

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) MAVF, LLC 111 GUN SHOP 9301 HURSTBOURNE PARK BLVD NO. 104 NO. 104 LOUISVILLE, KY 40220, JEFFERSON		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 775045-2016-0159-B1B	
		3. PERMIT/LICENSE NUMBER 461111016E03871	4a. TARGET DATE 9/30/2016
		4b. TARGET HOURS	
5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 09/30/2016			

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

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b) (6) Area Supervisor, 02/16/2016	
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8. PURPOSE/SPECIAL INSTRUCTIONS W/C held on 10/14/14. Recall UI opened 02/16/2016. Conduct a full recall inspection by the end of FY 2016.	
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9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	12	NO. OF REFERRALS	1	2111 - PER DIEM	
NO. OF TECS CHECKS	104	NO. OF TECS HITS		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) Senior Industry Operations Investigator	
Submitted on: 09/28/2016	
On 8/16/2016, Senior Industry Operations Investigator (b) (6) commenced a compliance inspection at the business premises of MAVF, LLC d/b/a 111 Gun Shop. See narrative report for full details.	
Licensee was cited with 12 violations of the Gun Control Act, all of which were repeat violations that would require a warning conference. The licensee has been the subject of (b) (6) IO led warning conferences (2012 and 2014), and compliance is still lacking. Such continued non-compliance can be construed as (b) (6) willful violation of the Gun Control Act.	
Recommend revocation of the Federal firearms license.	
Viols and Revocation / Denial of Renewal App	

12. TIME ACCOUNTING DATA	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b) (6)	
FEB 2016	4.0
AUG 2016	112.00
SEP 2016	92.00
OCT 2016	3.00
JAN 2017	26.00
FEB 2017	44.00
ATF OFFICER'S SUBTOTAL	281.00
ATF OFFICER'S SIGNATURE	

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	3. PERMIT/LICENSE NUMBER 461111016E03871	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 09/30/2016		

### 12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
FEB 2017	8.00	
ATF OFFICER'S SUBTOTAL	8.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
AUG 2016	27.00	
ATF OFFICER'S SUBTOTAL	27.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
AUG 2016	21.00	
ATF OFFICER'S SUBTOTAL	21.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
AUG 2016	36.00	
ATF OFFICER'S SUBTOTAL	36.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS	373.00	

### 13. REVIEW AND ROUTING

#### REVIEW COMMENTS AND RECOMMENDATION

A firearms recall inspection was completed on 9/28/2016 and resulted in a ROV for 12 violations. Revocation is recommended due to a stand-alone violation as well as repeat violations that were also cited during the 2012 and 2014 inspections. Both the 2012 and 2014 inspections resulted in an alternate recommendation of DIO warning conference in lieu of revocation. All 12 violations cited during this inspection were cited in the 2014 inspection.

The stand-alone violation cited in this inspection that calls for revocation is violation #1, 27 CFR 478.99(c). Transfer of a firearm to an individual with reasonable cause to believe the individual was prohibited. This violation was also cited in the 2012 and 2014 inspection.

Violation #3, 27 CFR 478.99(a) stance of transferring a receiver to an out of state resident. This violation would ordinarily result in a warning conference. However, since this is a repeat violation cited in 2014 and a warning conference was held, this violation calls for revocation.

Violation #4, 27 CFR 478.126a. Failure stances to report a multiple sale of handguns. This violation would ordinarily result in warning conference. However, since this is a repeat violation cited in 2012 and 2014 and a warning conference was held, this violation calls for revocation.

FFL Revoked 10/16/2017. Final PII sent to the FFLC on 10/30/2017.

Viols and Revocation / Denial of Renewal App

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE (b) (6) Area Supervisor	REVIEW DATE 10/13/2016
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## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  MAVF, LLC 111 GUN SHOP 9301 HURSTBOURNE PARK BLVD NO. 104 NO. 104 LOUISVILLE, KY 40220, JEFFERSON	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 775045-2016-0159-B1B		
	3. PERMIT/LICENSE NUMBER 461111016E03871	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS
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### 13. REVIEW AND ROUTING

#### REVIEW COMMENTS AND RECOMMENDATION

The licensee has been licensed since May of 2010, and at that time an Acknowledgment of Federal Regulations was completed with Ms. Shafer aka Ms. Van Fleet. (At that time she was located in Indiana, 4-35-03806) A firearms recall inspection was completed on September 28, 2016, which resulted in 12 violations. Two previous inspections, in 2012 and 2014, resulted in a recommendation of DIO warning conference in lieu of revocation. All 12 violations cited during this inspection were repeat violations from the 2014 inspection and 9 violations were multiple repeats from the 2012 inspection.

The current inspection yielded a violation of 27 CFR 478.99(c). The licensee transferred of a firearm to an individual with reasonable cause to believe the individual was prohibited. This violation was also cited in the 2012 and 2014 inspections. In this case, a purchaser answered "yes" to question 11i. The purchaser asked the licensee if she could purchase a firearm with a previous criminal history. The seller stated that it would be determined by NICS. This transaction resulted in a Delay/Denial in which a Special Agent was required to retrieve the firearm that was transferred to a prohibited person. The licensee was cited for 27 CFR 478.99(a). In this instance, the licensee transferred a receiver to an out of state resident. This is a repeat violation cited in 2014. The licensee failed file a Report of Multiple Sale or Other Disposition of Pistols and Revolvers in 2014 instances, a violation of 27 CFR 478.126a. This is a repeat violation cited in 2012 and 2014.

Additionally, on April 26, 2011, a driver drove a vehicle into 111 Gunshop's window (at the previous location) and firearms were stolen from inventory. On July 28, 2016, 111 Gunshop was again had a vehicle driven through a storefront window, resulting in firearms being stolen. Throughout the course of the current inspection, the licensee, including the responsible person and the employees displayed plain indifference to the requirements of the Gun Control Act. The licensee had a significant amount of violations that have been repeated multiple times. When reconciling inventory, the Responsible Person stated that some discrepancies were from the inspection conducted in 2012. The Responsible Person, as well as employees, hindered the completion of the inspection by being unavailable at times and arriving to the business premises significantly later than planned. The Store Manager, intentionally misled the lead IOI and hindered the inspection by lying about existence of firearms as well as denying access to storage rooms where the firearms were stored. The lead IOI and Area Supervisor recommend revocation. DIO concurs.

Viols and Revocation / Denial of Renewal App

☒ REVIEWED

☒ CONCUR

☐ SEE COMMENTS

☐ FINAL DISPOSITION

SIGNATURE AND TITLE

(b) (6) DIO

REVIEW DATE

10/19/2016

#### ROUTING SEQUENCE AND DATE

- ☐ 1. \_\_\_\_\_
- ☐ 2. \_\_\_\_\_
- ☐ 3. \_\_\_\_\_
- ☐ 4. \_\_\_\_\_

CONTROL FILE POSTED DATE \_\_\_\_\_

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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 MAVF, LLC 111 GUN SHOP	Street Address 9301 HURSTBOURNE PARK BLVD NO. 1	City LOUISVILLE	State KY	Zip Code 40220-	County JEFFERSON	Page 1 of 9 Pages
License/Permit/Registry Number (If any) 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

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

Number: 1

Nature of Violation:  
Licensee transferred a firearm to an individual with reasonable cause to believe the individual was prohibited from receiving firearms.  

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

- In any instances, a purchaser answered “yes” to item #11f, which reads “Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?”

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

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

- In any instances, a purchaser answered “yes” to item #11i, which reads “Have you ever been convicted in any court of a misdemeanor crime of domestic violence?”

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

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

A NICS response of denied was received for (b)(3)-Public Law 112-55 (125 Stat. 552) 9 days later.

Citation: 27 CFR 478.99(c)

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

In the future, licensee will not proceed with the transaction in instances where the purchaser answers “no” to item 11a or “yes to items 11b – 11i.

Number: 2

Nature of Violation:  
Failure to conduct a NICS check prior to the transfer of a firearm.  

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

- In any instances, licensee accepted a permit that did not qualify as an exception to NICS.

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

Citation: 27 CFR 478.102(a)

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

In the future, licensee will ensure that only permits that meet the requirements as an exception to the NICS check are accepted. For transactions requiring a NICS check, licensee will ensure that the check is conducted prior to transfer of the firearm.

April 9 Production

255

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ATF E-Form 5030 5  
Revised April 2005



U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Violations

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Name of Proprietor MAVF, LLC 111 GUN SHOP	Street Address 9301 HURSTBOURNE PARK BLVD NO. 1	City LOUISVILLE	State KY	Zip Code 40220-	County JEFFERSON	Page 2 of 9 Pages
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License/Permit/Registry Number <i>(If any)</i> 461111019E03871	Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016
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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: 3

Nature of Violation:

Licensee transferred a receiver to an individual who was not a resident of the state of Kentucky.

- In 

§ 5337 Public Law 112-55 (128)

 stance, licensee transferred a receiver to a resident of South Carolina. Licensee accepted non-qualifying military orders as proof of Kentucky residency.

Citation: 27 CFR 478.99(a)

Date Corrections to be Made:

*(If not corrected immediately)*

Corrective Action to be Taken:

*(If not corrected immediately)*

In the future, licensee will ensure that receivers are only transferred to residents of Kentucky. If a non-resident wishes to purchase a receiver, licensee will ensure the firearm is shipped to a licensee in the individual's state of residence.

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License/Permit/Registry Number <i>(If any)</i> 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

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

Number: 4

Nature of Violation:

Failure to properly file and maintain ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, when transferring 2 or more firearms to the same non-licensee within 5 business days.

- I

Public Law 112-55  
125 Stat. 552

stances, licensee failed to file ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers.

- I

Public Law 112-55  
125 Stat. 552

stances, licensee failed to attach a copy of ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers to the applicable ATF Form 4473.

Citation: 27 CFR 478.126a

Date Corrections to be Made: 09/19/2016

*(If not corrected immediately)*

Corrective Action to be Taken: Licensee will forward the [Public Law 112-55 125 Stat. 552] ATF Forms 3310.4 and will attach a copy to the applicable ATF Forms 4473. In addition, licensee will file previously completed and submitted ATF Forms 4473 in the file boxes with the ATF Forms 4473. The Forms 3310.4 will be separated by month and year, placed in a separate file folder and filed in the front of the applicable box of ATF Forms 4473. From 9/1/2016 forward, all ATF Forms 3310.4 will be submitted to ATF and the local law enforcement agency by close of business on the day the multiple sale occurs, with a copy stapled to the applicable ATF Form 4473.

*(If not corrected immediately)*

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## Inspection Results

**Number:** 5 **Date Corrections to be Made:** 09/28/2016  
(If not corrected immediately)

**Corrective Action to be Taken:** Licensee will make the required corrections and will ensure all future A&D Record Book entries are made timely, accurately and correctly.

- (b)(3)-Public Law 112-55 instances, the disposition of a firearm was not recorded
- (b)(3)-Public instances, the acquisition of a firearm was not recorded
- (b)(3)-Public instance, a same day gunsmithing transaction was recorded as an acquisition when the firearm was returned to the customer
- (b)(3)-Public Law instances, duplicate acquisition entries were recorded
- (b)(3)-Public instances, the acquisition date was incorrect
- (b)(3)-Public instances, the type of firearm was incorrect
- (b)(3)-Public instances, the serial number was incorrect
- (b)(3)-Public instances, the caliber was incorrect
- (b)(3)-Public Law instances, the name and address of the supplier were incorrect
- (b)(3)-Public instances, the name of the transferee was incorrect
- (b)(3)-Public instances, the address of the transferee was incorrect

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Bureau of Alcohol, Tobacco, Firearms and Explosives

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License/Permit/Registry Number (If any) 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

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

Number: 6

Nature of Violation:  
Licensee failed to obtain a complete and accurate ATF Form 4473.  

112-65

125

562

- instances, the purchaser answered “no” to item #11a.

- instances, the type of firearm was not indicated in item #18.

- instances, the type of firearm was incorrect in item #18.

- instances, the signature was not recorded in item #24.

- instances, the date was not recorded in item #25.

- instances, the number of firearms transferred was not recorded in item #30a.

- instances, the number of firearms transferred was incorrect in item #30a.

- instances, the name and address of the licensee was not recorded in item #31.

- instances, the license number was not recorded in Item #32.

- instances, the printed name of the transferor was not recorded in item #33.

- instances, the title of the transferor was not recorded in item #35.

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

In the future, licensee will ensure that all ATF Forms 4473 are fully and accurately completed. Licensee will be more diligent in reviewing ATF Forms 4473 for accuracy prior to transfer of the firearm, with all necessary corrections initialed and dated.

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Bureau of Alcohol, Tobacco, Firearms and Explosives

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License/Permit/Registry Number (If any) 461111019E03871		Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016			

Inspection Results

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

Number: 7

Nature of Violation:  
Failure to ensure purchasers properly completed Section A of ATF Form 4473.

27 CFR 478.124(c)(1)

- instance, the street address was incomplete in item #2

- instance, the incorrect state was recorded in item #2

- instances, the county was abbreviated in item #2

- instances, the county was not recorded in item #2

- instances, the state was not recorded in item #3

- instance, item #11b was blank

- instance, item #11c was blank

- instance, item #11d was blank

- instance, item #11e was blank

- instance, item #11f was blank

- instance, item #11j was blank

- instance, item #11k was blank

- instances, item #11l was blank

- instance, the state was not recorded in item #13

- instances, the date was incorrect in item #17

- instances, the date was not recorded in item #17

- instance, someone other than the purchaser completed corrections in Section A

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

In the future, licensee will ensure that all ATF Forms 4473 are reviewed for completeness and accuracy prior to transfer of the firearm. Any corrections will be initialed and dated, with only the purchaser providing corrections to items in Section A.

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## Inspection Results

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

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

(If not corrected immediately)

(If not corrected immediately)

: In the future, licensee will ensure that the type, number and expiration date of the identification document are recorded in item #20a. In addition, if the purchaser provides a government issued identification document that does not contain the residence address recorded in item #2, licensee will require the purchaser to provide another government issued document that shows the purchaser resides at the residence address listed in item #2.

(If not corrected immediately)

(If not corrected immediately)

: In the future, licensee will ensure that all NICS information is accurately recorded in Section B of ATF Form 4473.

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License/Permit/Registry Number (If any) 461111019E03871	Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016
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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:

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

Number: 10

Nature of Violation:  
Licensee failed to properly complete Section D of ATF Form 4473.  

8/23/16  
Public Law  
112-55 (125  
Stat. 552)

- instances, the serial number was incorrect in item #28.

- stance, the type of firearm was incorrect in item #29.

Citation: 27 CFR 478.124(c)(4)

Number: 11

Nature of Violation:  
Failure to properly complete section D of ATF Form 4473.  

8/23/16  
Public Law  
112-55 (125  
Stat. 552)

- stances, the signature was not recorded in item #34.

- stances, the date of transfer was not recorded in item #36.

- stances, the date of transfer was incorrect in item #36

Citation: 27 CFR 478.124(c)(5)

Date Corrections to be Made: 09/19/2016  
(If not corrected immediately)

Corrective Action to be Taken: (If not corrected immediately)

Licensee will correct photocopies of the applicable forms, initialing and dating all corrections. Licensee will attach the corrected photocopies to the applicable ATF Forms 4473. In the future, licensee will ensure that all firearm information is recorded on ATF Form 4473 is complete and accurate.

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Revised April 2005



U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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License/Permit/Registry Number <i>(If any)</i> 461111019E03871	Expiration Date 5/1/2019	Date(s) or Period of Inspection 08/16/2016 through 09/28/2016
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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: 12

Nature of Violation:

Failure to record on ATF Form 4473 the number of the qualifying permit.

5/13/2016

Public Law 112-55

11-25 Stat

- tances, the number of the qualifying permit was not recorded in item #23.

Citation: 27 CFR 478.131(a)(2)

Date Corrections to be Made:

*(If not corrected immediately)*

Corrective Action to be Taken:

*(If not corrected immediately)*

Licensee will ensure the number of the qualifying permit is recorded for all future transactions where the purchaser furnishes a permit that qualifies as an exception to the NICS check.

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

Date

Signature and Title of ATF Officer

Date

April 9 Production

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ATF E-Form 5030 5  
Revised April 2005

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

In the matter of License Number 4-61-111-01-9E-03871, as a/an dealer in firearms other than destructive devices

issued to:

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

MAVE, LLC doing business as 111 Gun Shop  
9301 Hurstbourne Park Boulevard  
Louisville, Kentucky 40220

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. 922(e), 922(g)(3) or 924(d).

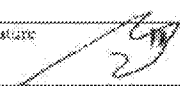
☐ The above identified license may be suspended pursuant to 18 U.S.C. 922(f) (5) or 924(p).

☐ The above identified licensee may be fined pursuant to 18 U.S.C. 922(i) (5) or 924(p).

Pursuant to U.S.C. 923(a)(2) and/or 922(f)(5), you may file a request with the Director, Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, at 500 U.S. Martin Luther King Jr. Plaza, Suite 500, Louisville, KY 40202, 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 C.F.R. § 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 enclosed brochure

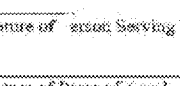
Date	Name and Title of Licensee of Alcohol, Tobacco, Firearms and Explosives Official	Signature
11/18/2016	Adam Rogers, Director, Industry Operations	

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: 701376280013737868

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
11/18/2016	Adam Rogers	
Print Name and Title of Person Served		Signature of Person Served

Address Where Notice Served

# ATF Form 4500, Notice of Revocation of License

MAVF, LLC doing business as 111 Gun Shop

9301 Hurstbourne Park Boulevard

Louisville, Kentucky 40220

4-61-111-01-9E-03871

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given of the revocation of the Federal firearms license specified above, in that the Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Louisville Field Division, has reason to believe that MAVF, LLC doing business as 111 Gun Shop ("Licensee"), 9301 Hurstbourne Park Boulevard, Louisville, Kentucky 40220, 4-61-111-01-9E-03871, a Dealer in Firearms Other than Destructive Devices, willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

## Compliance History

ATF issued a Federal firearms license to the Licensee following a qualification inspection conducted in 2010. ATF conducted compliance inspections of the Licensee in 2012 and 2014. Following the 2012 and 2014 inspections ATF issued Reports of Violations to the Licensee and the Licensee attended warning conferences with the Director of Industry Operations, Louisville Field Division. Following each warning conference, ATF sent the Licensee a letter advising that "any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license."

## Current Inspection

On August 16, 2016, ATF Industry Operations Investigator (b) (6) commenced a compliance inspection of the Licensee's premises that covered the period August 16, 2015 through August 16, 2016. The inspection revealed the following:

## Violations

### Transfer in Violation of Law

1. The Licensee, by and through its agents and employees, willfully sold or delivered a firearm (b) (3)-Public Law 112-55 (125 Stat. 552) to persons the Licensee knew or had reasonable cause to believe were subject to a Federal firearms disability, in violation of 18 U.S.C. § 922(d)(1) and 27 C.F.R. § 478.99(c)(1). See Appendix A, § 1.
2. The Licensee, by and through its agents and employees, willfully sold or delivered a firearm other than a rifle or shotgun (b) (3)-Public Law 112-55 (125 Stat. 552) on occasion to a resident of a State other than the one in which the Licensee's place of business is located, in violation of 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a). See Appendix A, § 2.

### Background Check Violation

3. The Licensee, by and through its agents and employees, willfully transferred a firearm to unlicensed persons <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> occasions without conducting a background check, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix A, § 3.

### Failure to Report Multiple Sales

4. The Licensee, by and through its agents and employees, willfully failed to timely and accurately report the sale or other disposition <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> or more pistols and/or revolvers to an unlicensed person <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> occasions, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. See Appendix A, § 4.

### Acquisition and Disposition Record Violations

5. The Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the acquisition <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix A, § 5.
6. The Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the disposition <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix A, § 6.

### ATF Form 4473 Violations

7. The Licensee, by and through its agents and employees, willfully failed to obtain/execute Form 4473 as indicated by the headings of the form and the instructions on or pertaining to the form <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> occasions in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21. See Appendix A, § 7.
8. The Licensee, by and through its agents and employees, willfully failed to obtain a Form 4473 from the transferee prior to making an over-the-counter transfer of a firearm to a nonlicensee <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix A, § 8.
9. The Licensee, by and through its agents and employees, willfully transferred a firearm to a nonlicensee without verifying the identification document presented and noting on the Form 4473 the type of identification used <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i). See Appendix A, § 9.

10. The Licensee, by and through its agents and employees, willfully transferred a firearm to a nonlicensee without recording required NICS information on the Form 4473 <sup>(b)(3)- Public Law 112-55 (125 Stat. 552)</sup> occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix A, § 10.
11. The Licensee, by and through its agents and employees, willfully failed to accurately identify the firearm to be transferred on Form 4473 <sup>(b)(3)- Public Law 112-55 (125 Stat. 552)</sup> occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4). See Appendix A, § 11.

Appendix A

1.

Transferee      Date      Firearm

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

2.

Transferee      Date      Firearm

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

3.

Transferee      Date      Firearm

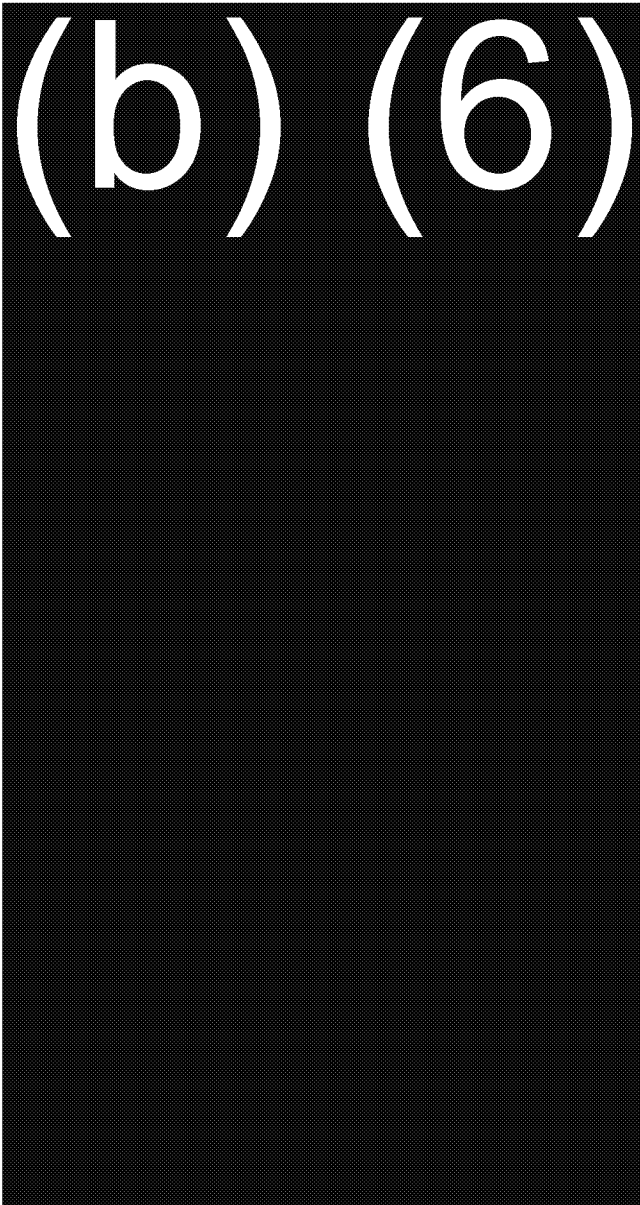
**(b)(3)- Public Law 112-55 (125 Stat. 552)**

4.

Transferee      Date(s)

**(b) (6)**

(b) (6)



5.

Firearm Description

Discrepancy

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



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





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

A large black rectangular redaction box covering the upper portion of the document.

6.

Firearm Description

Discrepancy

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

A large black rectangular redaction box covering the majority of the lower portion of the document.

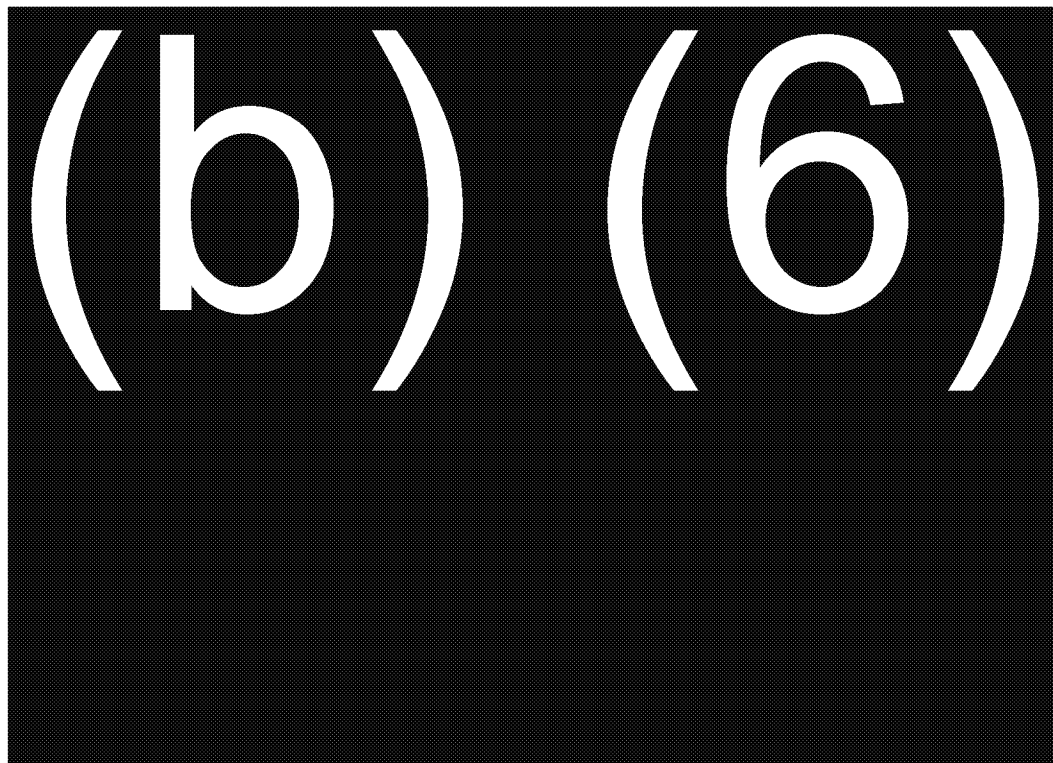
(b)(3)- Public Law 112-55 (125 Stat. 552)



7.

<u>Transferee</u>	<u>Date</u>	<u>Discrepancy</u>
-------------------	-------------	--------------------

(b)	(6)	
-----	-----	--



(b) (6)

8.

Transferee

Date

Discrepancy

(b) (6)

(b) (6)

9.

Transferee

Date

Discrepancy

(b) (6)

10.

Transferee

Date

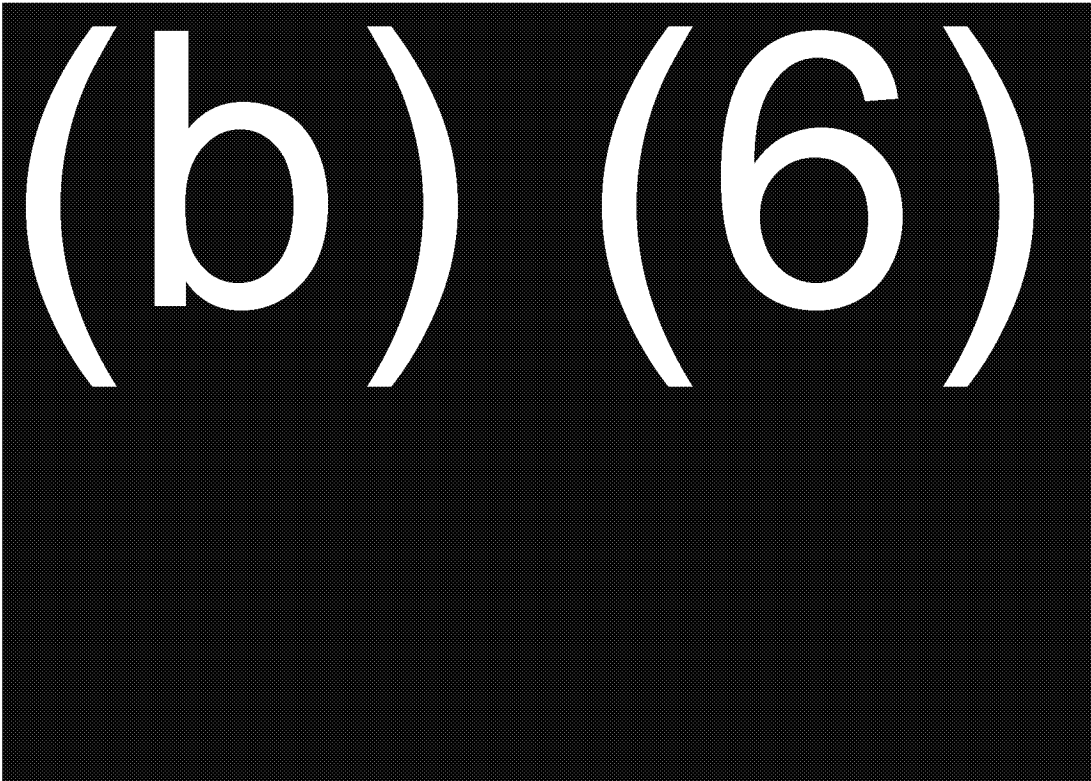
Discrepancy

(b) (6)

(b) (6)

11.

<u>Transferee</u>	<u>Date</u>	<u>Discrepancy</u>
-------------------	-------------	--------------------



## EXPLANATION OF THE HEARING PROCESS



### Hearings

A determination has been made to deny your original or renewal application for a Federal firearms license or to revoke your existing Federal firearms license.

As indicated on the enclosed form, you have the right to request a hearing. This brochure provides general guidance and an overview of the hearing process for industry members that may assist you in making a decision to request a hearing, and to appropriately prepare for a hearing should you request one.

### Background

The Gun Control Act of 1968 and its implementing regulations specify certain licensing requirements for those intending to engage in a firearms business.

ATF is authorized to deny a license when an inspection reveals the applicant is not qualified to receive or not qualified to continue to hold the license. ATF may also revoke a license when it is determined that a

current licensee is no longer eligible to continue licensed operations.

### Your Rights

ATF has made one of the above determinations in your case, issuing you either a Notice of Denial or a Notice of Revocation of License. You have the right to request a hearing to review the proposed denial or revocation action found in the notice you received. This is done by submitting written notification to the Director, Industry Operations (DIO) who issued your Notice. Timeliness is important. *You only have 15 days from your receipt of the Notice to request a hearing.*

Although you may hire an attorney, it is not required, although it may be in your interest to do so. That is your option.

### Hearing Overview

If you submit a letter requesting a hearing to the DIO in time, the DIO or his/her representative will begin to make arrangements for the hearing. The date and time of the hearing will be set by ATF, but you will be consulted as to your availability. ATF will also notify you of the location of the hearing, taking into consideration convenience to you and the availability of government office space that is close to you to conduct the hearing. Once the date, time, and place are set, you will be notified in writing (via certified mail, return receipt requested).

**NOTE:** Under no circumstances will you, your representative, or witnesses be permitted to bring firearms or any other



## EXPLANATION OF THE HEARING PROCESS

weapons to the hearing. The hearing will not begin, or will cease, if it is determined this policy has been violated.

ATF field division in which your licensed business is located.

### Conduct of the Hearing

The hearing is generally scheduled not later than 90 days from the date of the letter notifying you of the date, time, and location of the hearing. There are, however, limited circumstances that may require the hearing to be rescheduled for good cause, as determined by the DIO.

The hearing itself is informal in nature, and adherence to civil court rules and procedures is not required. There is no sworn testimony and formal courtroom procedures are not required. The hearing is recorded via audiotape recorder. The resulting tape, along with exhibits presented at the hearing, constitutes the official record of the hearing.

***ATF does not videotape the hearing proceedings and you will not be allowed to videotape the hearing.*** You may make an audiotape recording of the proceedings, or have the proceedings recorded by a stenographer at your own expense, provided this recording is not disruptive to the proceedings. However, the ATF recording of the hearing is the official record of the proceeding.

### Hearing Officer

The hearing officer is designated by ATF. The selection of the hearing officer is dependent upon a number of factors, including the nature of your case. A hearing officer will be selected who has no prior knowledge of your case and has had no interactions with you or your licensed operations. In most cases, the assigned hearing officer will come from outside the

The hearing officer will ensure the proceedings are conducted in an orderly and professional manner. The purpose of the hearing is to allow both parties to fully present all relevant evidence and arguments regarding the denial or revocation of a license or permit. Most hearings require less than a single day to complete.

The government will be represented by an attorney and will present its evidence first. The government will generally call as a witness the ATF industry operations investigator(s) who conducted your application or compliance inspection, or other ATF employees who have relevant information concerning your case.

At the conclusion of the government's presentation, you will have the opportunity to respond. Make sure you state your case as clearly and factually as possible. The case you present will receive the same consideration by the hearing officer as the government's case. Be willing and prepared to address each violation described in the Notice you received. You may call witnesses. Your witnesses should be able to speak to the findings in the Notice, and may be, for example, the store manager, an employee, bookkeeper, or clerk. You may also present relevant evidence. Relevant evidence is evidence which tends to prove or disprove an issue at the hearing, such as whether the alleged violation occurred as stated in the Government's Notice of Denial or Revocation.

#### EXPLANATION OF THE HEARING PROCESS

Both parties have the right to question all witnesses. The party calling a witness shall have the right to re-direct examination of the witness. You should need no legal training to state your case. The most important consideration is that both parties – you and the government – are given a chance to fully explain the findings and violations disclosed during the application inspection or compliance inspection.

When the hearing officer is satisfied all evidence and arguments have been fully presented by the parties, the hearing officer will advise you that the DIO will make a decision in the matter and will notify you of the final decision in writing.

If, after review of the entire record, you failed to satisfy licensing requirements, or willful violations are found, the DIO may issue a final notice of denial or revocation, which will be sent to you via certified mail.

If you are not satisfied with the final decision of the DIO, you may appeal the decision to Federal district court within 60 days. The hearing proceedings may become part of the review.

Following completion of the hearing, the hearing officer prepares a factual report summarizing the proceedings. This report will be forwarded to the DIO, who makes the denial or revocation decision for ATF.

A license may be denied based on your failure to satisfy licensing requirements, or based on past willful violations.

Generally speaking, ATF will cite willful violations as the basis for revocation cases. Willful violations are those violations meeting the statutory requirement for denial or revocation. "Willfulness," as defined by the courts means the purposeful disregard of a known legal duty, or plain indifference to a licensee's legal obligation. 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 this obligation or were plainly indifferent to your obligation.

# EXPLANATION OF THE HEARING PROCESS

If you have any questions concerning the hearing process, please contact the DIO for the ATF division in which you are located.

Miami, FL  
Nashville, TN  
New Orleans, LA  
New York, NY  
Newark, NJ

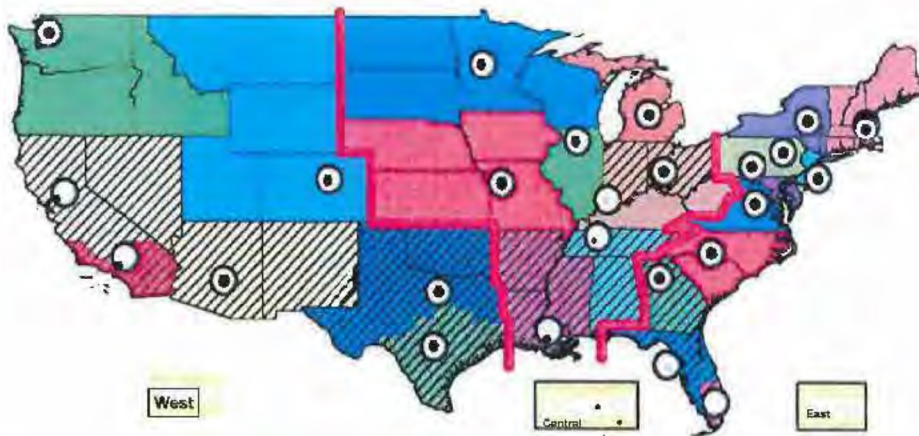
Atlanta, GA  
Baltimore, MD  
Boston, MA  
Charlotte, NC  
Chicago, IL  
Columbus, OH  
Dallas, TX  
Denver, CO  
Detroit, MI  
Houston, TX  
Kansas City, MO  
Los Angeles, CA  
Louisville, KY

(404) 417-2600  
(617) 963-2000  
(617) 557-2200  
(734) 719-5800  
(312) 845-7200  
(614) 827-6000  
(469) 227-4900  
(303) 575-7300  
(313) 302-3400  
(281) 716-6200  
(816) 559-0200  
(813) 259-2500  
(502) 753-3400

Philadelphia, PA  
Phoenix, AZ  
San Francisco, CA  
Seattle, WA  
St. Paul, MN  
Tampa, FL  
Washington, DC

(305) 597-4800  
(615) 565-1400  
(504) 841-7000  
(646) 335-9000  
(973) 412-1179  
(215) 446-7800  
(602) 776-5400  
(975) 557-2800  
(206) 204-3200  
(651) 726-0200  
(813) 202-7300  
(202) 648-8000

## ATF Field Divisions



### Industry Operations Regions

North (No Hatching)

South (Hatching)

### ATF Field Divisions

Atlanta  
Baltimore  
Boston  
Charlotte  
Chicago  
Columbus

Dallas  
Denver  
Detroit  
Houston  
Kansas City  
Los Angeles  
Louisville  
Miami  
Nashville  
New Orleans

New York  
Phoenix  
Portland  
San Francisco  
Seattle  
Tampa  
Washington



## Final Notice of Denial of Application, Revocation Suspension and/or Fine of Firearms License

In the matter of:

- ☐ The application for license as a/an \_\_\_\_\_, filed by:  
or  
☒ License Number 4-61-111-01-9E-03871 as a/an  
dealer in firearms other than destructive devices \_\_\_\_\_, issued to:

Name and Address of Applicant or Licensee (*Show number, street, city, state and ZIP Code*)  
MAVF, LLC d/b/a 111 Gun Shop  
9301 Hurstbourne Park Blvd.  
Louisville, KY 40220

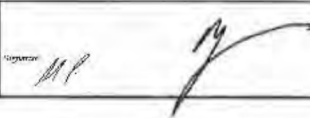
### Notice is Hereby Given That:

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

If, after the hearing and receipt of these findings, you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you pursue filing for judicial review or otherwise, you must request a stay of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 600 Dr. MLK Pl, Ste 500, Louisville, KY 40202, prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

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

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

Date 04/26/2017	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Adam P. Rogers, Director, Industry Operations	
--------------------	---	--

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

☒ Certified mail to the address shown below.

Tracking Number: 7013 3020 0001 3393 7875

or

☐ Delivering a copy of the notice to the address shown below.

5/17/17	up Super Law 1 +	(b) (6)
(b) (6)	SA	(b) (6)
Date Notice Served: 5/16/17	Title of Person Serving Notice: G. A. v. Star op - 930	(b) (6)
(b) (6)		

## Background

MAVF, LLC d/b/a 111 Gun Shop at 9301 Hurstbourne Park Blvd, Louisville, KY (hereinafter, Licensee), holds Federal firearms license 34-61-111-01-9E-03871 as a dealer, in firearms other than destructive devices issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On November 18, 2016, ATF issued a Notice of Revocation of License, ATF Form 4500, to the Licensee. By letter dated December 5, 2016, the Licensee timely requested a hearing to review that Notice.

The hearing was held on February 23, 2017, at the ATF Louisville Field Division. ATF Hearing Officer (b) (6) conducted the hearing. ATF Attorney (b) (6) represented ATF. ATF Industry Operations Investigators (b) (6) and (b) (6) appeared as witnesses on behalf of the Government. ATF Director of Industry Operations Adam Rogers was present for observational purposes only. The Licensee's owner Misty Van Fleet along with her attorney, (b) (6) were present at the hearing on behalf of the license. The hearing was recorded and both the Government and the Licensee offered testimony and exhibits. The testimony and exhibits introduced at the hearing constitute the record in this proceeding.

## Findings of Fact

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

1. After an application inspection, Licensee obtained a Federal firearms license in 2010. In 2012, a compliance inspection was conducted and a Report of Violations with 11 regulatory violations was issued. A Warning Conference was also held as a result of that inspection and Licensee was advised of the significance of the findings and the need for compliance in the future.
2. In 2014, ATF conducted a compliance inspection of Licensee, resulting in the issuance of a Report of Violations listing 14 violations, (including seven violations previously cited in the 2012 inspection.) At the conclusion of the inspection, a second Warning Conference was held to address the significance of the violations and remind the Licensee that future violations could result in revocation of the license.
3. Ms. Van Fleet signed Acknowledgments of Federal Firearms Regulations (ATF P 5300.1) in connection with each of the above inspections: 2010, 2012 and 2014.
4. On or about August 16, 2016, ATF Industry Operations Investigators conducted a compliance inspection at Licensee's premise. The violations found during this inspection form the basis for the Notice of Revocation issued on November 18, 2016.
5. The Notice alleged that Licensee willfully committed the following violations:

- a. Licensee, by and through its agents and employees, willfully sold or delivered a firearm to [REDACTED] persons the Licensee knew or had reasonable cause to believe were subject to a Federal firearms disability, in violation of 18 U.S.C. § 922(d)(1) and 27 C.F.R. § 478.99(c)(1).
- b. Licensee, by and through its agents and employees, willfully sold or delivered a firearm other than a rifle or shotgun on [REDACTED] occasion to a resident of a state other than the one in which the Licensee's place of business is located, in violation of 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a).
- c. Licensee, by and through its agents and employees, willfully transferred a firearm to unlicensed persons on [REDACTED] occasions without conducting a background check, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102.
- d. Licensee, by and through its agents and employees, willfully failed to timely and accurately report the sale or other disposition of two or more pistols and/or revolvers to an unlicensed person [REDACTED] occasions, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a.
- e. Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the acquisition [REDACTED] firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e).
- f. Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the disposition [REDACTED] firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e).
- g. Licensee, by and through its agents and employees, willfully failed to obtain/execute Form 4473 as indicated by the headings of the form and the instructions on or pertaining to the form [REDACTED] occasions in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21.
- h. Licensee, by and through its agents and employees, willfully failed to obtain a Form 4473 from the transferee prior to making an over-the-counter transfer of a firearm to a nonlicensee or [REDACTED] occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1).
- i. Licensee, by and through its agents and employees, willfully transferred a firearm to a nonlicensee without verifying the identification document presented and noting on the Form 4473 the type of identification used [REDACTED] occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i).
- j. Licensee, by and through its agents and employees, willfully transferred a firearm to a nonlicensee without recording required NICS information on the Form 4473 [REDACTED] occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27



C.F.R. § 478.124(c)(3)(iv).

- k. Licensee, by and through its agents and employees, willfully failed to accurately identify the firearm to be transferred on Form 4473 <sup>(b)(3) Prohibited Law 112-55 (125 Stat. 652)</sup> on occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4).
6. During the hearing, Ms. Van Fleet, in her role as responsible person for Licensee, admitted that the violations detailed in the Notice of Revocation occurred, but argued that such violations were not committed willfully.

After review of the record in this matter, I find that the facts as set forth in the Notice of Revocation occurred.

### Conclusions of Law

1. Pursuant to the GCA, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license if the licensee has willfully violated any provision of the GCA or the regulations issued thereunder. 18 U.S.C. § 923(e); 27 C.F.R. § 478.73.
2. For purposes of the regulatory provisions of the GCA, a “willful” violation is committed when the licensee knows of [his/her/its] legal obligations and purposefully disregarded or was plainly indifferent to those requirements. There is no requirement of bad purpose or evil motive. Armalite v. Lambert, 544 F.3d 644 (6<sup>th</sup> Cir. 2008), Article II Gun Shop, Inc. v. Gonzales, 441 F.3d 492 (7<sup>th</sup> Cir. 2006), Appalachian Resources Development Corporation v. McCabe, 387 F.3d 461 (6<sup>th</sup> Cir. 2004); Procaccio v. Lambert, 223 Fed. App’x. 554 (6<sup>th</sup> Cir. May 29, 2007); 3 Bridges, Inc. v. O’Neill, 216 F.Supp. 2d 655 (E.D. Ky. 2002).

“Improper recordkeeping is a serious violation. When the Act was enacted, Congress was concerned with the widespread traffic in firearms and with their general availability to those whose possession thereof was contrary to the public interest.” Fin & Feather Sport Shop, Inc. v. U. S. Treasury Dept., 481 F.Supp. 800 (Neb. 1979) (*internal cites omitted*). Therefore, record keeping requirements are a critical basis for the regulation of the firearms industry, and indifference to those requirements can result in revocation. Furthermore, “[a] single willful violation of the GCA is enough to deny a federal firearms license application or revoke a federal firearms dealer's license.” Shaffer v. Holder, No. 1:09-0030, 2010 WL 1408829, at \*10 (M.D. Tenn. Mar. 30, 2010) (citing Appalachian Resources Dev. Corp. v. McCabe, 387 F.3d 461, 464 (6<sup>th</sup> Cir.2004).)

Arguing that errors were the result of human mistakes or harmless misunderstandings of clearly documented regulatory requirements is irrelevant to the standard of willfulness. “The recordkeeping requirements imposed by the GCA are, by their very nature, highly technical. Compliance therefore requires extreme vigilance.” Garner v. Lambert, 558 F.Supp.2d 794, 804 (N.D. Ohio 2008).

3. For the reasons stated below, I conclude that Licensee's conduct constitutes willful violations.
4. The evidence and testimony presented at the hearing reveals that Licensee understood the requirements concerning transfer in violation of law, recording acquisition and disposition of firearms, conducting background checks, reporting theft/loss of firearms, and proper completion of Form 4473. In this regard, ATF reviewed the applicable laws and regulations with Licensee during the 2010, 2012 and 2014 inspections. Licensee also received a Reports of Violations, Warning Letters and attended in-person Warning Conferences during the period of 2010-2014. In nearly every instance, ATF advised that future violations, repeat or otherwise, could result in revocation.
5. Despite the fact that Licensee understood its responsibilities under the GCA, the evidence reveals that Licensee was plainly indifferent to, or purposefully disregarded the firearms laws and regulations. For example, Licensee admitted that [REDACTED] firearm transactions took place even after the purchasers admitted to being prohibited from possessing firearms on the Form 4473. Likewise, as to the multiple sale forms that were not submitted, Licensee admitted that this violation was cited at the last inspection, but does not maintain any record of its submissions and therefore cannot support its theory that ATF is to blame for the un-submitted forms. Finally, I note that Government's Exhibit 27 (History of Repeat Violations) documents the consistency with which this Licensee continues to violate regulations.
6. I acknowledge that Licensee had been away from the business premises with health related issues for a significant amount of time and her absence may have contributed to the non-compliant business practices. However, a limited liability company holds this license and Ms. Van Fleet is the sole member of the company and ultimately responsible for the conduct of Licensee. Her physical absence or presence is not a legal factor in the license's conduct. "When an employer is knowledgeable of his employees' repeated failures to comply with federal firearms law, the conduct is directly attributable to the employer." Gladden v. Bangs, No. 2:11CV378, 2012 WL 604027, at \*7 (E.D. Va. Feb. 23, 2012), aff'd, 487 F. App'x 105 (4th Cir. 2012).
7. Furthermore, I acknowledge that Licensee has provided a plan to improve compliance and record keeping practices. However, remedial measures taken after the inspection and identification of repeat violations do not negate a finding of willfulness. Evidence that an FFL reformed its business practices *after* an inspection "is not probative as to whether violations observed in that inspection were willful." Willingham Sports v. ATF, 348 F. Supp. 2d 1299, 1311 (S.D. Ala. 2004). Consideration of such evidence would prevent ATF from ever revoking a license because a licensee could overcome the revocation simply by coming into compliance before judicial review. T.T. Salvage Auction v. Secretary, 859 F. Supp. 977 (E.D.N.C. 1994).
8. I find that the Licensee had knowledge of its legal obligations under the Gun Control Act and purposefully disregarded or was plainly indifferent to those requirements. Therefore,

based on the record before me, it is my decision that the license as a dealer in firearms other than destructive devices issued to MAVF be revoked.

Dated this 26th day of April, 2017

A handwritten signature in black ink, appearing to read 'A. Rogers', with a long, sweeping horizontal stroke extending to the right.

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Adam Rogers  
Director, Industry Operations  
Louisville Field Division  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
United States Department of Justice

# FIREARMS INSPECTION REPORT

**Name:** MAVF, LLC  
**Trade Name:** 111 Gun Shop  
**Address:** 9301 Hurstbourne Park Blvd  
Louisville, KY 40220

**UI#:** 775045-2016-0159-B1B  
**FFL#:** 4-61-111-01-9E-03871

## 1 - Introduction

### Inspection Profile:

On 8/16/2016, Senior Industry Operations Investigator (b)(6) commenced a compliance inspection at the business premises of MAVF, LLC d/b/a 111 Gun Shop. Responsible person Misty Van Fleet (aka Misty Shafer) was not available. Store manager (b)(6) stated that Ms. Van Fleet was scheduled for (b)(6) and was expected back at the business on Thursday. (b)(6) provided assistance during the inventory portion of the inspection. Ms. Van Fleet met with Investigator (b)(6) on 9/1/2016, 9/8/2016 and 9/19/2016 for purposes of reconciling inventory and discussing various other recordkeeping errors.

(b)(6) provided assistance with acquiring ATF Forms 4473 for review.

The 12 month inspection period was 8/16/2015 through 8/16/2016. Ms. Shafer was identified via her Indiana driver's license (#(b)(6), exp. 4/2/19)

### Business Profile:

MAVF has been licensed as a dealer of firearms since May 2010. The business sells new and used handguns and long guns, offers transfer services for individuals who purchase firearms through firearms auction websites and accepts firearms for consignment. In addition, licensee sells ammunition, ammunition magazines, cleaning equipment, and accessory items such as holsters. Licensee does not conduct business at gun shows and other authorized extensions of the business premises.

Over the last 12 months, licensee acquired approximately (b)(4) firearms and disposed of approximately (b)(4) firearms. Approximately (b)(4) of firearms acquired were used firearms. Approximately (b)(4) of transfers were to non-licensees. Primary suppliers are (b)(4)

. There is no off-site storage of firearms.

Licensee does not hold any other ATF licenses. The City of Louisville has issued an occupancy certificate for the location, and licensee also holds a current Kentucky Sales Tax Certificate. Licensee is in compliance with all zoning requirements. The business premises is leased from ETSCORN, LLC (see Exhibit #1), and the lessor is aware that firearms are sold from the location.



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**UI#:** 775045-2016-0159-B1B  
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## **Ownership and Control:**

MAVF, LLC d/b/a 111 Gun Shop, is a limited liability company, organized 2/18/2010 in the state of Indiana (see Exhibit #2). The business is registered as a foreign business entity with the state of Kentucky (see Exhibit #3). However, information obtained through the Indiana Secretary of State's website revealed that MAVF, LLC was administratively dissolved on 6/11/2013 (see Exhibit #4). On 8/26/2016, Ms. Van Fleet was informed of this discovery and afforded an opportunity to reinstate the LLC. Investigator (b)(6) explained that MAVF, LLC needed to be reinstated within a reasonable amount of time or all business would be required to cease until such time as the LLC was reinstated. Ms. Van Fleet stated that she would have her attorney begin the reinstatement process. On 9/7/2016, Ms. Van Fleet provided copies of the documentation she purportedly forwarded to the Indiana Secretary of State's office (see Exhibit #5). She stated that she had forwarded the documents on 9/2/2016.

Ms. Van Fleet is the sole LLC member and the only responsible person for the business. (b)(6) are full time employees and are managerial staff. (b)(6) identified himself as the store manager, and (b)(6) identified himself as the acquisition/purchasing manager. The business employs at least 8 other individuals on a part time basis. During the time frame that Ms. Van Fleet was unavailable, all business decisions seemed to go through (b)(6). Even (b)(6) was unable to perform certain tasks or access certain areas of the building without permission or assistance from (b)(6). (b)(6) seems to have a great deal of decision making and managerial authority for the business.

## **Variance:**

Licensee does not have any variances on file and did not request any variances during the inspection.

## **2 - Recommendation**

Revocation of the Federal firearms license.

Licensee was cited with 12 violations of the Gun Control Act, all of which were repeat violations that would require a warning conference. The licensee has been the subject of two DIO led warning conferences (2012 and 2014), and compliance is still lacking. Such continued non-compliance can be construed as willful violation of the Gun Control Act.

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## 3 - Inspection History

**Date of Inspection:** July 28, 2016  
**Type of Inspection:** Special Inspection - Assistance was provided to Criminal Enforcement (CE) as requested during a theft investigation at the business premises.  
**UI#:** 775045-2016-0308  
**Inspection Results:** No further action  
**Cited Violations:** None

**Date of Inspection:** June 2, 2014  
**Type of Inspection:** Compliance  
**UI#:** 775045-2014-0144  
**Inspection Results:** DIO or Delegate held Warning Conference in lieu of revocation

**Cited Violations:** **27 CFR 478.125(e) – Firearms Receipt and Disposition by Dealers – REPEAT OF VIOLATION CITED ON 5-9-12**  
- Failure to properly maintain the acquisition and disposition record in (b)(3) - 11 instances.

### **27 CFR 478.21(a) – Forms Prescribed – REPEAT OF VIOLATION CITED ON 5-9-12**

- In (b)(3) - 11 instances, Item 11a was incorrect. In all (b)(3) - 11 instances, the transferee/buyer answered Item 11a “No” stating they were not the actual transferee/buyer and the firearm was transferred. NCIC did not disclose the individuals were prohibited. LEAD did not disclose these individuals were associated with traces.
- In (b)(3) - 11 instances, Item 18 was blank.
- In (b)(3) - 112 F instances, Item 24 was blank.
- In (b)(3) - 112 F instances, Item 25 was blank or incorrect.
- In (b)(3) - 112 F instances, Item 30a was blank or incorrect

### **27 CFR 478.124(c)(1) – Firearms Transaction Record – REPEAT OF VIOLATION CITED ON 5-9-12**

- In (b)(3) - 1 instance, Item 2 was incomplete.
- In (b)(3) - 1 instance, Item 5 was blank.
- In (b)(3) - 1 instance, Item 7 was incorrect.
- In (b)(3) - 1 instance, Item 11j was blank. NCIC did not disclose this individual was prohibited.
- In (b)(3) - 1 instance, Item 11k was blank. NCIC did not disclose this individual was prohibited.
- In (b)(3) - 112 F instances, Item 11l was blank. NCIC did not disclose these individuals were prohibited.
- In (b)(3) - 1 instances, Item 13 was blank.
- In (b)(3) - 1 instance, Item 14 was blank.



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- In (b)(3) - 1 instances, Item 16 was blank.
- In (b)(3) instances, Item 17 was blank or incorrect

## **27 CFR 478.124(c)(3)(i) – Firearms Transaction Record – REPEAT OF VIOLATION CITED ON 5-9-12**

- In (b)(3) instance, Item 20a (2012 edition) was blank. In (b)(3) instances, Item 20a (2012 edition) was incorrect or incomplete.

## **27 CFR 478.124(c)(3)(iv) – Firearms Transaction Record – REPEAT OF VIOLATION CITED ON 5-9-12**

- In (b)(3) instances, Item 21a (2012 edition) was blank or incorrect.
- In (b)(3) - 1 instances, Item 21c (2012 edition) was blank.
- In (b)(3) - 112 Pg instances, Item 21d (2012 edition) was blank.

## **27 CFR 478.124(c)(4) – Firearms Transaction Record – REPEAT OF VIOLATION CITED ON 5-9-12**

- In (b)(3) - 112 instances, Item 28 was blank or incorrect.
- In (b)(3) - 11 instance, Item 29 was incorrect.

## **27 CFR 478.124(c)(5) – Firearms Transaction Record – REPEAT OF VIOLATION CITED ON 5-9-12**

- In (b)(3) - 112 F instances, Item 36 was blank or incorrect.

## **27 CFR 478.126a – Reporting Multiple Sales or Other Disposition of Pistols and Revolvers – REPEAT OF VIOLATION CITED ON 5-9-12**

- The licensee failed to complete and/or report (b)(3) Multiple Handgun Sales Reports during the inspection period which involved (b)(3) handguns.

## **27 CFR 478.131(a)(2) – Firearms Transactions not Subject to a NICS Check**

- In (b)(3) - 112 instances, Item 23 (2012 edition) was incorrect or incomplete. NCIC indicated all (b)(3) - 112 permits were valid at the time of purchase.

## **27 CFR 478.99(a) – Interstate Sales or Deliveries**

- In (b)(3) - 1 instances, the licensee transferred a long gun to out of state residents in violation of state law.

## **27 CFR 478.99(c) – Sales or Deliveries to Prohibited Categories of Persons**

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- Licensee transferred (b)(3) firearms to two separate individuals and had reasonable cause to believe these individuals were prohibited

### **27 CFR 478.102(a) – Sales or Deliveries of Firearms on and after November 30, 1998**

- The licensee failed to conduct a background check (NICS check) or obtain a valid state permit in one instance.

### **27 CFR 478.102(a)(2)(ii) – Sales or Deliveries of Firearms on and after November 30, 1998**

- The licensee failed to comply with the NICS waiting period in (b)(3) instance.

### **27 CFR 478.128 – False Statement or Representation – REPEAT OF VIOLATION CITED ON 5-9-12**

- Licensee knowingly made false statement or representation with respect to information required by the gun control act in (b)(3) instance.

**Date of Inspection:** February 27, 2012

**Type of Inspection:** Compliance

**UI#:** 775045-2011-0414-B1B

**Inspection Results:** DIO or Delegate held Warning Conference in lieu of Revocation; Recall Requested; One referral submitted.

**Cited Violations:** **27 CFR 478.22** – The licensee maintained alternate records (computer system) which did not accurately and readily disclose the required information.

**27 CFR 478.21(a)** – The licensee failed to ensure the purchaser accurately answered question #11a “Are you the actual transferee/buyer of the firearm(s) listed on this form?” on ATF Form 4473 on (b)(3) occasions. The licensee failed to enter the KY CCDWL number in Item #23 on (b)(3) occasion. The licensee failed to record the transferor’s name in #33 and title in #35 on (b)(3) occasion.

**27 CFR 478.124(c)(1)** – The licensee failed to obtain the certification date in Item #17 on ATF Form 4473 on (b)(3) occasion.

**27 CFR 478.124(c)(3)(i)** – The licensee failed to record information pertaining to the identification document



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presented by the purchaser in Item #20a on ATF Form 4473 on (b)(1) occasions.

**27 CFR 478.124(c)(3)(iv)** – The licensee failed to note “No resolution was provided within 3 business days” in Item #21d on (b)(3) occasions.

**27 CFR 478.124(c)(4)** - The licensee failed to record the serial number of the firearm transferred in Item #28 on ATF Form 4473 on (b)(3) - 1 occasion.

**27 CFR 478.124(c)(5)** - The licensee failed to sign Item #34 on (b)(3) occasion and record the date of the firearm transfer in Item #36 on ATF Form 4473 on (b)(1) occasion.

**27 CFR 478.125(e)** – The licensee failed to record the acquisition of (b)(3) firearms in the A&D Record. The licensee failed to accurately record the disposition of (b)(1) firearm in the A&D Record. The licensee failed to record the disposition of (b)(3) - 1 firearms. There were (b)(3) firearms missing from inventory.

**27 CFR 478.126a** – Failure to prepare ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, for the sale of handguns on (b)(3) occasions.

**27 CFR 478.128** - The licensee knowingly engaged in a straw transaction.

## **4 - Acquisition & Disposition (A&D) Record - Inventory**

Licensee maintains computerized A&D Record Books for all firearms. The software package currently in use is Merchant Magic (see Exhibit #6). 111 Gun Shop began using the software in 2010.

On 8/16/2016, Investigators (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6) and (b)(6) conducted a physical inventory firearms. Investigator (b)(6) inquired of (b)(6) the location of all firearms in the store. (b)(6) stated that there were firearms in all the cases, on the walls and in the storage room directly behind the main store area. Investigator (b)(6) also requested a listing of all firearms in inventory. (b)(6) stated that while he did have access to the computerized A&D Record Books for recording acquisitions and dispositions, he did not know how to print out an inventory listing or copies of the A&D Record Book. He stated that Ms. Van Fleet would need to provide the listings required once she returned to work from (b)(6).



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On 8/17/2016, additional firearms were discovered in the hallway leading to the break room area. There also appeared to be firearms in the office area, but an employee shut the door before Investigator (b)(6) could record the firearm information. Investigator (b)(6) inquired of (b)(6) as to whether there were firearms in other locations in the store, such as the office or break room areas. (b)(6) stated that he did not know if there were firearms in the office because he "did not go in there." He also stated that there were no other firearms located in any other rooms in the store.

On 8/18/2016, upon Investigator (b)(6) arrival at the store, (b)(6) communicated with Ms. Van Fleet via text message in order to ascertain how to compile and print the A&D Record Book and inventory. He stated that there was no ETA for Ms. Van Fleet's return as her surgery was more complicated than originally thought. He stated that he would provide copies of the A&D Record Book by the end of the day, but that he would need to print the book by individual months. He still did not know how to print an inventory list and stated that the system may not allow for that function. (b)(6) provided copies of the A&D Books on 8/19/2016 (see Exhibit #7). On 8/19/2016, upon arrival at the store, Investigator (b)(6) inquired as to whether there was someone who could open the office to check for additional firearms. Investigator (b)(6) explained that all rooms on the premises are subject to inspection. (b)(6) asked (b)(6) if he could unlock the office. (b)(6) unlocked the office and assisted with the inventory of all firearms within the room. He then inquired as to whether the firearms in the two rooms across from the office had been counted. Investigator (b)(6) stated that (b)(6) had stated that there were no other firearms in the store except those that the investigators had already counted. (b)(6) stated that (b)(6) was well aware of the locations of all firearms in the store. (b)(6) also assisted with inventory in one storage room containing a locked gun cabinet. He stated that the firearms contained within were estate firearms that were awaiting executor determination for subsequent transfer. Investigators (b)(6) and (b)(6) conducted a full inventory of all firearms in the second storage room.

On 8/22/2016, one additional box containing 8 firearms was located within the shelving that holds various firearms parts and accessories.

On 8/24/2016, (b)(6) provided a printed copy of the firearms purportedly in inventory, divided into handguns and long guns (see Exhibit #8). He stated that he and (b)(6) had contacted the software company to inquire as to how to print the inventory listing.

The inventory listings contained a total of (b)(3) - 112 Pub firearms, and 1397 firearms were located in physical inventory.

On 8/26/2016, Misty Van Fleet contacted Investigator (b)(6) regarding the inspection in progress. Investigator (b)(6) inquired as to when Ms. Van Fleet would be available to meet regarding the inspection. Investigator (b)(6) stated that the employees' inability to provide the inventory list and A&D Record Book upon commencement of



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the inspection had caused a significant delay in reconciling the inventory. She further stated that the sheer volume of business made it difficult for (b)(6) or (b)(6) to assist in reconciliation of the inventory. In addition, (b)(6) and (b)(6) had mentioned several times that Ms. Van Fleet would likely know the status of each firearm listed. Ms. Van Fleet stated that (b)(6) [REDACTED]. She stated that she would be visiting her physician again on 8/29/2016 to determine what work restrictions would remain in place. She stated that she would contact Investigator (b)(6) with the results of the medical appointment.

On 8/29/2016, Ms. Van Fleet again contacted Investigator (b)(6). She stated that her physician was allowing her to conduct light duty activities but warned her to limit her contact with the general public due to concerns with (b)(6). Investigator (b)(6) inquired as to whether Ms. Van Fleet would be able to be at the business premises on 9/1/2016 in order to attempt final reconciliation of the inventory, and she stated that she would.

On 9/1/2016, Investigator (b)(6) arrived at the business premises approximately 11:15am. Ms. Van Fleet arrived at the premises approximately 12:00pm. Investigator (b)(6) presented Ms. Van Fleet with the reconciled inventory to date. Upon viewing the list of open entries for which no firearm was found in inventory, Ms. Van Fleet stated that she was positive some of the items were "an issue when (b)(6) was here". She also stated that some of the firearms contained in the current inventory list did not show up on the lists used when the business conducted an inventory after the 7/28/2016 burglary. By the end of the day on 9/1/2016, the list of open entries was reduced to 12. Investigator (b)(6) informed Ms. Van Fleet that she would return on 9/2/2016 to complete the inventory reconciliation.

On 9/2/2016, Investigator (b)(6) arrived at the business premises approximately 12:00pm. Mr. (b)(6) stated that Ms. Van Fleet was expected "any minute". Investigator (b)(6) also asked (b)(6) when Ms. Van Fleet was expected. (b)(6) also stated that she should be "arriving any minute" and proceeded to communicate with Ms. Van Fleet via text message. Over the next three hours, (b)(6) continued to state that he was unsure what was taking Ms. Van Fleet so long and that she should be "arriving any minute." Investigator (b)(6) inquired as to the status of the inventory reconciliation. (b)(6) provided a document from Glock showing the serial number of one firearm on the list. The firearm is showing in the A&D Record as received in 2010, but Glock shows the same firearm destroyed in 2006. (b)(6) also brought a Colt pocket pistol and stated he had found it lodged deep in one of the lower cabinets in a showcase, behind several boxes. Investigator (b)(6) was able to ascertain that at least (b)(3)-112 other entries were duplicate entries. Investigator (b)(6) remained at the premises until 3:30 p.m. Prior to departing, she inquired as to where she should leave the stack of required corrections for Ms. Van Fleet. (b)(6).



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(b)(6) stated that the stack should be left on the desk as Ms. Van Fleet would be "arriving any minute." Investigator (b)(6) stated that she would return on 9/7/2016.

On 9/7/2016, Investigator (b)(6) returned to the business premises at approximately 12pm. Ms. Van Fleet, (b)(6) and (b)(6) were not present at the premises. (b)(6) did arrive at approximately 12:30pm. He stated that he was surprised Ms. Van Fleet was not at the store yet as he has spoken to her earlier in the morning and was under the impression she was headed to work. He communicated with Ms. Van Fleet via text message. By 1pm, Ms. Van Fleet had still not arrived. (b)(6) again texted her, and she stated she was stuck in traffic on the bridge. Investigator (b)(6) told (b)(6) that she was going to grab some lunch and return in approximately 1 hour to give Ms. Van Fleet time to reach the store. Approximately 5 minutes after departing the premises, Ms. Van Fleet called. She stated that she was at the pharmacy and was taking longer than expected. Investigator (b)(6) stated that she was going to lunch and would be back in about an hour to discuss the remaining items with Ms. Van Fleet and attempt to complete the inventory reconciliation. Investigator (b)(6) returned to the business premises approximately 2pm. Ms. Van Fleet was present. Investigator (b)(6) discussed the corrections left on 9/2/16 and inquired as to whether any progress had been made. Ms. Van Fleet stated she had not been at the premises all weekend since she had ended up with (b)(3) - 112 Public Law 55 125 Stat 552. She stated that she did not think her employees had gotten any further on the list. Ms. Van Fleet stated that she was confident she could reconcile the final (b)(6) firearms on the list if she had an uninterrupted period of time to work at the computer. Investigator (b)(6) asked Ms. Van Fleet if she would be able to have all corrections and reconciliations completed by 9/19/2016. Ms. Van Fleet stated that would be plenty of time to accomplish corrections.

On 9/19/2016, Investigator (b)(6) met with Ms. Van Fleet at the business premises. Ms. Van Fleet provided copies of the A&D Book corrections made and stated that she was still working on reconciling the remaining (b)(6) firearms on the list. Investigator (b)(6) stated that the remaining firearms needed to be reconciled by 9/28/2016 or be reported as missing inventory.

At the conclusion of the reconciliation on 9/28/2016, the dispositions of (b)(6) firearms could not be determined. See Section 12 – Closing Actions – for details.

Discrepancies disclosed in the A&D records were as follows:

- In (b)(3) instances, the disposition of a firearm was not recorded
- In (b)(3) instances, the acquisition of a firearm was not recorded
- In (b)(3) instance, a same day gunsmithing transaction was recorded as an acquisition when the firearm was returned to the customer
- In (b)(3) instances, duplicate acquisition entries were recorded
- In (b)(3) instances, the acquisition date was incorrect
- In (b)(3) instances, the type of firearm was incorrect
- In (b)(3) instances, the serial number was incorrect



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- In (b)(3) instances, the caliber was incorrect
- In (b)(3) instances, the name and address of the supplier were incorrect
- In (b)(3) instances, the name of the transferee was incorrect
- In (b)(3) instances, the address of the transferee was incorrect

On 9/7/2016, Investigator (b)(6) provided Ms. Van Fleet with a list of A&D Record Book errors requiring correction. She was afforded 12 days to make the required corrections. Investigator (b)(6) obtained copies of all corrections made (see Exhibit #9).

Details of the violations (27 CFR 478.125(e)) can be found in the Violations section of this report. ATF Form 5030.5, Report of Violations, Worksheet #1, also contain information and supporting documentation for these violations.

### 5 - ATF Forms 4473 – NICS & Other Dispositions

From 8/17/2016 through 8/19/2016, Investigators (b)(6) (b)(6), (b)(6) (b)(6), (b)(6) reviewed ATF Forms 4473 for the inspection period. A total of (b)(3) - 112 P Forms 4473 were on file; this included denials and forms where the NICS check had been completed but the transfer did not occur. (b)(3) - 112 Public Law 55 125 Stat 552 forms contained errors. Sales clerk (b)(6) provided assistance with acquiring the forms.

Investigator (b)(6) compared the information recorded on approximately (b)(3) - 11 ATF Forms 4473 to information recorded in the A&D Record Book. Discrepancies are included in the totals that follow.

Errors included incomplete, incorrect or missing information in all sections of the ATF Form 4473 (see Exhibits #10 and #11).

- In item #2, the street address was incomplete, the state was incorrect, and the county was abbreviated or not recorded.
- In item #3, the state was not recorded.
- Licensee transferred firearms to individuals who answered “no” to item #11a, which reads “Are you the actual buyer of the firearm(s) listed on this form?”
- Licensee transferred firearms to individuals who failed to answer items #11b-f and #11i-l.
- Licensee transferred a firearm to an individual who answered “yes” to question 11f, which reads “Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?”
- Licensee transferred a firearm to an individual who answered “yes” to question 11i, which reads “Have you ever been convicted in any court of a misdemeanor crime of domestic violence?”
- In item #13, the state of residence was not recorded.
- In item #17, the date was not recorded or was incorrect.
- For Section A, someone other than the purchaser completed corrections to part of Section A.



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- In item #18, the type of firearm transferred was not recorded or was incorrect.
- In item #20a, the identification document was not recorded.
- In item #20a, the expiration date of the identification document was not recorded.
- In item #20b, licensee failed to obtain and note documentation when the purchaser provided an identification document that did not contain the residence address recorded in item #2.
- In item #21a, the date NICS was contacted was not recorded or was incorrect.
- In item #21b, the NICS transaction number was incorrect.
- In item #21c, the initial NICS response was not recorded.
- In item #21d, the date of NICS response was not recorded.
- In item #21d, the transaction was incorrectly marked cancelled
- In item #23, the number of the qualifying permit was not recorded.
- In items #24 and #25, the signature and date were not recorded.
- In item #28, the serial number was incorrect.
- In item #29, the type of firearm was incorrect.
- In item 30a, the number of firearms transferred was not recorded or was incorrect.
- In item #31, the name and address of the licensee was not recorded.
- In item #32, the license number was not recorded.
- In item #33, the printed name of the transferor was not recorded.
- In item #34, the signature was not recorded.
- In item #35, the title of the transferor was not recorded.
- In item #36, the date was not recorded or was incorrect.

Ms. Van Fleet was reminded that in cases where the purchaser answers “no” to item 11a or “yes” to items 11b – 11i, the transaction is to cease immediately. The purchaser should be informed that the transaction cannot proceed due to the prohibiting answer(s). Investigator (b)(6) reiterated the importance of closely reviewing all items in Section A for completeness and accuracy prior to conducting the NICS check.

For (b)(3) - 11 of the transactions referred to in the previous paragraph, purchaser (b)(6) - 112 Public answered “yes” to item #11i, which reads “Have you ever been convicted in any court of a misdemeanor crime of domestic violence?” NICS provided an initial response of “delay” on 7/2/2016. On 7/11/2016, NICS provided a “denied” response. Licensee had transferred the firearm on 7/8/2016. ATF Special Agent (b)(6) interviewed (b)(6) regarding the firearm purchase. According to SA (b)(6) report of investigation, he asked (b)(6) if the seller of the firearm looked over the ATF Form 4473 that she completed. (b)(6) stated that the seller did look over the form but did not ask about the fact that she had checked “yes” on block “11i.” (b)(6) advised SA (b)(6) that she then asked the seller if she could purchase the firearm even with her previous criminal history, to which the seller answered that it would be determined by the NICS background check (see Exhibit #21).

On 9/19/2016, Investigator (b)(6) asked Ms. Van Fleet why the sales clerk had proceeded with the NICS check even though (b)(6) had indicated she was a prohibited person, pointing out that NICS had later responded with “denied”. Ms. Van

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Fleet stated that the sales clerk was new at the time and did not realize he needed to re-check the front of the form prior to transferring the firearm after the three day waiting period. Investigator (b)(6) again referred to the front of the form and the "yes" answer in question 11i as reasons the NICS check should never have been conducted and again inquired as to why the sales clerk would have proceeded with the transaction. Ms. Van Fleet stated that the form review procedure had obviously broken down and that everyone working at the store was at fault since at least three people are required to review the Forms 4473 prior to firearm transfers.

Transfers to other licensees are made in accordance with the regulations. Licensee verifies the validity of the license through FFL eZ Check prior to shipping of the firearms.

Investigator (b)(6) compared the FFL Audit Report to NICS Transaction Numbers recorded on ATF Forms 4473 (see Exhibit #12). The NICS transaction number for (b)(6) transfers were recorded incorrectly on the form. Licensee utilizes e-Check for all NICS transactions and generally attaches the printed results page to the applicable Form 4473, making it easy to identify the correct transaction number.

In (b)(6) instances, licensee accepted state firearms permits that did not meet the requirements for an exception to the NICS check (see Exhibit #13). The LEOSA CCDW is issued by the Commonwealth of Kentucky to retired law enforcement officers. The issuing agency does not conduct a background check prior to issuing a LEOSA CCDW. Ms. Van Fleet stated that her employees are well aware that the LEOSA CCDW does not qualify as an exception to NICS, so she does not understand why any of them would not conduct a NICS check in those cases.

In 1 instance, it appeared that a NICS check was not conducted for a transaction to (b)(6). The printed NICS e-check and the NICS transaction number recorded on the ATF Form 4473 were for a different individual. Licensee conducted an extensive search of the ATF Forms 4473 and located the printed NICS e-check results for (b)(6) (see Exhibit #23). Licensee corrected the NICS transaction number on a copy of the ATF Form 4473 and attached it to the applicable form.

It was also discovered that licensee had transferred a receiver to a South Carolina resident (see Exhibit #14). Licensee accepted non-qualifying military orders as proof of Kentucky residency. Ms. Van Fleet was reminded that receivers can only be transferred to Kentucky residents aged 21 or older, unless the receiver is shipped to an FFL in the individual's state of residence for the individual to take delivery. She was also reminded that military members' temporary duty orders do not qualify as proof of Kentucky residency. Ms. Van Fleet stated that she has repeatedly reviewed the military orders requirements with her employees and does not know why any of them would accept temporary duty orders as proof of residency.

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On 9/7/2016, Investigator (b)(6) provided photocopies of each ATF Form 4473 for items the licensee was able to correct, instructing licensee to correct the photocopies, initial and date the corrections, and attach the photocopies to the respective Forms 4473. Licensee accomplished these corrections by 9/19/2016 (see Exhibit #15).

Details of the violations (27 CFR 478.102(a), 27 CFR 478.99(c), 27 CFR 478.99(a), 27 CFR 478.124(c)(1), 27 CFR 478.21(a), 27 CFR 478.124(c)(3)(i), 27 CFR 478.131(a)(2), 27 CFR 478.124(c)(3)(iv), 27 CFR 478.124(c)(4) and 27 CFR 478.124(c)(5)) can be found in the Violations section of this report. ATF Form 5030.5, Report of Violations, Worksheet #2, Exhibits #10, #11, #13, #14, #15, #21, #23 also contain information and supporting documentation for these violations.

## 6 - Multiple Sales

The Firearms Trace History listed (b)(6) multiple sales for the time period 8/16/2015 through 8/16/2016 (see Exhibit #16).

It was discovered that licensee does not attach the ATF Forms 3310.4 to the ATF Form 4473. Instead, the forms are kept in a separate area of the premises. (b)(6) stated that he was unsure of where the forms were stored or filed. The following day, (b)(6) stated he had located the forms, providing 1 folder containing 2016 multiple sales and a stack of papers secured by a rubber band that contained 2015 multiple sales. He stated that prior investigators had not mentioned that the Forms 3310.4 must be stapled to the Forms 4473.

(b)(3) - 112 Public Law 59-125 SO (b)(6) multiple sales were not submitted (see Exhibit #17). Investigator (b)(6) reviewed the unreported multiple sales with Ms. Van Fleet, inquiring as to why the forms were not stapled to the 4473s and why some forms were not filed timely. Investigator (b)(6) pointed out that the forms with accompanying fax confirmation sheets had been received by ATF, but only a fraction of the forms without a fax confirmation sheet had been received. She further stated that the logical conclusion was that the (b)(3) transactions in question had not been reported. Ms. Van Fleet stated that she was unsure why the (b)(3) forms were not filed. She also stated that she had never been told that the form must be stapled to the ATF Form 4473 and was never informed that the form must be filed by the close of the business day on which the multiple sale occurs.

On 9/19/2016, Ms. Van Fleet stated that she had ensured the unreported multiple sales were faxed to ATF and the local police department.

Details of the violation (27 CFR 478.126a) can be found in the Violations section of this report. ATF Form 5030.5, Report of Violations, Worksheet #2, Exhibits #16 and #17, also contain information and supporting documentation for this violation.

## 7 - Suspicious/Prohibited Purchasers

No suspicious or prohibited purchasers were disclosed.



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## 8 - Trace Activity

(b)(3) - 112 Public Law 55 111 successful traces were reported for the inspection period.

Investigator (b)(6) conducted a secondary market analysis. Approximately (b)(3) - 111 firearms were queried through OpenFox and eTrace, with (b)(3) - 111 potential hit. (b)(3) - 112 Public Law 55 111 was reported stolen in Seattle, WA in 1977. Because (b)(3) - 112 Public Law 55 111 routinely used the same serial numbers for different models of firearms prior to 1968, Investigator (b)(6) requested a firearm description from the police report. The description furnished revealed the firearm stolen was blue steel with bone colored grips. The (b)(3) - 112 Public Law 55 111 revolver at the business premises was not blue steel, and the firearm's black grips appeared to be original to the firearm. It was determined that the firearm located at the business premises was not the same as the firearm in NCIC.

## 9 - NFA/Importer/Collector/Manufacturer

MAVF, LLC is a Class 3 special occupational taxpayer, dealing in various types of NFA firearms. The special occupational tax stamp is current. Licensee maintains a separate book for NFA firearms. Original registration forms were not filed chronologically in a separate file but instead were placed in the box with the respective registered item. Ms. Van Fleet stated that she was in the process of creating a file for the forms and would file them in chronological order as required by regulations.

On the day the inspection commenced, (b)(6) stated that MAVF had not yet begun selling NFA items. He stated that since the NFA part of the business was new to him, he was unsure of how long items should take and why certain firearms had not yet reached the store.

The NFRTR Weapon Inventory contained (b)(3) firearms (see Exhibit #18). A total of 22 NFA firearms were located in physical inventory on 8/16/16, including (b)(3) NFA firearm not listed on the NFRTR Weapon Inventory. (b)(6) stated that (b)(3) - 112 Public Law 55 111 had been shipped to the store for what he assumed was subsequent delivery to an FFL in Texas (see Exhibit #19). He stated that he was not at work the day the firearm arrived at the store and was only told that the firearm was an FFL transfer. He also stated that he assumed this meant that the firearm was being transferred from dealer to dealer as GCA firearms are transferred. The ATF Form 4 with tax stamp from the original owner was included with the firearm as well as a copy of the FFL for a licensee in Texas, a copy of an SOT stamp for same FFL, and a copy of the auction transaction from Gun Broker. Because the firearm was in inventory but not listed on the NFRTR inventory, an NFA Record Search was forwarded to the NFA Branch requesting registration information for the firearm. During the 8/26/2016 phone conversation with Ms. Van Fleet, Investigator (b)(6) inquired about the firearm. Ms. Van Fleet stated that the owner of the firearm had sold the firearm on GunBroker and was unsure how to proceed with transferring the firearm to a dealer in Texas. She stated that MAVF was also unsure of the process but



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proceeded to assist the owner in preparation of the Form 4 for transfer of the firearm to the Texas FFL. Investigator (b)(6) explained that the firearm could not remain in the store since it was not registered to MAVF. Ms. Van Fleet stated that she would contact the owner and have him come pick up the firearm. She also stated that she would remove the firearm entry from the A&D Record Book. Because of the confusion on this issue, the licensee was not cited for the violations.

The remaining firearms listed on the NFRTR Weapon Inventory were received by the business in early September. All firearms on the list were accounted for.

## 10 - Referrals

(b)(3) - 112 referral was forwarded to the Louisville Field Division regarding a suspicious purchaser (see Exhibit #20). (b)(6). (b)(3) - 112 Public Law 55 125 Stat 552

## 11 - Other

On 7/28/2016, 111 Gun Shop was the victim of a burglary. Individuals drove a stolen truck through the front of the store, stealing 25 firearms. Investigators (b)(6) (b)(6) responded to provide assistance to special agents investigating the burglary. Investigators assisted Ms. Van Fleet with preparation of ATF Form 3310.11. To date, (b)(3) firearms have been recovered.

During the closing conference on 9/28/2016, Ms. Van Fleet provided the name and address of an individual who purportedly attempted a straw purchase. The store refused to sell the individual a firearm. Checks of eTrace did not disclose any derogatory information on the individual.

Also during the closing conference, Ms. Van Fleet also stated that (b)(6) had recently left the company's employ for a job with the Drug Enforcement Administration (DEA).

## 12 - Closing Actions

On 9/28/2016, Investigator (b)(6) conducted a closing conference with Misty Van Fleet. Investigator (b)(6) inquired about the status of the (b)(6) remaining inventory items that had not yet been reconciled. Ms. Van Fleet provided documentation for the disposition of (b)(3) - 112 firearm (see Exhibit #24) and stated that dispositions for the other (b)(6) firearms could not be determined. Investigator (b)(6) advised Ms. Van Fleet to report the firearms as missing inventory on ATF Form 3310.11, Federal Firearm Licensee Theft/Loss Report by the close of the business day. Ms. Van Fleet emailed a copy of the completed Form 3310.11 as proof of filing the report (see Exhibit 25). When querying eTrace for the serial numbers contained on the ATF Form 3310.11,

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Investigator (b)(6) determined that (b)(3) - 112 Public Law 55 125 Stat 552

(b)(6) was already reported as stolen on 7/29/2016 as part of Incident (b)(6). The disposition had not been recorded in the A&D Record Book as required. Investigator (b)(6) emailed both Ms. Van Fleet and the Stolen Firearms Mailbox with this discovery. The dispositions of the other (b)(6) firearms remained undetermined.

Investigator (b)(6) thoroughly reviewed the Report of Violations. Ms. Van Fleet signed the form and was provided a copy for the business' records. The Acknowledgement of Federal Firearms Regulations was also reviewed (see Exhibit #22), with particular emphasis placed on proper recordkeeping, proper electronic recordkeeping (including ATF Ruling 2016-1), proper preparation of the ATF Form 4473 and proper filing/maintenance of ATF Forms 3310.4. Ms. Van Fleet signed the form and was provided a copy for the business' records. Investigator (b)(6) provided Ms. Van Fleet with the printed version of ATF P 5300.4, Federal Firearms Regulations Reference Guide.

During the closing conference, Ms. Van Fleet repeatedly stated that most of the Form 4473 errors were committed by (b)(6), an individual who is no longer employed by the business. She stated that she had spoken to the rest of her employees regarding the errors and had provided additional training in proper preparation of the firearms records. Ms. Van Fleet did become agitated at certain points during the closing conference, stating that she had never been informed that the ATF Forms 3310.4 were required to be attached to the Forms 4473 and that she had received several different answers for how to conduct transactions where the customer needs assistance completing ATF Form 4473 due to difficulties with reading or writing. Investigator (b)(6) directed Ms. Van Fleet to the instruction pages of the ATF Form 4473 for direction on how to conduct transactions where the customer has someone assist with completion of Form 4473 due to difficulty reading or writing. She also directed Ms. Van Fleet to the Federal firearms regulations in 27 CFR 478.126a regarding attaching a copy of the ATF Form 3310.4 to the applicable ATF Form 4473.

## 13 – Violations

### 1. 27 CFR 478.99(c)

#### REPEAT OF VIOLATION CITED ON 5/9/2012 AND 6/26/2014.

**Nature of violation:** Licensee transferred a firearm to an individual with reasonable cause to believe the individual was prohibited from receiving firearms.

- In (b)(6) instance, a purchaser answered “yes” to item #11f, which reads “Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?”



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- In <sup>(b)</sup> instances, a purchaser answered “yes” to item #11i, which reads “Have you ever been convicted in any court of a misdemeanor crime of domestic violence?” A NICS response of denied was received for <sup>(b)(3)-(7)</sup> of these purchasers ((b)(6)) 9 days later.

**Licensee Response:** Ms. Van Fleet stated that she was unsure how this could have occurred because she had previously reviewed proper transfer procedures with her employees. She also stated that, after the previous inspection, she had implemented a form review procedure whereby forms are to be reviewed for errors prior to transfer and at the end of the business day.

**Corrective Action:** In the future, licensee will not proceed with the transaction in instances where the purchaser answers “no” to item 11a or “yes to items 11b – 11l.

**Worksheets and Exhibits:** Worksheet 2 and Exhibit #11

2. **27 CFR 478.102(a)**

**REPEAT OF VIOLATION CITED ON 6/26/2014**

**Nature of violation:** Failure to conduct a NICS check prior to the transfer of a firearm.

- In <sup>(b)</sup> instances, licensee accepted a permit that did not qualify as an exception to NICS

**Licensee Response:** Ms. Van Fleet stated that her employees are well aware that the LEOSA CCDW does not qualify as an exception to NICS, so she does not understand why any of them would not conduct a NICS check in those cases.

**Corrective Action:** In the future, licensee will ensure that only permits that meet the requirements as an exception to the NICS check are accepted. For transactions requiring a NICS check, licensee will ensure that the check is conducted prior to transfer of the firearm.

**Worksheets and Exhibits:** Worksheet #2 and Exhibit #13.

3. **27 CFR 478.99(a)**

**REPEAT OF VIOLATION CITED ON 6/26/2014**

**Nature of violation:** Licensee transferred a receiver to an individual who was not a resident of the state of Kentucky.

- In <sup>(b)</sup> instance, licensee transferred a receiver to a resident of South Carolina. Licensee accepted non-qualifying military orders as proof of Kentucky residency.

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**Licensee Response:** Ms. Van Fleet stated that she has repeatedly reviewed the military orders requirements with her employees and does not know why any of them would accept temporary duty orders as proof of residency when transferring firearms.

**Corrective Action:** In the future, licensee will ensure that receivers are only transferred to residents of Kentucky. If a non-resident wishes to purchase a receiver, licensee will ensure the firearm is shipped to a licensee in the individual's state of residence.

**Worksheets and Exhibits:** Worksheet #2 and Exhibit #14

4. **27 CFR 478.126a**

**REPEAT OF VIOLATION CITED ON 5/9/2012 AND 6/26/2014**

**Nature of violation:**

- In (b)(3) instances, licensee failed to file ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers.
- In (b)(3)-(b)(12) instances, licensee failed to attach a copy of ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers to the applicable ATF Form 4473.

**Licensee Response:** Ms. Van Fleet stated that she was unsure why the (b)(3) forms were not filed. She also stated that she had never been told that a copy of the ATF Form 3310.4 must be stapled to the ATF Form 4473 and was never informed that the form must be filed by the close of the business day on which the multiple sale occurs.

**Corrective action:** Licensee will forward the (b)(3) ATF Forms 3310.4 and will attach a copy to the applicable ATF Forms 4473. In addition, licensee will file previously completed and submitted ATF Forms 4473 in the file boxes with the ATF Forms 4473. The Forms 3310.4 will be separated by month and year, placed in a separate file folder and filed in the front of the applicable box of ATF Forms 4473. From 9/1/2016 forward, all ATF Forms 3310.4 will be submitted to ATF and the local law enforcement agency by close of business on the day the multiple sale occurs, with a copy stapled to the applicable ATF Form 4473.

**Worksheets and exhibits:** Worksheet #2 and Exhibit #17

5. **27 CFR 478.125(e)**

**REPEAT OF VIOLATION CITED ON 5/9/2012 AND 6/26/2014**

**Nature of violation:** Failure to ensure complete and accurate entries to the electronic A&D Record Book

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- In (b)(3) instances, the disposition of a firearm was not recorded
- In (b)(3) instances, the acquisition of a firearm was not recorded
- In (b)(3) instance, a same day gunsmithing transaction was recorded as an acquisition when the firearm was returned to the customer
- In (b)(3) instances, duplicate acquisition entries were recorded
- In (b)(3) instances, the acquisition date was incorrect
- In (b)(3) instances, the type of firearm was incorrect
- In (b)(3) instances, the serial number was incorrect
- In (b)(3) instances, the caliber was incorrect
- In (b)(3) instances, the name and address of the supplier were incorrect
- In (b)(3) instances, the name of the transferee was incorrect
- In (b)(3) instances, the address of the transferee was incorrect

**Licensee Response:** Ms. Van Fleet attributed the discrepancies to employee inattention and carelessness, a misunderstanding of the regulations and issues with the electronic recordkeeping system.

**Corrective Action:** Licensee has made the required corrections and will ensure all future A&D Record Book entries are made timely, accurately and correctly.

**Worksheets and exhibits:** Worksheet #1 and Exhibits #7-#9

6. **27 CFR 478.21(a)**

**REPEAT OF VIOLATION CITED ON 5/9/2012 AND 6/26/2014**

**Nature of violation:** Licensee failed to obtain a complete and accurate 4473.

- In (b)(3) instances, the purchaser answered “no” to item #11a.
- In (b)(3) instances, the type of firearm was not indicated in item #18.
- In (b)(3) instances, the type of firearm was incorrect in item #18.
- In (b)(3) instances, the signature was not recorded in item #24.
- In (b)(3) instances, the date was not recorded in item #25.
- In (b)(3) instances, the number of firearms transferred was not recorded in item #30a.
- In (b)(3) instances, the number of firearms transferred was incorrect in item #30a.
- In (b)(3) instances, the name and address of the licensee was not recorded in item #31.
- In (b)(3) instances, the license number was not recorded in Item #32.
- In (b)(3) instances, the printed name of the transferor was not recorded in item #33.
- In (b)(3) instances, the title of the transferor was not recorded in item #35.

**Licensee Response:** Ms. Van Fleet attributed the discrepancies to human error and stated that she had previously conducted extensive reviews of proper transfer

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procedures and requirements with her employees. She also stated that after the previous inspection she had implemented a form review procedure whereby forms are to be reviewed for errors prior to transfer and at the end of the business day.

**Corrective Action:** In the future, licensee will ensure that all ATF Forms 4473 are fully and accurately completed. Licensee will be more diligent in reviewing ATF Forms 4473 for accuracy prior to transfer of the firearm, with all necessary corrections initialed and dated.

**Worksheets and exhibits:** Worksheet #2 and Exhibits #10 and #11

### 7. 27 CFR 478.124(c)(1)

#### REPEAT OF VIOLATION CITED ON 5/9/2012 AND 6/26/2014

**Nature of violation:** Failure to ensure purchasers properly completed Section A of ATF Form 4473.

- In (b)(3) instance, the street address was incomplete in item #2
- In (b)(3) instance, the incorrect state was recorded in item #2
- In (b)(3) instances, the county was abbreviated in item #2
- In (b)(3) instances, the county was not recorded in item #2
- In (b)(3) instances, the state was not recorded in item #3
- In (b)(3) instance, item #11b was blank
- In (b)(3) instance, item #11c was blank
- In (b)(3) instance, item #11d was blank
- In (b)(3) instance, item #11e was blank
- In (b)(3) instance, item #11f was blank
- In (b)(3) instance, item #11j was blank
- In (b)(3) instance, item #11k was blank
- In (b)(3) instances, item #11l was blank
- In (b)(3) instance, the state was not recorded in item #13
- In (b)(3) instances, the date was incorrect in item #17
- In (b)(3) instances, the date was not recorded in item #17
- In (b)(3) instance, someone other than the purchaser completed corrections in Section A

**Licensee Response:** Ms. Van Fleet attributed the discrepancies to human error and stated that she had previously conducted extensive reviews of proper transfer procedures and requirements with her employees. She also stated that after the previous inspection she had implemented a form review procedure whereby forms are to be reviewed for errors prior to transfer and at the end of the business day.

**Corrective action:** In the future, licensee will ensure that all ATF Forms 4473 are reviewed for completeness and accuracy prior to transfer of the firearm. Any



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corrections will be initialed and dated, with only the purchaser providing corrections to items in Section A.

**Worksheets and exhibits:** Worksheet #2 and Exhibits #10 and #11

8. **27 CFR 478.124(c)(3)(i)**

**REPEAT OF VIOLATION CITED ON 5/9/2012 AND 6/26/2014**

**Nature of violation:** Failure to properly complete ATF Form 4473, Section B

- In <sup>(b)(3)</sup> instances, the identification number was not recorded in item #20a.
- In <sup>(b)(3)</sup> instances, the expiration date of the identification document was not recorded in item #20a.
- In <sup>(b)(3)</sup> instances, licensee failed to obtain and note documentation in item #20b when the purchaser provided an identification document that did not contain the residence address recorded in item #2.

**Licensee response:** Ms. Van Fleet attributed the discrepancies to human error and stated that she had previously conducted extensive reviews of proper transfer procedures and requirements with her employees. She also stated that after the previous inspection she had implemented a form review procedure whereby forms are to be reviewed for errors prior to transfer and at the end of the business day.

**Corrective action:** In the future, licensee will ensure that the type, number and expiration date of the identification document are recorded in item #20a. In addition, if the purchaser provides a government issued identification document that does not contain the residence address recorded in item #2, licensee will require the purchaser to provide another government issued document that shows the purchaser resides at the residence address listed in item #2.

**Worksheets and exhibits:** Worksheet #2 and Exhibit #10.

9. **27 CFR 478.124(c)(3)(iv)**

**REPEAT OF VIOLATION CITED ON 5/9/2012 AND 6/26/2014**

**Nature of violation:** Licensee failed to provide required information on ATF Form 4473, Section B.

- In <sup>(b)(3)</sup> instances, the date was incorrect in item #21a
- In <sup>(b)(3)</sup> instance, the date was not recorded in item #21a
- In <sup>(b)(3)</sup> instances, the transaction number was incorrect in item #21b
- In <sup>(b)(3)</sup> instances, the initial response was not recorded in item #21c
- In <sup>(b)(3)</sup> instances, the date of response was not recorded in item #21d
- In <sup>(b)(3)</sup> instances, the response was recorded as cancelled in item #21d. In these instances, it was the customer who cancelled the sale.



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**FFL#:** 4-61-111-01-9E-03871

**Licensee response:** Ms. Van Fleet attributed the discrepancies to human error and stated that she had previously conducted extensive reviews of proper transfer procedures and requirements with her employees. She also stated that after the previous inspection she had implemented a form review procedure whereby forms are to be reviewed for errors prior to transfer and at the end of the business day.

**Corrective action:** In the future, licensee will ensure that all NICS information is accurately recorded in Section B of ATF Form 4473.

**Worksheets and exhibits:** Worksheet #2 and Exhibit #10.

10. **27 CFR 478.124(c)(4)**

**REPEAT OF VIOLATION CITED 5/9/2012 AND 6/26/2014**

**Nature of violation:** Licensee failed to properly complete Section D of ATF Form 4473.

- In (b)(3) instances, the serial number was incorrect in item #28.
- In (b)(3) instance, the type of firearm was incorrect in item #29.

**Licensee response:** Ms. Van Fleet attributed the discrepancies to human error and stated that she had previously conducted extensive reviews of proper transfer procedures and requirements with her employees. She also stated that after the previous inspection she had implemented a form review procedure whereby forms are to be reviewed for errors prior to transfer and at the end of the business day. She further stated that she did not realize that she could not create a serial number for pre-1968 firearms without serial numbers.

**Corrective action:** Licensee will correct photocopies of the applicable forms, initialing and dating all corrections. Licensee will attach the corrected photocopies to the applicable ATF Forms 4473. In the future, licensee will ensure that all firearm information is recorded on ATF Form 4473 is complete and accurate.

**Worksheets and exhibits:** Worksheet #2 and Exhibit #10.

11. **27 CFR 478.124(c)(5)**

**REPEAT OF VIOLATION CITED 5/9/2012 AND 6/26/2014**

**Nature of violation:** Failure to properly complete section D of ATF Form 4473.

- In (b)(3) instances, the signature was not recorded in item #34.
- In (b)(3) instances, the date of transfer was not recorded in item #36.
- In (b)(3) instances, the date of transfer was incorrect in item #36.

## FIREARMS INSPECTION REPORT

**Name:** MAVF, LLC  
**Trade Name:** 111 Gun Shop

**UI#:** 775045-2016-0159-B1B  
**FFL#:** 4-61-111-01-9E-03871

**Licensee response:** Ms. Van Fleet attributed the discrepancies to human error and stated that she had previously conducted extensive reviews of proper transfer procedures and requirements with her employees. She also stated that after the previous inspection she had implemented a form review procedure whereby forms are to be reviewed for errors prior to transfer and at the end of the business day.

**Corrective action:** In the future, licensee will ensure that all ATF Forms 4473 are fully and accurately completed.

**Worksheets and exhibits:** Worksheet #2 and Exhibit #10.

12. **27 CFR 478.131(a)(2)**

**REPEAT OF VIOLATION CITED 5/9/2012 AND 6/26/2014**

**Nature of violation:** Failure to record on ATF Form 4473 the number of the qualifying permit.

- In <sup>(b)(3)</sup> instances, the number of the qualifying permit was not recorded in item #23.

**Licensee response:** Ms. Van Fleet attributed the discrepancies to human error and stated that she had previously conducted extensive reviews of proper transfer procedures and requirements with her employees. She also stated that after the previous inspection she had implemented a form review procedure whereby forms are to be reviewed for errors prior to transfer and at the end of the business day.

**Corrective action:** Licensee will ensure the number of the qualifying permit is recorded for all future transactions where the purchaser furnishes a permit that qualifies as an exception to the NICS check.

**Worksheets and exhibits:** Worksheet #2 and Exhibit #10.

X

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Industry Operations Investigator



# FIREARMS INSPECTION REPORT

**Name:** MAVF, LLC  
**Trade Name:** 111 Gun Shop

**UI#:** 775045-2016-0159-B1B  
**FFL#:** 4-61-111-01-9E-03871

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