

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Roy Lee Kelly Kellys Guns and Ammo 24 Old Castle Green Ln Granville, NY 12832, Washington		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 765060-2017-0094-B1B		
		3. PERMIT/LICENSE NUMBER 614115019G01301	4a. TARGET DATE 9/29/2017	4b. TARGET HOURS
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)				
6. ATF OFFICER(S) ASSIGNED				
b(6) - Lead Investigator				
b(6) - Assigned Investigator				
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)				
b(6), Area Supervisor, 10/19/2016				
8. PURPOSE/SPECIAL INSTRUCTIONS				
see attached email from NYSP regarding possible GCA violations.				
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC				
NO. OF VIOLATIONS	11	NO. OF REFERRALS		10. TRAVEL EXPENSES (OPTIONAL)
NO. OF TECS CHECKS	11	NO. OF TECS HITS		2111 - PER DIEM
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2112 - P.O.A.
		\$ VALUE OF TAX DECREASES		2113 - COMM. AIR
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2114 - RENTAL CAR
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2115 - GPV EXPENSES
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		2116 - MISC.
				TOTAL \$ FOR INSP.
11. ATF OFFICER'S RECOMMENDATION				
Submitted by b(6) - Industry Operations Investigator				
Submitted on: 12/21/2017				
Compliance inspection completed on 1/12/2017. Licensee had no A&D Record for firearms in inventory. Multiple additional violations cited.				
Recommended Revocation.				
Viols and Revocation / Denial of Renewal App				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) b(6)				
DEC 2016 33.00				
JAN 2017 27.00				
FEB 2017 66.50				
MAR 2017 5.00				
OCT 2017 4.00				
NOV 2017 3.00				
ATF OFFICER'S SUBTOTAL		138.50	ATF OFFICER'S SIGNATURE	
TOTAL HOURS		138.50		

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	3. PERMIT/LICENSE NUMBER 614115019G01301	4a. TARGET DATE 9/29/2017	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Viols and Revocation / Denial of Renewal App

☒ REVIEWED ☒ CONCUR ☐ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE b(6) - Area Supervisor	REVIEW DATE 02/18/2017
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REVIEW COMMENTS AND RECOMMENDATION

DIO agrees with Revocation based on the FFL willfully failing to maintain an A&D Record.

Provided to Counsel for review on 3/20/17.
Counsel concurs with Revocation, 4/6/17.
SAC concurred & DIO submitted to FMS, 4/10/17.
DIO briefed DAD on 4/19/17, approval for Revocation, DIO requested Counsel to draft NOR.
NOR issued via certified mail, 7/11/17.
Request for hearing received, 7/24/17. DIO requested hearing officer.
Hearing Officer assigned, 8/4/17.
Hearing scheduled for 10/13/17.
Settlement Agreement in effect on 10/3/17. Hearing Request Withdrawn, Hearing Canceled.
Final Notice of Revocation issued on 10/6/17.
FFL is Revoked, OOB, 11/3/17

Viols and Revocation / Denial of Renewal App

☒ REVIEWED ☒ CONCUR ☒ SEE COMMENTS ☒ FINAL DISPOSITION

SIGNATURE AND TITLE JACURTIS - Director of Industry Operations	REVIEW DATE 03/20/2017
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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 Roy Lee Kelly Kellys Guns and Ammo	Street Address 24 Old Castle Green Ln	City Granville	State NY	Zip Code 12832-	County Washington	Page 1 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 614115019G01301		Expiration Date 7/1/2019	Date(s) or Period of Inspection 12/07/2015 through 12/06/2016			

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:
The License failed to properly maintain records of shipment, receipt, sale or other disposition of firearms. The licensee did not have Acquisition & Disposition Records for firearms in inventory.

Citation: 27 CFR 478.121(c)

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

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

Licensee entered the acquisition of 303 firearms in inventory into an Acquisition & Disposition (A&D) record. Licensee was reminded he must maintain such records of shipment, receipt, sale, or other disposition, whether temporary or permanent, of firearms and such records of the disposition of ammunition as the regulations contained in this part prescribe. Section 922(m) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain any such record.

Number: 2

Nature of Violation:
The License failed to retain records pertaining to firearms transactions on the licensed premises in the manner prescribed by this subpart and for the length of time prescribed by § 478.129. The licensee could not produce Acquisition & Disposition Records prior to 2015.

Citation: 27 CFR 478.121(a)

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

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

Licensee was reminded that the records pertaining to firearms transactions prescribed by this part shall be retained on the licensed premises in the manner prescribed by this subpart and for the length of time prescribed by § 478.129.

May 9 2018 Production

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ATF E-Form 5030 5
Revised April 2005

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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Name of Proprietor Roy Lee Kelly Kellys Guns and Ammo	Street Address 24 Old Castle Green Ln	City Granville	State NY	Zip Code 12832-	County Washington	Page 2 of 6 Pages
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License/Permit/Registry Number (If any) 614115019G01301	Expiration Date 7/1/2019	Date(s) or Period of Inspection 12/07/2015 through 12/06/2016
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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 failed in 1 instances to retain and/or maintain ATF Form 4473 as required in 27 CFR 478.129(b). The licensee failed to retain 1 ATF Form 4473 after a firearm was transferred. The licensee also failed to maintain a separate file for his completed ATF Form 4473 in which a firearm was not transferred.

Citation: 27 CFR 478.129(b)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee was reminded that he must retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition and that Forms 4473 with respect to which a sale, delivery or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order. The licensee created a separate file for his denied and cancelled ATF Form 4473s as required.

Number: 4

Nature of Violation:

Licensee failed in 1 instances to obtain a complete and accurate ATF Form 4473 prior to transferring a firearm to an unlicensed person.

Citation: 27 CFR 478.21(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Licensee was reminded that all of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form.

May 9 2018 Production

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ATF E-Form 5030 5

Revised April 2005

Report of Violations

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Name of Proprietor Roy Lee Kelly Kellys Guns and Ammo	Street Address 24 Old Castle Green Ln	City Granville	State NY	Zip Code 12832-	County Washington	Page 3 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 614115019G01301		Expiration Date 7/1/2019		Date(s) or Period of Inspection 12/07/2015 through 12/06/2016		

Inspection Results

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

Number: 5	Date Corrections to be Made: <i>(If not corrected immediately)</i>
Nature of Violation: Licensee failed in ⁵ instances to obtain a complete and accurate ATF Form 4473 showing certification by the transferee that the transferee is not prohibited from transporting, shipping or receiving a firearm prior to transferring a firearm to an unlicensed person. Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.	Corrective Action to be Taken: <i>(If not corrected immediately)</i> The licensee was reminded that prior to making an over-the-counter transfer of a firearm to a nonlicensee who is a resident of the State in which the licensee's business premises is located, the licensed dealer so transferring the firearm shall obtain a Form 4473 from the transferee showing the transferee's name, sex, residence address (including county or similar political subdivision), date and place of birth; height, weight and race of the transferee; the transferee's country of citizenship; the transferee's INS-issued alien number or admission number; the transferee's State of residence; and certification by the transferee that the transferee is not prohibited by the Act from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm which has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.
Citation: 27 CFR 478.124(c)(1)	

Report of Violations

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License/Permit/Registry Number <i>(If any)</i> 614115019G01301		Expiration Date 7/1/2019	Date(s) or Period of Inspection 12/07/2015 through 12/06/2016			

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 in ^{(b)(1)} instances to record a valid form of identification, as defined in 27 CFR 478.11.
Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

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

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

Corrective Action to be Taken: The licensee was reminded that a valid form of identification must be issued by the Government, and contain the individual's name, address, date of birth and photo.

Number: 7

Nature of Violation:
Licensee failed in ^{(b)(1)} instances to obtain accurate and complete ATF Form 4473 prior to transferring a firearm to an unlicensed person.
Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

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

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

Corrective Action to be Taken: Licensee was reminded that he must comply with the requirements of § 478.102 and record on the form the date on which the licensee contacted the NICS, as well as any response provided by the system, including any identification number provided by the system.

Report of Violations

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License/Permit/Registry Number <i>(If any)</i> 614115019G01301		Expiration Date 7/1/2019	Date(s) or Period of Inspection 12/07/2015 through 12/06/2016			

Inspection Results

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

Number: 8

Nature of Violation:
License failed in 2 instances to date the ATF Form 4473s on the day the firearm was transferred.
Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

Citation: 27 CFR 478.124(c)(5)

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

Corrective Action to be Taken:
(If not corrected immediately) Licensee was reminded that he must sign and date the form if the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm and transfer the firearm described on the Form 4473.

Number: 9

Nature of Violation:
Licensee failed in 1 instances to completely and accurately identify the firearm to be transferred by listing on the Form 4473 the name of the manufacture, the type, and/or caliber.
Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

Citation: 27 CFR 478.124(c)(4)

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

Corrective Action to be Taken:
(If not corrected immediately) The licensee was reminded he must identify the firearm to be transferred by listing on the Form 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm.

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Violations

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License/Permit/Registry Number <i>(If any)</i> 614115019G01301	Expiration Date 7/1/2019	Date(s) or Period of Inspection 12/07/2015 through 12/06/2016
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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: 10

Nature of Violation:
Licensee failed in 1 instances to file an ATF Form 3310.4, Multiple Sales Report as required in 27 CFR 126a.

Citation: 27 CFR 478.126a

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

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

The licensee was reminded that he must prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. The licensee submitted ATF Forms 3310.4, Multiple Sales Report as required.

Number: 11

Nature of Violation:
Licensee failed in to maintain ATF Form 4473s in alphabetical, chronological or numerical order.

Citation: 27 CFR 478.124(b)

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

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

Licensee was reminded that a licensed dealer must retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order, and as a part of the required records, each Form 4473 obtained in the course of transferring custody of the firearms. Licensee organized his ATF Forms 4473s in chorological order.

I Have Received a Copy of This Report of Violations <i>(Proprietor's signature and title)</i>	Date
Signature and Title of ATF Officer May 9 2018 Production	Date RIP

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Revised April 2005

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

In the matter of License Number 6-14-115-01-9G-01301, 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*)

Roy Lee Kelly
d/b/a Kelly's Guns and Ammo
24 Old Castle Green Lane
Granville, New York 12832

Notice Is Hereby Given That:

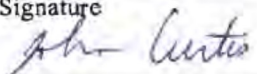
Pursuant to the statutory provisions and reasons stated in the attached page(s), the Director or his/her designee, Bureau of Alcohol, Tobacco, Firearms and Explosives, intends to take action on the license described above.

- ☒ The above identified license may be revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p).
- ☐ The above identified license may be suspended pursuant to 18 U.S.C. 922(t)(5) or 924(p).
- ☐ The above identified licensee may be fined pursuant to 18 U.S.C. 922(t)(5) or 924(p).

Pursuant to U.S.C. 923(f)(2) and/or 922(t)(5), you may file a request with the Director of Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, at 32 Old Slip, Suite 3500, New York, New York 10005, in duplicate, for a hearing to review the revocation, suspension and/or fine of your license. The request must be received at the above address within 15 days of your receipt of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing; and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed. The hearing will be held as provided in 27 CFR Part 478.

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

- ☒ Please see included brochure

Date <u>7/11/17</u>	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official John A. Curtis, Director of Industry Operations	Signature 
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I certify that on the date shown below I served the above notice on the person identified below by:

- ☒ Certified mail to the address shown below.
Tracking Number: 70070710000135391785 or ☐ Delivering a copy of the notice to the address shown below.

Date Notice Served <u>7/11/17</u>	Title of Person Serving Notice <u>I. O. I. S.</u>	Signature of Person Serving Notice <u>b(6)</u>
Print Name and Title of Person Served Roy Lee Kelly		Signature of Person Served

Address Where Notice Served
24 Old Castle Green Lane, Granville, New York 12832

Roy Lee Kelly
d/b/a Kelly's Guns and Ammo
24 Old Castle Green Lane
Granville, New York 12832
6-14-115-01-9G-01301

Your Federal Firearms License (FFL), number 6-14-115-01-9G-1301, as a Dealer in Firearms other than Destructive Devices, issued pursuant to the provisions of Title 18, United States Code, Chapter 44, is being revoked. This Notice explains the basis for the revocation.

Authorization for Revocation:

Title 18, United States Code, Section 923(e), provides that the Attorney General may, after notice and opportunity for a hearing, revoke any license issued under [section 923] if the holder of such license has willfully violated any provision of [Chapter 44] or any rule or regulation prescribed by the Attorney General under [Chapter 44].

Basis for Revocation:

Acquisition and Disposition Records

1. From on or about June 10, 2010, through on or about, July 12, 2013, the dates being both approximate and inclusive, you did fail to maintain such records of receipt, sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain records of acquisition and disposition of firearms from the period of June 10, 2010 through on or about June 12, 2013, with respect to the acquisition of [REDACTED] firearms and the disposition of [REDACTED] firearms, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), and 478.125(e). See Appendix A, Block 7.

2. From on or about May 28, 2013, through on or about, May 28, 2016, the dates being both approximate and inclusive, you did fail to maintain such records of receipt, sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain records of acquisition and disposition of firearms from the period of May 28, 2013, through on or about May 28, 2016, with respect to the acquisition of [REDACTED] firearms and the disposition of [REDACTED] firearms, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), and 478.125(e). See Appendix B, Block 7.

3. From on or about December 17, 2015 through on or about December 17, 2016, the dates being both approximate and inclusive, you did fail to maintain such records of receipt, sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain records of acquisition and disposition of firearms from the period of December 17, 2015 through on or about December 17, 2016, with respect to the acquisition of approximately [REDACTED] firearms and the disposition of approximately [REDACTED] firearms, in

Roy Lee Kelly
 d/b/a Kelly's Guns and Ammo
 24 Old Castle Green Lane
 Granville, New York 12832
 6-14-115-01-9G-01301

willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), and 478.125(e).

4. From on or about December 17, 2015 through on or about December 17, 2016, the dates being both approximate and inclusive, you did fail to maintain such records of receipt, sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain records of acquisition and disposition of firearms from the period of December 17, 2015 through on or about December 17, 2016, with respect to the acquisition of (b)(3), (b)(7)(C) firearms in inventory at the time of inspection, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), and 478.125(e). See Appendix C.

Multiple Sales Reports

5. From on or about December 17, 2015, through on or about December 17, 2016, the dates being both approximate and inclusive, you did fail to prepare a report of multiple sales or dispositions whenever you sold or otherwise disposed of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person, on (b)(3), (b)(7)(C) occasions involving (b)(3), (b)(7)(C) handguns, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(3)(A), and 27 C.F.R. §§ 478.121(c), and 478.126a. See Appendix D.

Firearms Transaction Records – ATF Forms 4473

6. From on or about December 17, 2015 through on or about December 17, 2016, the dates being both approximate and inclusive, you did fail to maintain such records of sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain Firearms Transaction Record forms (ATF F. 4473) in alphabetical, chronological, or numerical order in willful violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(b).

Falsification

7. On or about July 13, 2015, the date being approximate, you did make any false statement or representation with respect to the information required by Chapter 44 to be kept in the records of a person licensed under Chapter 44, to wit you did provide to the New York State Police a photocopy of a document purporting to be your acquisition and disposition record for a (b)(3), (b)(7)(C) rifle, serial number (b)(3), (b)(7)(C), when you knew at the time that you had not

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Granville, New York 12832
6-14-115-01-9G-01301

created or maintained an acquisition and disposition record for the receipt, sale, or other disposition of firearms, in willful violation of 18 U.S.C. § 924(a)(1)(A).

8. On or about June 12, 2013, the date being approximate, you did make any false statement or representation in applying for any license under the provisions of 18 U.S.C. Chapter 44, to wit, you certified on your application to renew FFL 6-14-115-01-3G-01301 that within thirty days after the application being approved, firearms activity would comply with the requirements of State and local law applicable to the conduct of the firearms or ammunition business, when as of March 20, 2012, though you continued to sell handguns, you failed to submit to the New York State authorities P-12 forms for the transfer and registration of handguns, as required pursuant to NY Penal Law § 400.00(12), in willful violation of 18 U.S.C. § 924(a)(1)(A).

9. On or about June 12, 2013, the date being approximate, you did make any false statement or representation in applying for any license under the provisions of 18 U.S.C. Chapter 44, to wit, you certified on your application to renew FFL 6-14-115-01-3G-01301 that the requirements of State and local law that are applicable to the firearms activity would be met prior to the start of the business, when as of March 20, 2012, though you continued to sell handguns, you failed to submit to the New York State authorities P-12 forms for the transfer and registration of handguns, as required pursuant to NY Penal Law § 400.00(12), in willful violation of 18 U.S.C. § 924(a)(1)(A).

10. On or about May 28, 2016, the date being approximate, you did make any false statement or representation in applying for any license under the provisions of 18 U.S.C. Chapter 44, to wit, you certified on your application to renew FFL 6-14-115-01-3G-01301 that within thirty days after the application being approved, firearms activity would comply with the requirements of State and local law applicable to the conduct of the firearms or ammunition business, when as of March 20, 2012, though you continued to sell handguns, you failed to submit to the New York State authorities P-12 forms for the transfer and registration of handguns, as required pursuant to NY Penal Law § 400.00(12), in willful violation of 18 U.S.C. § 924(a)(1)(A).

11. On or about May 28, 2016, the date being approximate, you did make any false statement or representation in applying for any license under the provisions of 18 U.S.C. Chapter 44, to wit, you certified on your application to renew FFL 6-14-115-01-3G-01301 that the requirements of State and local law that are applicable to the firearms activity would be met prior to the start of the business, when as of March 20, 2012, though you continued to sell handguns, you failed to submit to the New York State authorities P-12 forms for the transfer and

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6-14-115-01-9G-01301

registration of handguns, as required pursuant to NY Penal Law § 400.00(12), in willful violation of 18 U.S.C. § 924(a)(1)(A).

For these reasons, your license is subject to revocation.

Roy Lee Kelly
d/b/a Kelly's Guns and Ammo
24 Old Castle Green Lane
Granville, New York 12832
6-14-115-01-9G-01301

Appendix A

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

Federal Firearms License (FFL) RENEWAL Application

6-14-115-01-3G-01301

OMB No 1140-0019

July 1, 2013

FFL no.: 6-14-115-01-3G-01301

FFL Type: 01-DEALER IN FIREARMS OTHER THAN
DESTRUCTIVE DEVICES

Renewal application DUE PRIOR TO: July 1, 2013

RENEWAL FEE DUE: \$90.00

CHECK OR MONEY ORDER
AMOUNT ENCLOSED
(made payable to ATF)

\$ 90.00

AMOUNT AUTHORIZED TO BE CHARGED
TO THE CREDIT/DEBIT CARD:

\$

MAIL APPLICATION & PAYMENT TO:

ATF

P.O. Box 409567

Atlanta, GA 30384-9567

I am requesting that a Letter of Authorization (LOA) be sent to me so I
may continue the business/operations authorized by my license until my
renewal application is processed and approved.

Method of Payment (Check one):

☒ Check (Enclosed) ☐ Cashier's Check or Money Order (Enclosed)

☐ Visa ☐ MasterCard ☐ American Express ☐ Discover ☐ Diner's Club

Credit/Debit Card Number

M M Y Y

Name as it appears on the credit/debit card

Credit/Debit Card Billing Address

Signature of Cardholder

Date

Your credit/debit card will be charged the above stated amount upon receipt of your application and a charge
from ATF Licensing Fee will be reflected on your credit/debit card statement. In the event a license/permit is
NOT issued, the above amount will be credited to the credit/debit card noted above.

6-14-115-01-3G-01301

NOT RENEWING?

1. Return this application and your firearms records
within 30 days of discontinuance of your business to:

ATF Out-of-Business Records Center
244 Needy Road
Martinsburg, WV 25405
1(800)788-7133, x204

(Collector's of Curios or Relics are NOT required to send their firearms records to ATF)

2. Check the box below and sign & date on the line provided.

☒ I am NOT renewing my license and will submit my records to ATF.
I understand I may NOT engage in the business or operations
authorized by my license on or after the expiration date of the license.

Signature

Date

A. CURRENT FFL Information

KELLY, ROY LEE

Licensee Name (NAME of Corporation, Partnership, OR Sole Proprietor)

KELLYS GUNS AND AMMO

Trade or Business Name

PREMISES Address
(Physical location of
business or collection)

24 OLD CASTLE GREEN LN
GRANVILLE, NY 12832

MAILING Address
(The renewed license will
be mailed to this address)

24 OLD CASTLE GREEN LN
GRANVILLE, NY 12832

Telephone Number (business) (518) 854-7930

Telephone Number (fax) (518) 854-7930

24-hour Emergency Telephone Number (b) (6)

E-mail Address (b) (6)

☒ Check here for a change to your current FFL Information AND complete the
appropriate box below with the updated information.

NEW Licensee Name - Federal Firearms Licensees (FFLs) are NOT transferrable. If there has been a
CHANGE in ownership of the firearms business or collection activity, you MAY NOT use
this form to obtain a renewed license. You MUST file a NEW application.

NEW Trade or Business Name

NEW Premises Address**

Federal Firearms

NEW Mailing Address

JUN 21 2013

NEW Telephone Number (business)

NEW Telephone Number (fax)

Licensing Center

24-hour Emergency Telephone Number

E-mail Address

** Listing your trade or business name with ATF in no way registers such a name, you MUST comply
with Federal, State, and local laws regarding trade or business name registration.

** You may NOT operate your business or conduct your collection activity at the NEW premises
address until you have received a NEW License reflecting your new address.

B. HOURS OF OPERATION.

Please indicate AM for morning hours and PM for afternoon/evening hours when stating your business hours.

NOTE You do NOT have to list hours of operation if you are a Collector or Gunsmith. If this applies to you, please check the appropriate box below.

☒ Collector of Curios or Relics☐ Gunsmithing activities ONLY

TIME	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	10 ^{AM} - 6 ^{PM}	10 ^{AM} - 8 ^{PM}	10 ^{AM} - 8 ^{PM}	10 ^{AM} - 8 ^{PM}	10 ^{AM} - 8 ^{PM}	10 ^{AM} - 8 ^{PM}	8 ^{AM} - 6 ^{PM}
Close							

☐ Closed ALL day
NO business hours

☐ Closed ALL day
NO business hours

☐ Closed ALL day
NO business hours

☐ Closed ALL day
NO business hours

☐ Closed ALL day
NO business hours

☐ Closed ALL day
NO business hours

☐ Closed ALL day
NO business hours

WARNING. You may NOT continue the operations authorized by your Federal Firearms License (FFL) on or after the expiration date of your license UNLESS you
have filed this renewal application PRIOR TO July 1, 2013. There are criminal penalties for continuing your firearms business or
collectors' activities without renewing your license.

6-14-115-01-3G-01301 July 1, 2013

ATF Form 8 (5310.11) Part I)

RIP

FFL No.: 6-14-115-01-3G-01301

FFL License Name: KELLY, ROY LEE

FFL Type: ~~REGULAR~~ IN FIREARMS OTHER THAN DESTRUCTIVEPremises Address: 24 OLD CASTLE GREEN LN
GRANVILLE, NY 12832-

Expiration Date: July 1, 2013.

RENEWAL APPLICATION QUESTIONNAIRE

C. Answer questions 1-7 by writing "yes" or "no" in the boxes to the right of the questions.

	write "yes" or "no"
1. Is the firearms or ammunition activity to be conducted under the Federal firearms license (FFL) at the "premises address" shown above and on the front of this renewal application prohibited by State or local law?	yes
2. Within thirty days after this application has been approved, will the firearms or ammunition activity comply with the requirements of State and local law applicable to the conduct of the firearms or ammunition business or collection of curios or relics?	yes
3. Will the requirements of State and local law that are applicable to the firearms or ammunition activity, or collection of curios or relics, be met prior to the start of the business or collection activity?	yes
4. Has a completed COPY of this renewal application form (front & back) been sent or delivered to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises are located? Date sent: 6-12-13 CLEO's Name & Title: muffy sheriff	yes
5. As required by 18 U.S.C. 923, will secure gun storage or safety devices be made available at any place in which firearms are sold under the Federal firearms license (FFL) to persons who are NOT licensees. Write "n/a" if you are a Collector of Curios or Relics or a Manufacturer of Ammunition.	yes
6. As required by 18 U.S.C. 922(g)(5)(B), ATF Form 5330-20 - CERTIFICATION OF COMPLIANCE WITH 18 U.S.C. 922(g)(5)(B) - has been submitted for EACH responsible person in the firearms or ammunition business or collection activities. (The form is a certification to citizenship.)	yes
7. If you are a firearms dealer, pawnbroker, manufacturer, importer, or collector of curios or relics. a. How many firearms have you bought or acquired with your firearms license over the past 3 years? If none, enter '0'. 675 * If you hold multiple FFLs, please only indicate the number of firearms relating to this FFL you are renewing. b. How many firearms have you sold or disposed of with your firearms license over the past 3 years? If none, enter '0'. 426 * If you hold multiple FFLs, please only indicate the number of firearms relating to this FFL you are renewing. (Write "n/a" if you are solely a manufacturer of ammunition.)	
KELLY, ROY LEE KELLY'S GUNS AND AMMO 24 OLD CASTLE GREEN LN GRANVILLE, NY 12832-	

MAILING ADDRESS

D. The following questions apply to YOU and to any other person who has the power to direct the management and policies of your firearms activities. Answer questions 8-18 by writing "yes" or "no" in the boxes to the right of the questions.

	write "yes" or "no"
8. Are you under indictment or information in any court for a crime for which a judge could imprison you for more than one year? An "information" is a formal accusation of a crime made by a prosecuting attorney	no
9. Have you ever been convicted in any court of a crime for which the judge could have imprisoned you for more than one year, even if the judge actually gave you a shorter sentence?	no
10. Are you presently appealing a conviction of a crime punishable by imprisonment for a term exceeding one year?	no
11. Are you a fugitive from justice?	no
12. Are you an unlawful user of, addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	no
13. Have you ever been adjudicated mentally defective or have you been committed to a mental institution?	no
14. Have you been discharged from the Armed Forces under dishonorable conditions?	no
15. Are you an alien illegally in the United States?	no
16. Have you ever renounced your United States citizenship?	no
17. Are you subject to a court order restraining you from harassing, stalking, or threatening an intimate partner or child of such partner?	no
18. Have you been convicted in any court of a misdemeanor of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim	no

Under penalties imposed by 18 U.S.C. 924, I certify that the statements contained in this renewal application, and any attached statements, are true and correct to the best of my knowledge and belief.

Authorized Signature: (b)(6)

Title: OWNER

Date: 6-12-13

PRINTED NAME of signature above: Roy Kelly

Telephone no.: (518) 854-7730

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required to receive a benefit and is mandatory by statute (18 U.S.C. 923).

The average burden associated with this collection is 25 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Management and Enterprise Services, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF Form 8 (5310.1) Part II

Roy Lee Kelly
d/b/a Kelly's Guns and Ammo
24 Old Castle Green Lane
Granville, New York 12832
6-14-115-01-9G-01301

Appendix B

July 1, 2016

285

FFL No: **6-14-115-01-6G-01301**FFL Name: **KELLY, ROY LEE**FFL Type: **01-DEALER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES**Premises Address: **24 OLD CASTLE GREEN LN
GRANVILLE, NY 12832-**Expiration Date: **July 1, 2016****C. Answer questions 1 - 6, and 8 by checking "yes" or "no" in the boxes to the right of the questions, or N/A, if applicable.**

Check YES or NO

1. Is the firearms or ammunition activity to be conducted under the Federal firearms license (FFL) at the "premises address" shown above and on the front of this renewal application permitted by State and local law?	<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Within thirty days after this application has been approved, will the firearms or ammunition activity comply with the requirements of State and local law applicable to the conduct of the firearms or ammunition business or collection of curios or relics?	<input checked="" type="checkbox"/> <input type="checkbox"/>
3. Will the requirements of State and local law that are applicable to the firearms or ammunition activity or collection of curios or relics, be met prior to the start of the business or collection activity?	<input checked="" type="checkbox"/> <input type="checkbox"/>
4. Has a completed <u>COPY</u> of this renewal application form (front & back) been sent or delivered to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises is located?	<input checked="" type="checkbox"/> <input type="checkbox"/>
5. As required by 18 U.S.C. 923(d)(1)(G), will secure gun storage or safety devices be made available at any place in which firearms are sold under the FFL to persons who are NOT licensees. Check "N/A" if you are a Collector of Curios and Relics or a Manufacturer of Ammunition.	N/A <input type="checkbox"/> <input checked="" type="checkbox"/>
6. Are there any new responsible persons to be added and/or any responsible persons to be removed from the license? If yes, please attach a separate sheet of paper to provide their identifying information as listed in #3 on the application Instruction Sheet that accompanied this application.	<input type="checkbox"/> <input checked="" type="checkbox"/>
7 a. How many firearms have you bought or acquired with your firearms license over the past 3 years? If none, enter '0'. 900 * If you hold multiple FFLs, please only indicate the number of firearms relating to this FFL you are renewing. b. How many firearms have you sold or disposed of with your firearms license over the past 3 years? If none, enter '0'. 850 * If you hold multiple FFLs, please only indicate the number of firearms relating to this FFL you are renewing. (Write "N/A" if you are solely a gunsmith or a manufacturer of ammunition.)	MAILING ADDRESS KELLY, ROY LEE KELLYS GUNS AND AMMO 24 OLD CASTLE GREEN LN GRANVILLE, NY 12832-
8. Have you conducted or do you intend to conduct internet sales of firearms? If yes, list websites from which you conduct your internet business:	<input type="checkbox"/> <input checked="" type="checkbox"/>

D. The following questions apply to YOU and to any other responsible person who has the power to direct the management and policies of your firearms activities. Answer questions 9 - 19 by checking "yes" or "no" in the boxes to the right of the questions.

Check YES or NO

9. Are you charged by information or under indictment in any court for a felony or any other crime for which the judge could imprison you for more than one year? An "information" is a formal accusation of a crime made by a prosecuting attorney.	<input type="checkbox"/> <input checked="" type="checkbox"/>
10. Have you ever been convicted in any court of a felony or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence, including probation?	<input type="checkbox"/> <input checked="" type="checkbox"/>
11. Are you presently appealing a conviction of a crime punishable by imprisonment for a term exceeding one year? (If "yes," attach an explanatory statement showing date of conviction, court in which convicted, and court in which appeal is pending.)	<input type="checkbox"/> <input checked="" type="checkbox"/>
12. Are you a fugitive from justice?	<input type="checkbox"/> <input checked="" type="checkbox"/>
13. Are you an unlawful user of or addicted to marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	<input type="checkbox"/> <input checked="" type="checkbox"/>
14. Have you ever been adjudicated mentally defective, (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to any mental institution?	<input type="checkbox"/> <input checked="" type="checkbox"/>
15. Have you been discharged from the Armed Forces under dishonorable conditions?	<input type="checkbox"/> <input checked="" type="checkbox"/>
16. Are you an alien illegally or unlawfully in the United States?	<input type="checkbox"/> <input checked="" type="checkbox"/>
17. Have you ever renounced your United States citizenship?	<input type="checkbox"/> <input checked="" type="checkbox"/>
18. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner?	<input type="checkbox"/> <input checked="" type="checkbox"/>
19. Have you been convicted in any court of a misdemeanor crime of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim.	<input type="checkbox"/> <input checked="" type="checkbox"/>

Under penalties imposed by 18 U.S.C. 924, I certify that the statements contained in this renewal application, and any attached statements, are true and correct to the best of my knowledge and belief.

Authorized Signature: **b(6)**Title: **owner**Date: **5-28-16**PRINTED NAME of signature above: **Roy Kelly**Telephone no. **(518) 854-7530****PAPERWORK REDUCTION ACT NOTICE**

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required to retain a benefit and is mandatory by statute (18 U.S.C. 923). The average burden associated with this collection is 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

FOR OFFICIAL USE ONLY - Application Status

Approved ☐ Abandoned ☐ Withdrawn ☐ Signature of Licensing Officer: **Tracey Robertson**
 Denied ☐ May 9 2018 Production Reason for Denial:

Date: **7/12/14**ATF Form 8 (5310.11) Part II
Revised (June 2014)

Roy Lee Kelly
d/b/a Kelly's Guns and Ammo
24 Old Castle Green Lane
Granville, New York 12832
6-14-115-01-9G-01301

Appendix C

ACQUISITION

DESCRIPTION OF FIREARM						RECEIPT			
MANUFACTURER AND/ OR IMPORTER	MODEL	SERIAL NO.	TYPE	CALIBER OR GAUGE	DATE	TAG (optional)	COST (optional)	NAME AND ADDRESS OR NAME AND LICENSE NO.	
b(3), Public Law 112-55, 125 Stat. 552, (b)(6)									
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ACQUISITION

DESCRIPTION OF FIREARM						RECEIPT				
MANUFACTURER AND/ OR IMPORTER	MODEL	SERIAL NO.	TYPE	CALIBER OR GAUGE	DATE	TAG (optional)	COST (optional)	NAME AND ADDRESS OR NAME AND LICENSE NO.		
b(3), Public Law 112-55, 125 Stat. 552, (b)(6)										
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ACQUISITION

DESCRIPTION OF FIREARM							RECEIPT				
MANUFACTURER AND/ OR IMPORTER	MODEL	SERIAL NO.	TYPE	CALIBER OR GAUGE	DATE	TAG (optional)	COST (optional)	NAME AND ADDRESS OR NAME AND LICENSE NO.			
b(3), Public Law 112-55, 125 Stat. 552, (b)(6)											
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ACQUISITION

DESCRIPTION OF FIREARM						RECEIPT			
MANUFACTURER AND/ OR IMPORTER	MODEL	SERIAL NO.	TYPE	CALIBER OR GAUGE	DATE	TAG (optional)	COST (optional)	NAME AND ADDRESS OR NAME AND LICENSE NO.	
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ACQUISITION

DESCRIPTION OF FIREARM						RECEIPT			
MANUFACTURER AND/ OR IMPORTER	MODEL	SERIAL NO.	TYPE	CALIBER OR GAUGE	DATE	TAG (optional)	COST (optional)	NAME AND ADDRESS OR NAME AND LICENSE NO.	
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ACQUISITION

DESCRIPTION OF FIREARM					RECEIPT				
MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NO	TYPE	CALIBER OR GAUGE	DATE	TAG (optional)	COST (optional)	NAME AND ADDRESS OR NAME AND LICENSE NO.	
b(3), Public Law 112-55, 125 Stat. 552, (b)(6)									

Roy Lee Kelly
d/b/a Kelly's Guns and Ammo
24 Old Castle Green Lane
Granville, New York 12832
6-14-115-01-9G-01301

Appendix D

Incident Number	Firearm Number	Transferee	Firearm	Transfer Date	Report Date
1	1	b(3), Public Law 112-55, 125 Stat. 552, (b)(6)			
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b(3), Public Law 112-55, 125 Stat. 552, (b)(6)

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

* ATF has no record of this form being submitted. The report date, which is prior to the transaction date, is recorded on this appendix as it appears on the MSR.

**Final Notice of Denial of Application or
Revocation of Firearms License**

In the matter of:

☐ The application for license as _____, filed by; or

☒ License Number 6-14-115-01-9G-01301, as a Dealer in Firearms other than Destructive Devices, issued to:

Name and Address of Applicant or Licensee (Show number, street, city, state and ZIP Code)

Roy Lee Kelly
d/b/a Kelly's Guns and Ammo
24 Old Castle Green Lane
Granville, New York 12832

Notice Is Hereby Given That:

- ☐ (1) After due consideration following a hearing held pursuant to section 923(f)(2) of Title 18, U.S.C., and on the basis of findings set out in the attached copy of the findings and conclusions, your
- ☐ application for license described above is denied.
- ☐ license described above is revoked, effective _____.

If you are dissatisfied with this action you may, within 60 days after receipt of this notice, file a petition pursuant to section 923(f)(3) of Title 18, U.S.C., for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business.

- ☒ (2) Since a request for hearing pursuant to section 923(f)(2) of Title 18, U.S.C., was ^{* withdrawn} ~~not received, or was not timely received~~, and based on the findings set out in the attached copy of findings and conclusions, your license described above is revoked effective Friday, November 3, 2017.

- ☒ (3) Records prescribed under 27 CFR Part 478 for the license described above shall 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 27 CFR 478.127.

Date <u>10/6/17</u>	Signature and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official <u>John Curtis, DIO</u>
------------------------	--

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

- ☐ Delivering a copy of the notice to the address shown below. ☒ Certified mail to the address shown below.

Date Notice Served <u>10-6-17</u>	Name of Person Served (Please state if served on partner or officer of corporation) Roy Kelly / (b)(6) (counsel for Roy Kelly)
--------------------------------------	---

Address Where Notice Served
24 Old Castle Green Lane, Granville, New York 12832 / 16 Maple Street, PO Box 2152, Glens Falls, NY 12801

Date <u>10-6-17</u>	b(6)	Title <u>Industry Operations Unit</u>
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Note: Previous Edition Is Obsolete

ATF Form 5300.13
Revised July 2005

In the Matter of the Revocation of Federal Firearms License 6-14-115-01-9G-01301 as a Dealer in Firearms other than Destructive Devices	:	BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
<i>Issued to</i>	:	NEW YORK FIELD DIVISION
Roy Lee Kelly d/b/a Kelly's Guns and Ammo 24 Old Castle Green Lane Granville, New York 12832	:	

On July 11, 2017, the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), through Director of Industry Operations ("DIO") John A. Curtis, issued a Notice to Revoke or Suspend License and/or Impose a Civil Fine ("Notice") to Roy Kelly d/b/a Kelly's Guns and Ammo, Federal Firearms License ("FFL") 6-14-115-01-9G-01301 (hereafter "Kelly" or the "Licensee"), notifying Kelly that pursuant to 18 U.S.C. § 923(e), his FFL was being revoked for willful violations of the Gun Control Act of 1968, 18 U.S.C. § 921 *et seq.*, and the regulations promulgated thereunder, 27 C.F.R. Part 478.

On or about July 18, 2017, Kelly, through counsel, requested a hearing pursuant to 18 U.S.C. § 923(f)(2). ATF received that request on July 24, 2017. On September 14, 2017, a hearing was scheduled for October 13, 2017, in Albany, New York, before Hearing Officer (b) (6).

On October 3, 2017, pursuant to an agreement between the Licensee and ATF, Kelly, through counsel, withdrew his request for a hearing with prejudice.

As the request for a hearing has been withdrawn, DIO Curtis hereby finds that FFL 6-14-115-01-9G-01301 should be revoked. This revocation shall be effective on **Friday, November 3, 2017**.

Authorization for Revocation:

Pursuant to the provisions of 18 U.S.C. § 923(e), the "Attorney General may, after notice and opportunity for a hearing, revoke any license issued under [18 U.S.C. § 923] if the holder of such license has willfully violated any provision of [Title 18, United States Code, Chapter 44] or any rule or regulation prescribed by the Attorney General under [Title 18, United States Code, Chapter 44]..."

Willfulness:

Where a FFL, such as the Licensee, knows his legal obligations and purposefully disregards or is plainly indifferent to these obligations, such violations are committed willfully. See American Arms Intl. v. Herbert, 563 F.3d 78, 83 (4th Cir. 2009); General Store v. Van Loan, 560 F.3d 920, 924 (9th Cir. 2009); Armalite Inc. v. Lambert, 544 F.3d 644, 648 (6th Cir. 2008); RSM Inc. v. Herbert, 466 F.3d 316, 321 (4th Cir. 2006); Willingham Sports v. ATF, 415 F.3d 1274, 1277 (11th Cir. 2005); Cucchiara v. Secretary of Treasury, 652 F.2d 28, 30 (9th Cir. 1981); Stein, Inc. v. Blumenthal, 649 F.2d 463 (7th Cir. 1980); Prino v. Simon, 606 F.2d 449 (4th Cir. 1979); Lewin v. Blumenthal, 590 F.2d 268 (8th Cir. 1979).

Findings of Fact and Law:

1. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because from on or about June 10, 2010, through on or about, July 12, 2013, the dates being both approximate and inclusive, you did fail to maintain such records of receipt, sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain records of acquisition and disposition of firearms from the period of June 10, 2010 through on or about June 12, 2013, with respect to the acquisition of (b)(3), public law firearms and the disposition of (b)(3), public law firearms, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), and 478.125(e).

2. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because from on or about May 28, 2013, through on or about, May 28, 2016, the dates being both approximate and inclusive, you did fail to maintain such records of receipt, sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain records of acquisition and disposition of firearms from the period of May 28, 2013, through on or about May 28, 2016, with respect to the acquisition of (b)(3), public law firearms and the disposition of (b)(3), public law firearms, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), and 478.125(e).

3. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because from on or about December 17, 2015 through on or about December 17, 2016, the dates being both approximate and inclusive, you did fail to maintain such records of receipt, sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain records of acquisition and disposition of firearms from the period of December 17, 2015 through on or about December 17, 2016, with respect to the acquisition of approximately (b)(3), public law firearms and the disposition of approximately (b)(3), public law firearms, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), and 478.125(e).

4. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because from on or about December 17, 2015 through on or about December 17, 2016, the dates being both approximate and inclusive, you did fail to maintain such records of receipt, sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain records of acquisition and disposition of firearms from the period of December 17, 2015 through on or about December 17, 2016, with respect to the acquisition of (b)(3), public law firearms in inventory at the time of inspection, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), and 478.125(e).

5. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because from on or about December 17, 2015, through on or about December 17, 2016, the dates being both approximate and inclusive, you did fail to prepare a report of multiple sales or dispositions whenever you sold or otherwise disposed of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person, on

occasions involving handguns, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(3)(A), and 27 C.F.R. §§ 478.121(c), and 478.126a.

6. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because from on or about December 17, 2015 through on or about December 17, 2016, the dates being both approximate and inclusive, you did fail to maintain such records of sale, or other disposition of firearms at your place of business as the Attorney General may require, to wit, you failed to maintain Firearms Transaction Record forms (ATF F. 4473) in alphabetical, chronological, or numerical order in willful violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(b).

7. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because on or about July 13, 2015, the date being approximate, you did make any false statement or representation with respect to the information required by Chapter 44 to be kept in the records of a person licensed under Chapter 44, to wit you did provide to the New York State Police a photocopy of a document purporting to be your acquisition and disposition record for a ^{(b)(3), Public Law 112-55, 125 Stat. 552} serial number ^{(b)(3), Pub L 112-55}, when you knew at the time that you had not created or maintained an acquisition and disposition record for the receipt, sale, or other disposition of firearms, in willful violation of 18 U.S.C. § 924(a)(1)(A).

8. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because on or about June 12, 2013, the date being approximate, you did make any false statement or representation in applying for any license under the provisions of 18 U.S.C. Chapter 44, to wit, you certified on your application to renew FFL 6-14-115-01-3G-01301 that within thirty days after the application being approved, firearms activity would comply with the requirements of State and local law applicable to the conduct of the firearms or ammunition business, when as of March 20, 2012, though you continued to sell handguns, you failed to submit to the New York State authorities P-12 forms for the transfer and registration of handguns, as required pursuant to NY Penal Law § 400.00(12), in willful violation of 18 U.S.C. § 924(a)(1)(A).

9. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because on or about June 12, 2013, the date being approximate, you did make any false statement or representation in applying for any license under the provisions of 18 U.S.C. Chapter 44, to wit, you certified on your application to renew FFL 6-14-115-01-3G-01301 that the requirements of State and local law that are applicable to the firearms activity would be met prior to the start of the business, when as of March 20, 2012, though you continued to sell handguns, you failed to submit to the New York State authorities P-12 forms for the transfer and registration of handguns, as required pursuant to NY Penal Law § 400.00(12), in willful violation of 18 U.S.C. § 924(a)(1)(A).

10. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because from on or about May 28, 2016, the date being approximate, you did make any false statement or representation in applying for any license under the provisions of 18 U.S.C. Chapter 44, to wit, you certified on your application to renew FFL 6-14-115-01-3G-01301 that within thirty days after the application being approved, firearms activity would comply with the requirements of State and local law applicable to the conduct of the firearms or ammunition business, when as of March 20, 2012, though you continued to sell handguns, you failed to submit to the New York State authorities P-12 forms for the transfer and

registration of handguns, as required pursuant to NY Penal Law § 400.00(12), in willful violation of 18 U.S.C. § 924(a)(1)(A).

11. Your FFL is subject to revocation pursuant to 18 U.S.C. § 923(e), because on or about May 28, 2016, the date being approximate, you did make any false statement or representation in applying for any license under the provisions of 18 U.S.C. Chapter 44, to wit, you certified on your application to renew FFL 6-14-115-01-3G-01301 that the requirements of State and local law that are applicable to the firearms activity would be met prior to the start of the business, when as of March 20, 2012, though you continued to sell handguns, you failed to submit to the New York State authorities P-12 forms for the transfer and registration of handguns, as required pursuant to NY Penal Law § 400.00(12), in willful violation of 18 U.S.C. § 924(a)(1)(A).

For these reasons, I hereby find that you have committed willful violations of 18 U.S.C. §§ 922(m), 923(g)(1)(A), 923(g)(3)(A), and 18 U.S.C. § 924(a)(1)(A), and 27 C.F.R. §§ 478.121(a), 478.121(c), 27 C.F.R. § 478.124(b), 478.125(e), and 478.126a.

Accordingly, pursuant to 18 U.S.C. § 923(e), I find that FFL 6-14-115-01-9G-01301, issued to Kelly is hereby **REVOKED** effective **Friday, November 3, 2017**.

Dated: October 4, 2017



John A. Curtis
Director, Industry Operations
Bureau of Alcohol, Tobacco, Firearms
and Explosives
New York Field Division



U.S. Department of Justice

**Bureau of Alcohol, Tobacco,
Firearms and Explosives**

Washington, DC

www.atf.gov

IMPORTANT NOTICE

Selling Firearms AFTER Revocation, Expiration, or Surrender of an FFL

Former Federal Firearms licensees (FFL's) who continue to sell firearms after the revocation, expiration, or surrender of their license are subject to the same rules as persons who have never been licensed in determining whether they are "engaged in the business" of selling firearms without a license in violation of 18 U.S.C. § 922(a)(1)(A). Accordingly, former licensees who wish to dispose of any remaining business inventory must adhere to the following guidance:

Business inventory must be disposed of by the former FFL in a manner that, objectively, does not constitute being engaged in the business of dealing in firearms using the same facts and circumstances test that would apply to persons who have never been licensed.

The preferred manner of disposition is for the former licensee to:

- Arrange for another FFL to purchase the business inventory (and other assets) of the business; or
- Consign the inventory to another FFL to sell on consignment, or at auction.

Should a former FFL decide against those options, he/she should be aware that future sales – whether from his/her personal firearms collection or otherwise – will be evaluated for a potential violation of 18 U.S.C. § 922(a)(1)(A), just as would occur with a person who had never been licensed.

If a former FFL is disposing of business inventory, the fact that no purchases are made after the date of license revocation, expiration, or surrender does not immunize him/her from potential violations of 18 U.S.C. § 922(a)(1)(A). Instead, business inventory acquired through repetitive purchases while licensed are attributed to the former FFL when evaluating whether subsequent sales constitute engaging in the business of dealing in firearms without a license.

ATF remains committed to assisting former licensees in complying with Federal firearms laws. If you have questions, please contact your local ATF office.

Andy R. Graham
Deputy Assistant Director (Industry Operations)
Field Operations

Address: 24 Old Castle Green Ln
Granville, NY 12832

1 - Introduction

Inspection Profile:

On October 14, 2016, Industry Operations Investigator (IOI) (b) (6) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was notified by New York State Police (NYSP) Investigator (b) (6) of possible Gun Control Act (GGA) violations of Federal Firearms Licensee (FFL) Roy Lee Kelly (**Exhibit 1**- Copy of e-mail from NYSP Investigator).

On December 7, 2016 IOIs (b) (6) began a compliance inspection of Roy Lee Kelly, d/b/a Kelly's Guns and Ammo, Type-01 Dealer in Firearms Other Than Destructive Devices, located at 24 Old Castle Green Ln Granville, New York. The onsite inspection lasted five days (December 7th-9th 2016, January 4th and 12th 2017). The inspection period covered December 7, 2015 – December 6, 2016. During the inspection, Roy Kelly, Owner of Kelly's Guns and Ammo, was present and interviewed by the IOIs. The IOIs completed a full inventory of firearms and review of all required records. At the conclusion of the onsite inspection on January 12th, 2017, IOI (b) (6) held a closing conference with Roy Kelly and issued him a Report of Violations.

Business Profile:

The licensee sells firearms, crossbows, ammunition, accessories and fishing gear from a small building on his property. The licensee stated that he moved the business from his basement a few years ago when he started selling more firearms.

The licensee did not have Acquisition and Disposition (A&D) Records at the time of the inspection, therefore the IOIs could not determine how many firearms were acquired during the inspection period. Based on the number of ATF 4473s completed, the licensee disposed of approximately (b) (4) firearms during the inspection period. The licensee stated that he acquires and disposes of (b) (4) hand guns and (b) (4) longs, of those, approximately (b) (4) are used firearms. Kelly's Guns and Ammo also operates as a gunsmith. Roy Kelly stated to IOI (b) (6) that his gunsmithing is limited to small repairs and mounting accessories. When acquiring new firearms the licensee utilizes (b) (4).

The licensee is in compliance with New York State laws.

The current license is appropriate to cover the licensee's business activities.

Ownership and Control:

The license is individually owned by Roy Kelly and operates under the Trade Name Kelly's Guns and Ammo. Mr. Kelly provided IOI (b) (6) with a copy of the DBA for Kelly's Guns and Ammo (**Exhibit 2**). Mr. Kelly stated that his daughter in law started working for him a few months prior to the inspection to help him keep his records in order.

No other responsible persons / hidden ownership disclosed as a result of this inspection.

A criminal history query of Roy Lee Kelly was conducted and resulted in no prohibiting information.

Variance:

There were no variances on file and the IOIs found not reason for a variance during the inspection.

2 - Recommendation

Violations and Revocation.

3 - Inspection History

IOI (b) (6) reviewed N-Spect as well as the available office file and found the following information:

Date of Inspection:	5/28/2010
Type of Inspection:	Application Inspection
UI#:	765060-2010-0273-B1B
Inspection Results:	Application Approved
Cited Violations:	None

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

At the start of the inspection, IOIs (b) (6) requested that the licensee produce his Acquisition & Disposition (A&D) Record so that the IOIs could complete a full physical inventory. Mr. Roy Kelly stated to the IOIs that he did not have a A&D Record for the firearms in inventory, but did have a A&D Record for 2015 and part of 2016 (**Exhibit 3**- Copies of 2015 & 2016 A&D Record). When the IOIs asked Mr. Kelly why he did not have the required A&D records, he stated that he accidentally burned them in approximately 2013 or 2014 when he moved his business from his basement to the small building on the licensed premises. Mr. Kelly further stated that he did not realize he did not have the A&D records until the NYSP Investigators requested to see them in approximately July 2015.

During the course of the interview, the IOIs asked Roy Kelly to explain his standard operating procedure as it pertains to his record keeping. Mr. Kelly stated to IOI (b) (6) that when a nonlicensed individual sells him a firearm, he makes a copy of their driver's license and records the firearms information on the photocopy (**Exhibit 4- Copy of acquisition example**). Mr. Kelly also stated to IOI (b) (6) that he keeps the invoices when he buys new firearms from his distributors. Mr. Kelly stated to the IOIs that he does not have a filing system, the paperwork is located throughout the store, but he remembers where he puts everything. Mr. Kelly stated that he and Jolynn Kelly matched up the completed ATF Forms 4473 to the invoices and photocopies in order to recreate the A&D Record for 2015 and part of 2016.

Mr. Kelly did not know what firearms he had in inventory at the time of inspection, or exactly how many. Mr. Kelly stated to the IOIs that he had acquisition information for all the firearms in inventory. IOIs (b) (6) conducted a full physical count of all the firearms in Mr. Kelly's inventory and discovered 89 firearms (64 handguns, 25 long guns). The IOIs had Mr. Kelly immediately enter all (b) (6) firearms into an A&D Record (**Exhibit 5- Copy of A&D Record of firearms in inventory**).

The Licensee was cited per **27 CFR 478.121(c)** and **27 CFR 478.121(a)** for failure to maintain and retain his records as required. See violation section below.

5 - ATF Forms 4473 – NICS & Other Dispositions

During the IOIs' review of the ATF Form 4473s, the IOIs found that the licensee had not been keeping the ATF Forms 4473s filed in any kind of organized matter. ATF Forms 4473s were scattered throughout the licensed premises. At the time of inspection, the licensee did have ATF Forms 4473 that were completed in 2015 and part of 2016 in chronological order since his daughter in law was using them to attempt to recreate the A&D Record for those years. The licensee also had not been maintaining a separate file for canceled, voids and denied transactions as required. The licensee was cited violations per **27 CFR 478.124(b)** and **478.129(b)**, see violations section below.

When asked for all the ATF Forms 4473s completed during the inspection period, the licensee provided IOIs (b) (6) with (b) (6) forms. The IOIs reviewed all (b) (6) forms.

IOI (b) (6) obtained a Federal Firearm License (FFL) Audit Report prior to the onsite inspection. The IOIs compared the NICS Transaction Numbers (NTN) on the report to the licensee's ATF Form 4473s and found that (b) (6) TF Forms 4473 were missing from the stack of forms that the licensee had provided to the IOIs. After searching the store, the licensee was able to locate (b) (6) of the missing ATF Forms 4473. The licensee was cited a violation per **27 CFR 478.129(b)** for failing to retain (b) (6) ATF Forms 4473 (**Exhibit 6- Copy of FFL Audit Report**). See violations section below.

At the conclusion of the IOIs' review of all (b) (6) ATF Forms 4473s the following violations was discovered:

- Licensee failed to obtain a complete and accurate ATF Form 4473 prior to transferring a firearm to an unlicensed person.
- Licensee failed to obtain a complete and accurate ATF Form 4473 showing certification by the transferee that the transferee is not prohibited from transporting, shipping or receiving a firearm prior to transferring a firearm.
- Licensee failed to obtain a complete and valid form of identification, as defined in 27 CFR 478.11.
- Licensee failed to date the ATF Forms 4473 on the day the firearm was transferred.
- Licensee failed to completely and accurately identify the firearm to be transferred.

Each instance was outlined in a separate spreadsheet that IOI (b) (6) provided to the licensee (**Exhibit 7- Copy of detailed list of ATF Forms 4473 violations**).

Licensee was cited violations per **27 CFR 478.21(a)**, **27 CFR 478.124(c)(1)**, **27 CFR 478.124(c)(3)(i)**, **27 CFR 478.124(c)(3)(iv)**, **27 CFR 478.124(c)(5)**, and **27 CFR 478.124(c)(4)**. See Violations Section below.

Due to the licensee not filing his ATF Forms 4473 in any organized matter and having no A&D Record to use as a reference, as well as the licensee initially missing 33 ATF Forms within the past 60 days from the stack of forms he provided the IOIs, IOI (b) (6) was not confident that she has reviewed all ATF Forms 4473 that were completed during the inspection period. Based on the number of 4473s provided to the IOIs for review, as well as the number of firearms in inventory, it is estimated that during the inspection period the licensee acquired (b)(4) firearms and disposed of (b)(4)

During the course of the interview, the IOIs asked Roy Kelly to explain his standard operating procedure as it pertains to his ATF Forms 4473s. Roy Kelly stated to the IOIs that he had his own filing system and thought he knew where everything was. Mr. Kelly stated that the business grew faster than he expected and he could not keep up with the paperwork. Mr. Kelly further explained that when the NYS Police requested his records for the stolen firearm that was sold to him, he realized he needed to get his records in order. Since approximately September 2016, his daughter in law, Jolynn Kelly, has been organizing his ATF Forms 4473s in chronological order. Mr. Kelly also stated that going forward, his son and daughter in law are going to review all ATF Forms 4473 for errors at the end of the day.

6 - Multiple Sales

Per the Violent Crimes Analysis Branch (VCAB) Report the licensee had no report of multiple sales (**Exhibit 8- Copy of VCAB Report**). A review of the licensee's records by IOIs (b) (6) disclosed that the licensee had (b)(3) unreported multiple sales (**Exhibit 9- copies of ATF 4473s with multiple sales**). A total of (b)(3) handguns were involved. The license filled out and filed ATF Forms 3310.4, Multiple Sales

Report as required (**Exhibit 10- Copies of Multiple Sales Report**). A violation was cited for **27 CFR 478.126a**, See Violations Section below.

7 - Suspicious/Prohibited Purchasers

IOI (b) (6) queried criminal histories of four firearm purchasers who appeared to be prohibited at the time of transfer. There were no positive hits for any of the purchasers in NCIC.

8 - Trace Activity

IOI (b) (6) requested a trace report which disclosed the licensee had ^{DOCS} successful trace request during the inspection period (**Exhibit 8- Copy of VCAB Report**). During the onsite inspection, the licensee was contacted by the tracing center and successfully completed another trace.

A secondary market analysis and sample of NCIC/LEAD query on 6 used firearms was performed; results disclosed no stolen firearms or trafficking

9 - NFA/Importer/Collector/Manufacturer

Licensee is not an importer, collector, or manufacturer and does not deal in NFA firearms.

10 - Referrals

No referrals were generated from this inspection.

11 - Other

While preparing this report, IOI (b) (6) discovered that the number of instances cited in violation 27 CFR 478.21(a) and 27 CFR 478.124(c)(1) were incorrect. IOI (b) (6) corrected the number or instances and clarified the corrective action on the Report of Violations (ROV). IOI (b) (6) mailed Roy Kelly a corrected copy of the ROV.

No other pertinent information was discovered during the course of this inspection.

12 - Closing Actions

On January 12, 2017, at the conclusion of the inspection, IOI (b) (6) conducted a closing conference with Roy Lee Kelly and issued him a Report of Violation along with detailed list of 4473 violations worksheet (**Exhibit 7**). Once all violations were reviewed, Roy Kelly signed the ROV as proof of his receipt (**Attachment- Copy of Signed Report of Violations**). IOI (b) (6) then reviewed the firearms regulations with Roy Kelly per the Acknowledgement of Federal Firearms Regulations Form. Roy Kelly certified receipt by signing the Acknowledgment of Federal Firearms Regulations Form (**Exhibit 11- Copy of Signed Acknowledgement**).

13 - Violations

1. 27 CFR 478.121(c)

Violation

The License failed to properly maintain records of shipment, receipt, sale or other disposition of firearms. The Licensee did not have Acquisition & Disposition Records for firearms in inventory.

Licensee's Response

The Licensee stated that he got overwhelmed with the business so he did not get a chance to enter the acquisition or disposition of firearms in an A&D Record.

Corrective Action

Licensee entered the acquisition of (b) (6) firearms in inventory into an Acquisition & Disposition (A&D) record. Licensee was reminded he must maintain such records of shipment, receipt, sale, or other disposition, whether temporary or permanent, of firearms and such records of the disposition of ammunition as the regulations contained in this part prescribe. Section 922(m) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain any such record.

Reference Attachment and Exhibit 5

2. 27 CFR 478.121(a)

Violation

The License failed to retain records pertaining to firearms transactions on the licensed premises in the manner prescribed by this subpart and for the length of time prescribed by § 478.129. Licensee could not produce Acquisition & Disposition Records prior to 2015.

Licensee's Response

The licensee stated that he accidentally burned his A&D record in a fire while burning old paperwork on his property a few years ago. Mr. Kelly further stated that he didn't

realize that his A&D Record was missing until the New York State Police asked for in June 2015.

Corrective Action

Licensee was reminded that the records pertaining to **firearms** transactions prescribed by this part shall be retained on the licensed premises in the manner prescribed by this subpart and for the length of time prescribed by § 478.129.

Reference Attachment

3. **27 CFR 478.129(b)**

Violation

Licensee failed in ^{(b)(3)(C)} instances to retain and/or maintain ATF Form 4473 as required in 27 CFR 478.129(b). The licensee failed to retain ^{(b)(3)(C)} ATF Form 4473 after a firearm was transferred. The licensee also failed to maintain a separate file for his completed ATF Form 4473 in which a firearm was not transferred.

Licensee's Response

The licensee stated that he did not have a good filing system for the ATF Forms 4473 so he must have misplaced the 3 missing forms.

Corrective Action

The licensee was reminded that he must retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition and that Forms 4473 with respect to which a sale, delivery or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order. The licensee created a separate file for his denied and cancelled ATF Form 4473s as required.

Reference Attachment, Worksheet 2 and Exhibit 6

4. **27 CFR 478.21(a)**

Violation

Licensee failed in ^{(b)(3)(A)(i)} instances to obtain a complete and accurate ATF Form 4473 prior to transferring a firearm to an unlicensed person.

Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

Licensee's Response

Licensee stated that he did not review the ATF Forms 4473 as well as he should have. The licensee stated that going forward, his son and daughter in law will review all the ATF Forms 4473 completed that day at the end of the day.

Corrective Action

The licensee was reminded that all of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form.

Reference Attachment, Worksheet 2 and Exhibits 7 & 12

5. **27 CFR 478.124(c)(1)**

Violation

Licensee failed in (b)(3)(F)(i) instances to obtain a complete and accurate ATF Form 4473 showing certification by the transferee that the transferee is not prohibited from transporting, shipping or receiving a firearm prior to transferring a firearm to an unlicensed person.

Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

Licensee's Response

Licensee stated that he did not review the ATF Forms 4473 as well as he should have. The licensee stated that going forward, his son and daughter in law will review all the ATF Forms 4473 completed that day at the end of the day.

Corrective Action

The licensee was reminded of his obligations to prior to making an over-the-counter transfer of a firearm to a nonlicensee who is a resident of the State in which the licensee's business premises is located, the licensed dealer so transferring the firearm shall obtain a Form 4473 from the transferee showing the transferee's name, sex, residence address (including county or similar political subdivision), date and place of birth; height, weight and race of the transferee; the transferee's country of citizenship; the transferee's INS-issued alien number or admission number; the transferee's State of residence; and certification by the transferee that the transferee is not prohibited by the Act from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm which has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

Reference Attachment, Worksheet 2 and Exhibits 7 & 13

6. **27 CFR 478.124(c)(3)(i)**

Violation

Licensee failed in [REDACTED] instances to record a valid form of identification, as defined in 27 CFR 478.11.

Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

Licensee's Response

The licensee stated that he thought law enforcement officers identification was a sufficient form of identification.

Corrective Action

The licensee was reminded that a valid form of identification must be issued by the Government, and contain the individual's name, address, date of birth and photo.

Reference Attachment, Worksheet 2 and Exhibits 7 & 14

7. **27 CFR 478.124(c)(3)(iv)**

Violation

Licensee failed in [REDACTED] instances to obtain accurate and complete ATF Form 4473 prior to transferring a firearm to an unlicensed person.

Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

Licensee's Response

Licensee stated that he did not review the ATF Forms 4473 as well as he should have. The licensee stated that going forward, his son and daughter in law will review all the ATF Forms 4473 completed that day at the end of the day.

Corrective Action

The licensee was reminded that he must comply with the requirements of § 478.102 and record on the form the date on which the licensee contacted the NICS, as well as any response provided by the system, including any identification number provided by the system.

Reference Attachment, Worksheet 2 and Exhibits 7 & 15

8. **27 CFR 478.124(c)(5)**

Violation

License failed in (b)(3) instances to date the ATF Form 4473s on the day the firearm was transferred.

Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

Licensee's Response

Roy Kelly stated that he must have looked at the date that the purchaser certified and used that date by accident. Roy Kelly also stated to the IOIs that he must have gotten busy and forget to date the forms that had item 34 and 35 blank.

Corrective Action

The licensee was reminded that he must sign and date the form if the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm and transfer the firearm described on the Form 4473.

Reference Attachment, Worksheet 2 and Exhibits 7 & 16

27 CFR 478.124(c)(4)

9. Violation

Licensee failed in (b)(3) instances to completely and accurately identify the firearm to be transferred by listing on the Form 4473 the name of the manufacture, the type, and/or caliber.

Each instance was outlined in a separate spreadsheet that the IOIs provided to the licensee.

Licensee's Response

Licensee stated that he did not review the ATF Forms 4473 as well as he should have. The licensee stated that going forward, his son and daughter in law will review all the ATF Forms 4473 completed that day at the end of the day.

Corrective Action

The licensee was reminded he must identify the firearm to be transferred by listing on the Form 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm.

Reference Attachment, Worksheet 2 and Exhibits 7 & 17

10.

27 CFR 478.126a

Violation

Licensee failed in [REDACTED] instances to file an ATF 3310.4, Multiple Sales Report as required in 27 CFR 126a.

Licensee's Response

Licensee stated that he thought he had to file the report when he sold more than two handguns to the same person in one transaction.

Corrective Action

The licensee was reminded that he must prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. The licensee submitted ATF Forms 3310.4, Multiple Sales Report as required.

Reference Attachment, Worksheet 2 and Exhibits 8 & 9

11.

27 CFR 478.124(b)

Violation

Licensee failed to maintain ATF Forms 4473 in alphabetical, chronological or numerical order.

Licensee's Response

Licensee stated that his firearms business grew much faster than he expected and he couldn't keep up with the paperwork.

Corrective Action

Licensee was reminded that a licensed dealer must retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order, and as a part of the required records, each Form 4473 obtained in the

course of transferring custody of the firearms. Licensee organized his ATF Forms 4473s in chronological order.

Reference Attachment

X

Industry Operations Investigator

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