomas Decker and Patricia Decker stated they knew what straw purchases were and had refused such sales in the past. Patricia Decker further stated that she had instances where a husband was delayed at a gun show and that she refused the sale when the wife tried to buy the gun. She also stated she had other instances where someone was delayed and they were asked whether someone else could fill the form out at the show and they refused.

Regarding the (b)(6) transactions:

"He was buying for his wife for a present and he has a valid LTC and has an appeal in with the Federal Government."

Regarding the second transaction for (b)(6)

He was going to buy the firearm for his (b)(6) and couldn't do it. He applied for a NICS Appeal. He does not have the firearms. He was paying for her and one was for his brother. One of the Century Arms was a birthday present for his brother. When he (b)(6) got denied we gave him the VAP (Voluntary Appeal File). He did not hear back. He wanted to buy another Century gun and have the mother hold onto it until his appeal got straightened out. Douglas Paid for the firearms she was holding them.

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Regarding the (b)(6) transaction

"Yup. It was a collector type of gun and did not want to miss out on it. If he did not win the appeal she (mother) would transfer to his other son.

Regarding (b)(6) transaction:

"No idea, (b)(6) just bought a gun recently."

Regarding (b)(6)

"Don't remember he is dead now."

Regarding (b)(6) :

Don't remember. Maybe license was expired or he did not have the hard copy on him

(b)(6)

Don't remember

(b)(6) "Yes I know (b)(6) he moved out of the area a while ago." (TD)

On November 30, 2017, IOI (b)(6) interviewed Patricia and Thomas Decker separately regarding their transactions with (b)(6) in order to determine their individual knowledge of the transactions. Patricia Decker in the course of interview acknowledged that she was aware (b)(6) had been denied by NICS and that he had submitted a voluntary appeal file. She further indicated that Rebecca Miles was going to hold the firearm for when his appeal was over. See attached Memorandum of Conversation. **See Exhibit 37.**

Thomas Decker also revealed that he was aware that (b)(6) had been denied by NICS and that they had given him the NICS voluntary appeal file. He further revealed that after his second denial that (b)(6) had asked Decker if he could have his mother come in to get the gun and that Decker did not see a problem with that. Decker further stated that (b)(6) was going to hold onto the rifle until he got his appeal straightened out. See attached Memorandum of Conversation. **See Exhibit 38.**

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Name: Decker Enterprises INC
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X

(b)(6)

Senior Industry Operations Investigator

Report originally generated and submitted for approval
12/7/17. Report updated 6/1/18 to reflect post onsite inspection activity.

Index of Worksheets and Exhibits

ATF Worksheet 1 & 2

Exhibits:

1. Thomas Decker Driver's License.
2. Michael Decker ID
3. PGS photo of premises
4. Corporate Summary
5. ATF W/S 1 Entry #10
6. ATF W/S 1 Entry #16
7. ATF W/S 1 Entry #1
8. ATF W/S 1 Entry #2
9. ATF W/S 1 Entry #3
10. ATF W/S 1 Entry #4
11. ATF W/S 1 Entry #7
12. Photo of HK clone
13. No NFA Reg
14. Receipt for H91
15. FTB Report on H91 examination
16. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. [REDACTED]
24. [REDACTED]
25. [REDACTED]
26. [REDACTED]
27. ATF VCAB Report
28. Summary Chart of Straw Purchases
29. PGS Storage Book/A&D Record

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30. Photo of oblits
31. Photo of double stamp gun
32. NAPD gun pick up
33. IOI (b)(6) email to chain of command RE: NAPD Issues/referral generated to Massachusetts AG's Office
34. IOI (b)(6) additional email to chain of command RE NAPD Issues as well as state statute possibly violated
35. Signed Ack of Federal Firearm Regulations
36. Handout list
37. November 30, 2017 MEMCON Patricia Decker
38. November 30, 2017 MEMCON Thomas Decker



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives
10 Causeway Street, Room 791
Boston, MA 02222

www.atf.gov

March 5, 2018

EXPLANATION LETTER re: NOTICE OF REVOCATION and NOTICE OF DENIAL

Certified Mail – Return Receipt Requested

Mr. Thomas Decker
Ms. Patricia Decker
1132 VT Route 100
Readsboro, Vermont 05350

Mr. Thomas Decker
Ms. Patricia Decker
9 Grove Street
Adams, Massachusetts 01220

Re: Pete's Gun Shop, FFL # 6-04-003-01-0B-06460
Thomas Decker, FFL # 6-03-003-07-8H-00512
Patricia Decker, FFL application #6-03-003-01-PA-01010

Dear Mr. and Ms. Decker:

As you are aware, beginning in September 2017, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigators conducted inspections of your licensed firearms businesses under the Gun Control Act of 1968, as amended (GCA), Title 18, United States Code, Chapter 44 and its implementing regulations, Title 27, Code of Federal Regulations, Part 478. As a result, ATF has made a determination to revoke your federal firearms licenses and to deny your application for a new federal firearms license.

Courts have held that ATF may revoke a federal firearms license for willful violations of the GCA and its implementing regulations. "Willfulness," as defined by the courts, means the purposeful disregard or plain indifference to a licensee's known legal obligations. ATF is not required to prove you *intended* to violate the law, only that you knew your legal obligation as a licensee, and you purposefully disregarded or were plainly indifferent to this obligation.

Mr. Thomas Decker
Ms. Patricia Decker

ATF may deny a license application when an applicant is not qualified to receive or continue to hold the license, for example, because they have willfully violated the GCA.

Accordingly, enclosed is a Notice to Deny Application for License, ATF Form 5300.43 (4498), and a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4), citing willful violations of the GCA as the bases for the denial of your application for a federal firearms license and revocation of your federal firearms licenses. The Notices reference attachments which are provided on the enclosed thumb drive for your convenience.

Your Response to these Notices: As indicated on the enclosed forms, you may request a hearing to contest the revocations/denials by submitting a written request to me – the Acting Director, Industry Operations – within 15 days from your receipt of this Notice. *If you do not request a hearing within 15 days, the revocation of your licenses, and denial of your application, will become final at the end of those 15 days, and all of your firearms business activity must cease on that date.*

If you submit a letter requesting a hearing, ATF will begin to make arrangements for the hearing. Please let us know immediately if you will be represented at the hearing so that we can expeditiously schedule the hearing at a time mutually convenient to all parties involved, including your representative.¹ Once the date, time and place are set, ATF will notify you via certified mail. Under limited circumstances, the Director, Industry Operation (DIO) – myself or my successor – may reschedule the hearing for good cause.

Before the Hearing (if one is requested): Prior to the hearing date you may request a meeting with the DIO to address the violations cited in the Notices. You may be represented by counsel at this meeting if you so desire. The purpose of the meeting will be to try to resolve this matter without conducting a hearing. While ATF is not obligated to grant such requests, if it does, at or before the meeting, you may submit mitigating facts, arguments, and proposals for settlement for review and consideration. Settlement proposals may include a business wind-down period. You may also submit offers of potential resolution to the DIO after the hearing, however, the DIO will not entertain settlement offers at the hearing itself.

If you would like to schedule such a meeting, please contact the undersigned at (617) 557-1200 within 15 days of the receipt of this letter. If we do not receive a timely meeting request, we will schedule the hearing if you have requested one in writing.

What to Expect at the Hearing: *Under no circumstances may you, your representative, your witnesses, or anyone else, bring firearms or any other weapons to the hearing.* The hearing will not begin, or will cease, if it is determined that this policy has been violated.

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

Mr. Thomas Decker
Ms. Patricia Decker

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

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

During the hearing, ATF, through an attorney, will enter in the official record all evidence establishing the violations cited in the enclosed Notice. The ATF attorney will generally ask the ATF investigator(s) who conducted the inspection, or other ATF employees who have relevant information concerning your case, to describe their findings. At the conclusion of the Government's presentation, you will have the opportunity to respond. As mentioned above, you may be represented by counsel at this hearing if you so desire. You are encouraged to state your case as clearly and factually as possible. You and/or your attorney should be willing and prepared to address each violation described in the Notice. You may also present relevant evidence, such as documents, pictures, or witness testimony that tends to show that the violations listed in the Notice did not occur in the manner described.

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

After the Hearing: If after review of the entire record, the DIO concludes that you failed to satisfy licensing requirements, and/or that willful violations occurred, the DIO may issue a Final Notice of Denial of Application, and/or Final Notice of Revocation of Firearms Licensee, which will be sent to you via certified mail. Similarly, the DIO will notify you in writing if he or she decides to grant your license application and/or allow you to keep your current licenses. If you are not satisfied with the final decision, you may appeal the decision to federal district court within 60 days. The record of the hearing (including all presented evidence and testimony) may become part of the official court record.

Mr. Thomas Decker
Ms. Patricia Decker

If you have any questions, please contact, or have your attorney contact, ATF Counsel (b)(6)

(b)(6)

Sincerely yours,

(b)(6)

Acting Director, Industry Operations

Enclosures

DUPLICATE ORIGINAL

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

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

In the matter of License Number 6-04-003-01-0B-06460, as a/an dealer in firearms

issued to:

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

Pete's Gun Shop
Mr. Thomas Decker
9 Grove Street
Adams, Massachusetts 01220

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 10 Causeway Street, Suite 791, Boston, Massachusetts 02222, 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
03/05/2018	(b)(6) Acting Director, Industry Operations, Boston Field Division

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

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

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
Print Name and Title of Person Served		Signature of Person Served
Mr. Thomas Decker		
Address Where Notice Served		
9 Grove Street, Adams, Massachusetts 01220		

DUPLICATE ORIGINAL

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

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

In the matter of License Number 6-03-003-07-8H-00512, as a/an manufacturer of firearms

issued to:

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

Mr. Thomas Decker
1132 VT Route 100
Readsboro, Vermont 05350

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 10 Causeway Street, Suite 791, Boston, Massachusetts 02222, 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
03/05/2018	(b)(6) Acting Director, Industry Operations, Boston Field Division

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

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

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
03/05/2018	(b)(6)	(b)(6)
Print Name and Title of Person Served		Signature of Person Served
Mr. Thomas Decker		

Address Where Notice Served
1132 VT Route 100, Readsboro, Vermont 05350

DUPLICATE ORIGINAL

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Notice to Deny Application for License

In the matter of application for license as a/an dealer in firearms, filed by:
or
 In the matter of application for renewal of license number _____ as a/an _____, filed by:

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

Ms. Patricia Decker
1132 VT Route 100
Readsboro, Vermont 05350

Notice Is Hereby Given That:

The application described above may be denied because the applicant does not qualify for licensing under the provisions of 18 U.S.C. § 923(d), as set forth in the pages attached and made a part of this form. Pursuant to 18 U.S.C. § 923(f)(2), you may file a request for a hearing to review the denial of your application. This request must be received, in duplicate, by the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, located at 10 Causeway Street, Suite 791, Boston, Massachusetts 02222, within 15 days of your receipt of this notice.

Where a timely request for hearing is made, and the application described above is for renewal of a currently valid license, you may continue to operate under your present license pending the outcome of the hearing. The hearing will be held as provided in 27 CFR Part 478.

If a timely request for a hearing is not received, the application shall be disapproved, and a copy so marked will be returned to the applicant.

Please see included brochure

Date 3/5/2018 Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official (b)(6) Acting Director, Industry Operations, Boston Field Division

I certify that on the date shown below I served this notice on the person identified below by (b)(6)

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

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
Print Name and Title of Person Served		Signature of Person Served
Ms. Patricia Decker		
Address Where Notice Served		
1132 VT Route 100 Readsboro, Vermont 05350		

ATF Form 4500
Notice of Revocation of Licenses
Pete's Gun Shop, FFL # 6-04-003-01-0B-06460
Adams, Massachusetts
Thomas Decker, FFL # 6-03-003-07-8H-00512
Readsboro, Vermont

ATF Form 4498
Notice of Denial of License Application
Patricia Decker, app #6-03-003-01-PA-01010
Readsboro, Vermont

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given of the proposed revocation of the Federal firearms licenses specified above (# 6-04-003-01-0B-06460 and # 6-03-003-07-8H-00512). Under the provisions of 18 U.S.C. § 923(d)(1)(C) and 27 C.F.R. § 478.71, notice is hereby given of the denial of the Federal firearms license application (#6-03-003-01-PA-01010) submitted by Patricia Decker.

The Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Boston Field Division, has reason to believe that Pete's Gun Shop, Thomas Decker, and Patricia Decker have willfully violated 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.

LICENSEE / APPLICANT IS A WILLFUL VIOLATOR

Pete's Gun Shop (PGS) has been a federal firearms licensee, dealing in firearms, since 1983. PGS was originally owned and operated by Thomas Decker's father, Peter Decker. Since 2004, the business has been operated by Thomas Decker, his wife Patricia Decker, and their son Michael Decker.

Thomas Decker, also holds a federal firearms manufacturer's license at his Vermont residence. In 2009, an application inspection was conducted for this federal firearms license (FFL) by then ATF Industry Operations Investigator (IOI), now ATF Area Supervisor (b)(6). The federal firearm laws and regulations were reviewed with Thomas Decker, and an acknowledgment of the review was signed by Mr. Decker during this inspection. See Appendix A.

Since 2009, Mr. Decker has frequently reached out to (b)(6) with questions about operations at both his Vermont and Massachusetts FFLs. Mr. Decker's questions covered a variety of topics, including, but not limited to: classification of firearms (as antiques and/or curios), Acquisition and Disposition records, obliterated/defaced serial numbers, electronic ATF Form 4473s, firearm manufacturer markings, National Firearms Act issues, firearm transferees who were potentially prohibited due to arrests/convictions, firearms transfers to those with dual-state residency, firearms transfers to resident aliens, facilitating private sales/transfers of firearms, and administrative matters (e.g. timeline for license renewal, and ordering 4473s).

(b)(6) or one of his IOIs, answered all of Mr. Decker's questions (often the same day they were asked) by phone or email. See Appendix A.

ATF Form 4500
Notice of Revocation of Licenses
Pete's Gun Shop, FFL # 6-04-003-01-0B-06460
Adams, Massachusetts
Thomas Decker, FFL # 6-03-003-07-8H-00512
Readsboro, Vermont

ATF Form 4498
Notice of Denial of License Application
Patricia Decker, app #6-03-003-01-PA-01010
Readsboro, Vermont

The current inspection began in September 2017 at Thomas Decker's Vermont FFL. During review of the required records, ATF IO (b)(6) discovered numerous firearms coming and going between this FFL and Pete's Gun Shop in Massachusetts. Thomas Decker and Patricia Decker are both Responsible People associated with the Pete's Gun Shop firearms license. Therefore, in order to get the most accurate picture of Mr. Decker's operations, the inspection was expanded to cover Pete's Gun Shop as well. Patricia Decker submitted her application for an FFL after the inspections had begun, but before the conclusion of the inspections.

The inspection revealed the following violations:

1. In at least (b)(3) - 112 Public instances, the licensee has allowed people who are, and/or who appeared to be, prohibited from possessing firearms, to acquire firearms from Pete's Gun Shop through straw purchases. In doing so, he has transferred firearms to potentially prohibited people, in willful violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.32, and has aided and abetted prohibited persons in their illegal possession of firearms, in willful violation of 18 U.S.C. §§ 2 and 922(g), and 27 C.F.R. § 478.32. In documenting these sales in his records as though the straw was the true purchaser, the licensee has made false entries in his records in willful violation of 18 U.S.C. §§ 922(m) and 924(a)(1)(A), and 27 C.F.R. §§ 478.124(c)(1) and 478.125(e). Additionally, licensee willfully violated 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102 by transferring the firearms despite not receiving a "proceed" response from NICS for the actual purchaser of firearms. See Appendix B.
2. On approximately sixteen occasions, the licensee manufactured a firearm and failed to mark it with the licensee name, in willful violation of 18 U.S.C. §923(i), and 27 CFR §478.92(a)(1)(ii)(C). See Appendix C.
3. On approximately seventeen occasions, the licensee manufactured a firearm and failed to mark it with the licensee location (city, state), in willful violation of 18 U.S.C. §923(i), and 27 CFR §478.92(a)(1)(ii)(D). See Appendix C.
4. The licensee falsified three AFMERs (Annual Firearms Manufacturing and Exportation Reports, ATF Form 5300.11) that he executed under the penalties of perjury, by failing to report the manufacture of a total of 14 firearms, in willful violation of 18 U.S.C. § 923(g)(5), and 27 C.F.R. § 478.128(c). See Exhibits A, C, and D.
5. Since getting his FFL in Vermont in 2009, Thomas Decker transferred (b)(3) - 112 Public firearms from that license's inventory (b)(3) - 112 Public Law 55 125 Stat 552 and further transferred (b)(3) - 112 Public Law 55 125 Stat 552

ATF Form 4500
Notice of Revocation of Licenses
Pete's Gun Shop, FFL # 6-04-003-01-0B-06460
Adams, Massachusetts
Thomas Decker, FFL # 6-03-003-07-8H-00512
Readsboro, Vermont

ATF Form 4498
Notice of Denial of License Application
Patricia Decker, app #6-03-003-01-PA-01010
Readsboro, Vermont

firearms, without keeping the required log book in willful violation of 18 U.S.C. § 923(g)(1)(A) and § 478.125a(a)(4). See Appendix E.

6. In ^{(b)(3) - 112 P.02} instances at Pete's Gun Shop, and ^{(b)(3) - 112 P.02} instance at Decker's Vermont licensed premises, the licensee failed to timely report the multiple sales of handguns to a non-licensee within a five day period, in willful violation of 18 U.S.C. § 923(g)(3) and 27 C.F.R. § 478.126a. See Appendix F.

Accordingly, Pete's Gun Shop's and Thomas Decker's federal firearms licenses are subject to revocation pursuant to 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73. Additionally, Patricia Decker's federal firearms license application is subject to denial pursuant to 18 U.S.C. § 923(d)(1)(C) and 27 C.F.R. § 478.71.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Mr Thomas Decker Ms. Patricia Decker 1132 Vt Route 100 Readsboro, Vermont 05350</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7006 0810 0002 6795 794J</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>PS Form 3811, July 2013</p>		<p>Domestic Return Receipt</p>	

U.S. Postal Service [™]	
CERTIFIED MAIL[™] RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$ _____ Certified Fee _____ Return Receipt Fee (Endorsement Required) _____ Restricted Delivery Fee (Endorsement Required) _____ Total Postage & Fees \$ _____	762055-20180113 2015-008 Postmark Here 6-03-00512 6-03-01010
Sent To Mr. Thomas Decker / Ms. Patricia Decker Street, Apt. No., or PO Box No. 1132 Vt Route 100 City, State, ZIP+4 [®] Readsboro, Vermont 05350	
PS Form 3800, June 2007 See Reverse for Instructions	

**US DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**

IN THE MATTERS OF:)
PETE'S GUN SHOP, FFL# 6-04-003-01-0B-06460)
THOMAS DECKER, FFL# 6-03-003-07-8H-00512)
PATRICIA DECKER, FFL# 6-03-003-01-PA-01010)

SETTLEMENT AGREEMENT

This Settlement Agreement is hereby made and entered into on the date last signed, by and between Pete's Gun Shop, Inc. ("PGS"), Patricia Decker, Thomas Decker, and the United States of America, Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), known collectively as "the Parties."

STATEMENT OF FACTS

PGS is a federally licensed firearms dealer (FFL # 6-04-003-01-0B-06460) with its principal place of business at 9 Grove Street, Adams, Massachusetts. Thomas Decker and Patricia Decker are the owners of PGS.

Thomas Decker held a federal license to manufacture firearms (FFL # 6-03-003-07-8H-00512) at 1132 VT Route 100, Readsboro, Vermont.

Patricia Decker applied for a federal license to deal in firearms for the location 1132 VT Route 100, Readsboro, Vermont (FFL application #6-03-003-01-PA-01010).

On March 5, 2018, ATF issued a Notice to Deny Application for License, ATF Form 5300.43 (4498), and two Notices to Revoke or Suspend License, ATF Form 4500 (5300.4), ("the Notices"), pursuant to 18 U.S.C. §§ 923(d)(1)(C) and 923(e), which are attached hereto as "Exhibit A," and hereby incorporated by reference.

ATF served the Notices on PGS, Thomas Decker, and Patricia Decker by certified mail. The Notices were received by PGS, Thomas Decker, and Patricia Decker on March 7, 2018.

On March 12, 2018, Thomas Decker, Patricia Decker, and PGS made a timely request for a hearing to review the revocations/denial. Thomas Decker, Patricia Decker, and PGS also requested a meeting with ATF to discuss settling this matter. Such meeting was held on April 9, 2018.

The Parties desire to fully and completely settle any and all presently existing issues with respect to the revocations/denial against the Licenses.

AGREEMENT TERMS

The Parties hereby stipulate and agree as follows:

- 1) The Effective Date of this Settlement Agreement shall be the final signature date below.
- 2) PGS withdraws its requests for hearings on all the above-captioned license actions and will further submit its formal withdrawal in writing.
- 3) PGS hereby stipulates that the violations set forth in ATF's Notices of Revocation and Denial in the above-captioned matters were "willful" in that PGS was plainly indifferent, without criminal intent, to its obligations under 18 U.S.C. Ch. 44 and 27 CFR Part 478.
- 4) ATF will take no further action to revoke PGS's federal firearms license during the two-year period following the effective date of this agreement, so long as Pete's Gun Shop maintains compliance with the Gun Control Act and its implementing regulations, and the conditions of this agreement are satisfied.;
- 5) Electronic record keeping shall be implemented by PGS by July 15, 2018. PGS will purchase and implement the AIMI small business software created by Coloseum, or another substantially similar program. PGS shall implement at least the electronic 4473 and electronic A & D Book features of said software;
- 6) Pat Decker shall withdraw her application for an 01 FFL in the state of Vermont. Pat Decker shall not reapply for an 01 FFL in the state of Vermont during the two year period of this Agreement. If all conditions of this Agreement remain satisfied on on the date in 2020 which is exactly two years following the final signature date below, Pat Decker may reapply for an 01 FFL for the Vermont location.
- 7) Thomas Decker has already voluntarily closed THOMAS DECKER, FFL# 6-03-003-07-8H-00512 and ceased all operations thereunder. Thomas Decker will not reapply for reissuance of that manufacturer's license.
- 8) PGS agrees to voluntarily cease any and all firearms or ammunition transfers to any customer for any reason for a period of twenty-one (21) days, starting June 24, 2018 and ending July 14, 2018. Firearm and ammunition transfers may resume on July 15, 2018.
- 9) PGS shall obtain ATF compliance training from a consultant or other reputable source. PGS intendeds to retain a consultant through NSSF for a store visit training, as outlined at <https://www.nssf.org/retailers/atf-compliance/> . PGS will endeavor in good faith to have the consultant visit the store by September 20, 2018. In the event that a trainer is unavailable to visit the store until after the September 20, 2018 date,

PGS shall inform ATF of the scheduled date that the trainer is anticipated to visit the store. PGS shall provide proof of the compliance training by a completion certificate if available, or a letter from the trainer verifying their visit.

- 10) PGS shall continue to implement its Straw Purchase Prevention System. The system requires that whenever a purchaser receives a deny response from NICS, or a delay response that causes the customer to then cancel the purchase, the firearm is marked with a tag indicating that a customer was denied or that they cancelled the purchase. A separate log entry that is cross referenced to the tag is also made of the cancellation or denial. Any time a subsequent attempt is made to purchase that firearm, PGS shall check the deny/cancel log and ensure that the sale is not a straw sale.
- 11) PGS agrees to waive, for the two years following execution of this agreement, 18 U.S.C. 923(g)(1)(B), which restricts the frequency of ATF inspections to one per 12-month period. Thus, during the two-year period, ATF shall be permitted to conduct unlimited inspections of PGS' facility at ATF's discretion.
- 12) For the two year term of this agreement, PGS shall conduct quarterly inventories of its firearms, cross checking inventory with their A&D records, review their other ATF-required records (e.g. multiples sales reports, Form 4473s) for compliance, and evaluate the functioning of other compliance assurance systems (e.g. the straw purchase avoidance tag system). PGS shall report the results of these self-audits to ATF within 30 days of completion, including any problems identified and how PGS has fixed the problem.
- 13) Violation of this agreement by PGS during its two-year term, may result in ATF finalizing the revocation of the Pete's Gun Shop federal firearms license. Upon successful completion of the two-year term of this agreement by PGS, ATF agrees to withdraw the March 2018 Notices of Revocation and Denial, and ATF will not to use the violations cited in the March 2018 Notices of Denial and Revocation as the substantive basis for denial or revocation of a future Decker-held license.
- 14) This Agreement may be introduced at any future administrative proceeding, or any judicial appeal therefrom, against any federal firearms license held by, and any application for the same, submitted by, PGS, or any corporation, limited liability company, partnership, or other business association or entity in which Patricia Decker and/or Thomas Decker have an ownership interest, to help demonstrate the willfulness of any future violation of the type stipulated to in this Agreement.
- 15) This Agreement may be executed in counterparts and by facsimile and each such counterpart and facsimile shall be considered an original.

For Pete's Gun Shop, Inc, Thomas Decker, and Patricia Decker,
By their Attorney,

(b)(6)

5/18/18
Date

For the United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms & Explosives
By,

Nicholas O'Leary

Nicholas O'Leary
Director, Industry Operations
Boston Field Division

5/21/18
Date

EXHIBIT A



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives
10 Causeway Street, Room 791
Boston, MA 02222

www.atf.gov

March 5, 2018

EXPLANATION LETTER re: NOTICE OF REVOCATION and NOTICE OF DENIAL

Certified Mail – Return Receipt Requested

Mr. Thomas Decker
Ms. Patricia Decker
1132 VT Route 100
Readsboro, Vermont 05350

Mr. Thomas Decker
Ms. Patricia Decker
9 Grove Street
Adams, Massachusetts 01220

Re: Pete's Gun Shop, FFL # 6-04-003-01-0B-06460
Thomas Decker, FFL # 6-03-003-07-8H-00512
Patricia Decker, FFL application #6-03-003-01-PA-01010

Dear Mr. and Ms. Decker:

As you are aware, beginning in September 2017, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigators conducted inspections of your licensed firearms businesses under the Gun Control Act of 1968, as amended (GCA), Title 18, United States Code, Chapter 44 and its implementing regulations, Title 27, Code of Federal Regulations, Part 478. As a result, ATF has made a determination to revoke your federal firearms licenses and to deny your application for a new federal firearms license.

Courts have held that ATF may revoke a federal firearms license for willful violations of the GCA and its implementing regulations. "Willfulness," as defined by the courts, means the purposeful disregard or plain indifference to a licensee's known legal obligations. ATF is not required to prove you *intended* to violate the law, only that you knew your legal obligation as a licensee, and you purposefully disregarded or were plainly indifferent to this obligation.

Mr. Thomas Decker
Ms. Patricia Decker

ATF may deny a license application when an applicant is not qualified to receive or continue to hold the license, for example, because they have willfully violated the GCA.

Accordingly, enclosed is a Notice to Deny Application for License, ATF Form 5300.43 (4498), and a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4), citing willful violations of the GCA as the bases for the denial of your application for a federal firearms license and revocation of your federal firearms licenses. The Notices reference attachments which are provided on the enclosed thumb drive for your convenience.

Your Response to these Notices: As indicated on the enclosed forms, you may request a hearing to contest the revocations/denials by submitting a written request to me – the Acting Director, Industry Operations – within 15 days from your receipt of this Notice. *If you do not request a hearing within 15 days, the revocation of your licenses, and denial of your application, will become final at the end of those 15 days, and all of your firearms business activity must cease on that date.*

If you submit a letter requesting a hearing, ATF will begin to make arrangements for the hearing. Please let us know immediately if you will be represented at the hearing so that we can expeditiously schedule the hearing at a time mutually convenient to all parties involved, including your representative.¹ Once the date, time and place are set, ATF will notify you via certified mail. Under limited circumstances, the Director, Industry Operation (DIO) – myself or my successor – may reschedule the hearing for good cause.

Before the Hearing (if one is requested): Prior to the hearing date you may request a meeting with the DIO to address the violations cited in the Notices. You may be represented by counsel at this meeting if you so desire. The purpose of the meeting will be to try to resolve this matter without conducting a hearing. While ATF is not obligated to grant such requests, if it does, at or before the meeting, you may submit mitigating facts, arguments, and proposals for settlement for review and consideration. Settlement proposals may include a business wind-down period. You may also submit offers of potential resolution to the DIO after the hearing, however, the DIO will not entertain settlement offers at the hearing itself.

If you would like to schedule such a meeting, please contact the undersigned at (617) 557-1200 within 15 days of the receipt of this letter. If we do not receive a timely meeting request, we will schedule the hearing if you have requested one in writing.

What to Expect at the Hearing: *Under no circumstances may you, your representative, your witnesses, or anyone else, bring firearms or any other weapons to the hearing.* The hearing will not begin, or will cease, if it is determined that this policy has been violated.

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

Mr. Thomas Decker
Ms. Patricia Decker

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

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

During the hearing, ATF, through an attorney, will enter in the official record all evidence establishing the violations cited in the enclosed Notice. The ATF attorney will generally ask the ATF investigator(s) who conducted the inspection, or other ATF employees who have relevant information concerning your case, to describe their findings. At the conclusion of the Government's presentation, you will have the opportunity to respond. As mentioned above, you may be represented by counsel at this hearing if you so desire. You are encouraged to state your case as clearly and factually as possible. You and/or your attorney should be willing and prepared to address each violation described in the Notice. You may also present relevant evidence, such as documents, pictures, or witness testimony that tends to show that the violations listed in the Notice did not occur in the manner described.

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

After the Hearing: If after review of the entire record, the DIO concludes that you failed to satisfy licensing requirements, and/or that willful violations occurred, the DIO may issue a Final Notice of Denial of Application, and/or Final Notice of Revocation of Firearms Licensee, which will be sent to you via certified mail. Similarly, the DIO will notify you in writing if he or she decides to grant your license application and/or allow you to keep your current licenses. If you are not satisfied with the final decision, you may appeal the decision to federal district court within 60 days. The record of the hearing (including all presented evidence and testimony) may become part of the official court record.

Mr. Thomas Decker
Ms. Patricia Decker

If you have any questions, please contact, or have your attorney contact, ATF Counsel (b)(6)

(b)(6)

Sincerely yours

(b)(6)

Acting Director, Industry Operations

Enclosures

DUPLICATE ORIGINAL

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

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

In the matter of License Number 6-04-003-01-0B-06460, as a/an dealer in firearms

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

Pete's Gun Shop
Mr. Thomas Decker
9 Grove Street
Adams, Massachusetts 01220

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 10 Causeway Street, Suite 791, Boston, Massachusetts 02222, 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
03/05/2018	(b)(6) Acting Director, Industry Operations, Boston Field Division

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

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

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
Print Name and Title of Person Served	Signature of Person Served	
Mr. Thomas Decker		
Address Where Notice Served		
9 Grove Street, Adams, Massachusetts 01220		

ATF Form 4500(5300.4)
Revised September 2014

DUPLICATE ORIGINAL

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

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

In the matter of License Number 6-03-003-07-8H-00512, as a/an manufacturer of firearms

issued to:

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

Mr. Thomas Decker
1132 VT Route 100
Readsboro, Vermont 05350

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 10 Causeway Street, Suite 791, Boston, Massachusetts 02222, 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 03/05/2018 Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official (b)(6) Director, Industry Operations, Boston 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: _____
- 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
Print Name and Title of Person Served	Signature of Person Served	
Address Where Notice Served		

Mr. Thomas Decker
1132 VT Route 100, Readsboro, Vermont 05350

DUPLICATE ORIGINAL

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Notice to Deny Application for License

- In the matter of application for license as a/an dealer in firearms, filed by:
or
 In the matter of application for renewal of license number _____ as a/an _____, filed by:

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

Ms. Patricia Decker
1132 VT Route 100
Readsboro, Vermont 05350

Notice Is Hereby Given That:

The application described above may be denied because the applicant does not qualify for licensing under the provisions of 18 U.S.C. § 923(d), as set forth in the pages attached and made a part of this form. Pursuant to 18 U.S.C. § 923(f)(2), you may file a request for a hearing to review the denial of your application. This request must be received, in duplicate, by the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, located at 10 Causeway Street, Suite 791, Boston, Massachusetts 02222, within 15 days of your receipt of this notice.

Where a timely request for hearing is made, and the application described above is for renewal of a currently valid license, you may continue to operate under your present license pending the outcome of the hearing. The hearing will be held as provided in 27 CFR Part 478.

If a timely request for a hearing is not received, the application shall be disapproved, and a copy so marked will be returned to the applicant.

- Please see included brochure

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Office
3/5/2018	(b)(6) Acting Director, Industry Operations, Boston Field Division

(b)(6)

I certify that on the date shown below I served this notice on the person identified below

- Certified mail to the address shown below.
Tracking Number: 70060810000267957934 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
Print Name and Title of Person Served	Signature of Person Served	
Address Where Notice Served		
1132 VT Route 100 Readsboro, Vermont 05350		

ATF Form 4498 (5300.43)
Revised September 2014

ATF Form 4500
Notice of Revocation of Licenses
Pete's Gun Shop, FFL # 6-04-003-01-0B-06460
Adams, Massachusetts
Thomas Decker, FFL # 6-03-003-07-8H-00512
Readsboro, Vermont

ATF Form 4498
Notice of Denial of License Application
Patricia Decker, app #6-03-003-01-PA-01010
Readsboro, Vermont

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given of the proposed revocation of the Federal firearms licenses specified above (# 6-04-003-01-0B-06460 and # 6-03-003-07-8H-00512). Under the provisions of 18 U.S.C. § 923(d)(1)(C) and 27 C.F.R. § 478.71, notice is hereby given of the denial of the Federal firearms license application (#6-03-003-01-PA-01010) submitted by Patricia Decker.

The Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Boston Field Division, has reason to believe that Pete's Gun Shop, Thomas Decker, and Patricia Decker have willfully violated 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.

LICENSEE / APPLICANT IS A WILLFUL VIOLATOR

Pete's Gun Shop (PGS) has been a federal firearms licensee, dealing in firearms, since 1983. PGS was originally owned and operated by Thomas Decker's father, Peter Decker. Since 2004, the business has been operated by Thomas Decker, his wife Patricia Decker, and their son Michael Decker.

Thomas Decker, also holds a federal firearms manufacturer's license at his Vermont residence. In 2009, an application inspection was conducted for this federal firearms license (FFL) by then ATF Industry Operations Investigator (IOI), now ATF Area Supervisor (b)(6). The federal firearm laws and regulations were reviewed with Thomas Decker, and an acknowledgment of the review was signed by Mr. Decker during this inspection. See Appendix A.

Since 2009, Mr. Decker has frequently reached out to (b)(6) with questions about operations at both his Vermont and Massachusetts FFLs. Mr. Decker's questions covered a variety of topics, including, but not limited to: classification of firearms (as antiques and/or curios), Acquisition and Disposition records, obliterated/defaced serial numbers, electronic ATF Form 4473s, firearm manufacturer markings, National Firearms Act issues, firearm transferees who were potentially prohibited due to arrests/convictions, firearms transfers to those with dual-state residency, firearms transfers to resident aliens, facilitating private sales/transfers of firearms, and administrative matters (e.g. timeline for license renewal, and ordering 4473s).

(b)(6) or one of his IOIs, answered all of Mr. Decker's questions (often the same day they were asked) by phone or email. See Appendix A.

ATF Form 4500
Notice of Revocation of Licenses
Pete's Gun Shop, FFL # 6-04-003-01-0B-06460
Adams, Massachusetts
Thomas Decker, FFL # 6-03-003-07-8H-00512
Readsboro, Vermont

ATF Form 4498
Notice of Denial of License Application
Patricia Decker, app #6-03-003-01-PA-01010
Readsboro, Vermont

The current inspection began in September 2017 at Thomas Decker's Vermont FFL. During review of the required records, ATF IOI Timothy Gahm discovered numerous firearms coming and going between this FFL and Pete's Gun Shop in Massachusetts. Thomas Decker and Patricia Decker are both Responsible People associated with the Pete's Gun Shop firearms license. Therefore, in order to get the most accurate picture of Mr. Decker's operations, the inspection was expanded to cover Pete's Gun Shop as well. Patricia Decker submitted her application for an FFL after the inspections had begun, but before the conclusion of the inspections.

The inspection revealed the following violations:

1. In at least ^{(b)(3) - 112 F} instances, the licensee has allowed people who are, and/or who appeared to be, prohibited from possessing firearms, to acquire firearms from Pete's Gun Shop through straw purchases. In doing so, he has transferred firearms to potentially prohibited people, in willful violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.32, and has aided and abetted prohibited persons in their illegal possession of firearms, in willful violation of 18 U.S.C. §§ 2 and 922(g), and 27 C.F.R. § 478.32. In documenting these sales in his records as though the straw was the true purchaser, the licensee has made false entries in his records in willful violation of 18 U.S.C. §§ 922(m) and 924(a)(1)(A), and 27 C.F.R. §§ 478.124(c)(1) and 478.125(e). Additionally, licensee willfully violated 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102 by transferring the firearms despite not receiving a "proceed" response from NICS for the actual purchaser of firearms. See Appendix B.
2. On approximately sixteen occasions, the licensee manufactured a firearm and failed to mark it with the licensee name, in willful violation of 18 U.S.C. §923(i), and 27 CFR §478.92(a)(1)(ii)(C). See Appendix C.
3. On approximately seventeen occasions, the licensee manufactured a firearm and failed to mark it with the licensee location (city, state), in willful violation of 18 U.S.C. §923(i), and 27 CFR §478.92(a)(1)(ii)(D). See Appendix C.
4. The licensee falsified three AFMERs (Annual Firearms Manufacturing and Exportation Reports, ATF Form 5300.11) that he executed under the penalties of perjury, by failing to report the manufacture of a total of 14 firearms, in willful violation of 18 U.S.C. § 923(g)(5), and 27 C.F.R. § 478.128(c). See Exhibits A, C, and D.
5. Since getting his FFL in Vermont in 2009, Thomas Decker transferred ^{(b)(3) - 112 F} firearms from that licensee's inventory to ^{(b)(3) - 112 Public Law 55 125 Stat 552} and further transferred ^{(b)(3) - 112 Public Law 55 125 Stat 552}

ATF Form 4500
Notice of Revocation of Licenses
Pete's Gun Shop, FFL # 6-04-003-01-0B-06460
Adams, Massachusetts
Thomas Decker, FFL # 6-03-003-07-8H-00512
Readsboro, Vermont

ATF Form 4498
Notice of Denial of License Application
Patricia Decker, app #6-03-003-01-PA-01010
Readsboro, Vermont

firearms, without keeping the required log book in willful violation of 18 U.S.C. § 923(g)(1)(A) and § 478.125a(a)(4). See Appendix E.

6. In ^{(b)(3) - 112 Public} instances at Pete's Gun Shop, and ^{(b)(3) - 112 Public} instance at Decker's Vermont licensed premises, the licensee failed to timely report the multiple sales of handguns to a non-licensee within a five day period, in willful violation of 18 U.S.C. § 923(g)(3) and 27 C.F.R. § 478.126a. See Appendix F.

Accordingly, Pete's Gun Shop's and Thomas Decker's federal firearms licenses are subject to revocation pursuant to 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73. Additionally, Patricia Decker's federal firearms license application is subject to denial pursuant to 18 U.S.C. § 923(d)(1)(C) and 27 C.F.R. § 478.71.