

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Moss Pawn, LLC Moss Pawn Shop 6382 Old Dixie Road Jonesboro, GA 30236, Clayton		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 760560-2016-0134-B1B		
6. ATF OFFICER(S) ASSIGNED (b)(6) - Assigned Investigator (b)(6) - Lead Investigator		3. PERMIT/LICENSE NUMBER 158063028M05521	4a. TARGET DATE 9/23/2016	4b. TARGET HOURS
		5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6), Area Supervisor, 01/20/2016				
8. PURPOSE/SPECIAL INSTRUCTIONS The inspection should be conducted in accordance with the "Firearms Disposition Emphasis Inspection Quick Reference Guide" and the Industry Operations Coding Guidelines.				
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC				
NO. OF VIOLATIONS	2	NO. OF REFERRALS	2	10. TRAVEL EXPENSES (OPTIONAL)
NO. OF TECS CHECKS	90	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) - Acting Area Supervisor Submitted on: 08/12/2016 Violts WL ONLY and No Recall Inspection				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
JUL 2016 9.00				
ATF OFFICER'S SUBTOTAL		9.00 ATF OFFICER'S SIGNATURE		
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
APR 2016 1.00				
JUL 2016 56.00				
AUG 2016 38.00				
ATF OFFICER'S SUBTOTAL		95.00 ATF OFFICER'S SIGNATURE		
TOTAL HOURS		104.00		

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	3. PERMIT/LICENSE NUMBER 158063028M05521	4a. TARGET DATE 9/23/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

A Warning Letter is issued based on the fact that the FFL failed to conduct a new NICs check after 30 days of the initial check being made and before the transfer of the firearm, in violation of 27 CFR 478.102(c).

Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

DDMITCHEL2 - Director, Industry Operations



REVIEW DATE

09/07/2016

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 Moss Pawn, LLC Moss Pawn Shop	Street Address 6382 Old Dixie Road	City Jonesboro	State GA	Zip Code 30236-	County Clayton	Page 1 of 1 Pages
License/Permit/Registry Number <i>(If any)</i> 158063028M05521		Expiration Date 12/1/2018	Date(s) or Period of Inspection 07/12/2016 through 08/08/2016			

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:

Failure to record the disposition of (b)(3) firearms in the A&D Record no later than seven days following the date of disposition. Attached is a list of the firearms.

Citation: 27 CFR 478.125(e)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Record the sale or disposition of any firearms not later than seven days following the date of such transaction. The A&D Record shall show the date of the sale or other disposition of each firearm, the name and address of the person to whom the firearm is transferred, or the name and full license number of the person to whom transferred if such person is a licensee. Record the disposition information for each firearm above as required. Report any firearms whose disposition cannot be determined as missing.

Number: 2

Nature of Violation:

Failure to initiate a new NICS check prior to the completion of the transfer of a firearm if the transaction is not completed within 30 calendar days from the date that NICS was initially contacted on (b)(3) occasion. Example: (b)(3) 112 Public Law 55 125 STAT 552 (b)(6).

Citation: 27 CFR 478.102(c)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

A NICS check conducted in accordance with 27 CFR 478.102(a) may be relied upon by the licensee only for use in a single transaction, and for a period not to exceed 30 calendar days from the date that NICS was initially contacted. If the transaction is not completed within the 30-day period, the licensee shall initiate a new NICS check prior to completion of the transfer.

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

Date

Signature and Title of ATF Officer

Date

June 10 2019 Document Production

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For Official Use Only

ATF E-Form 5030 5
Revised April 2005



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Atlanta, Georgia 30345

September 8, 2016

www.atf.gov

760560:(b)(6)

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Mr. Carey Moss and Mrs. Michelle Ott, Responsible Persons
Moss Pawn, LLC
d/b/a Moss Pawn Shop
6382 Old Dixie Road
Jonesboro, Georgia 30236

1-58-063-02-8M-05521

Dear Mr. Moss and Mrs. Ott:

During a recent compliance inspection at your firearms business covering the period July 11, 2015 to July 10, 2016, you were cited for violations of 27 Code of Federal Regulations, Part 478. A copy of the Report of Violations, Form 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Investigator. You indicated that you understood the requirements of the firearms laws and regulations. You further indicated that corrective actions would be taken to eliminate future violations.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing effort to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business. This is critical to carrying out our mission to protect the public and ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area, and we look forward to continuing to work with you in that regard.

You are reminded that retention of your Federal Firearms License is conditioned upon your compliance with Federal laws and regulations. Any future violations, either repeat or otherwise, could be viewed as

Mr. Carey Moss and Mrs. Michelle Ott, Responsible Persons
Moss Pawn, LLC
d/b/a Moss Pawn Shop

willful and may result in the revocation of your license. Please ensure that future compliance is achieved.

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

Should you have any questions regarding this matter, please contact me at (b) (6).

Sincerely yours,

(b)(6)

Acting Area Supervisor, Atlanta VIII (IO)

Enclosure

c: DIO, Atlanta Field Division
Federal Firearms Licensing Center

FIREARMS INSPECTION REPORT

Name: Moss Pawn, LLC
Trade Name: Moss Pawn Shop

UI#: 760560-2016-0134-B1B
FFL#: 1-58-063-02-8M-05521

Address: 6382 Old Dixie Road
Jonesboro, Georgia 30236 (Clayton County)

1 - Introduction

Inspection Profile:

On July 11 -15, 18, and 25, August 1 and 8, 2016, Industry Operations (IO) Investigator (b)(6) conducted a DE Firearms compliance inspection on the above listed Federal Firearms License (FFL.) IO Investigator (b)(6) and ATF Intern (b)(6) assisted with the inspection. Mrs. Regina Michelle Moss Ott, Responsible Person, was present for the majority of the inspection. Mrs. Ott was identified by Georgia Driver's License number (b)(6), which expires January 30, 2021. Mr. Carey Moss, Responsible Person, was present for some of the inspection. The period of the inspection was from July 11, 2015 through July 10, 2016. Advance notification of the inspection was not given to the licensee per current Bureau policy. Area Supervisor (b)(6) provided advance notification of the inspection via email to the Atlanta Field Division Special Agent Group Supervisors. No information concerning ongoing criminal investigations was provided to IO Investigator (b)(6) from the Atlanta Field Division Special Agent Group Supervisors. IO Investigator (b)(6) queried the Federal Licensing System (FLS) for Special Attention Flags (SAF) and queried N-Force to determine if the inspection would compromise any ongoing investigation. No derogatory information was disclosed.

Business Profile:

Moss Pawn, LLC operates a pawn shop and retail firearms sales shop at the premises. The premises is located in a commercial district of suburban Jonesboro, Georgia. The licensee acquired approximately (b)(3) 112 F05 firearms (approximately (b)(3) 112 F05 handguns, (b)(3) 112 F05 long guns and (b)(3) 112 F05 receivers) in the past twelve months. The licensee disposed of approximately (b)(3) 112 F05 firearms (approximately (b)(3) 112 F05 handguns, (b)(3) 112 F05 long guns, and (b)(3) 112 F05 receivers) in the past twelve months. The licensee sells all firearms either at retail or transfers them as pawn redemptions. The licensee acquires approximately 60% new and 40% used firearms. The primary suppliers are: individuals, (b)(4). Mrs. Ott stated that they do not attend gun shows. The licensee does conduct internet sales, using both www.gunbroker.com and their own website www.mosspawnandguns.com. There are no other businesses on the premises. The licensee does not operate any other businesses. The licensee has another FFL for their gunsmithing business, 1-58-063-01-7E-10173, and a Special Occupational Tax (SOT) Stamp, (b)(3) 26 USC § 6103. The licensee has a Clayton County Business

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License, number 1855, which expires December 31, 2016. There are no zoning restrictions concerning firearms sales from commercial locations in Jonesboro, Georgia. The licensee has held this license since 2009. There is no off-site storage of firearms.

Ownership and Control:

The licensee is a limited liability company (LLC) registered with the State of Georgia on December 15, 2008, control number 08092193. There have been no unreported changes to the LLC. No hidden ownership is suspected. The responsible persons are correctly shown. There are no necessary changes and/or corrections to the FLS database.

Variance:

The licensee does not have a variance with ATF. No variance was requested during the inspection. The licensee maintains a computerized Acquisition and Disposition Record. Mrs. Ott stated that she is aware of the requirements to follow ATF Ruling 2016-2.

2 - Recommendation

Violations. Warning Letter Only and No Recall Inspection.

3 - Inspection History

This is the first compliance inspection on the license. The following is the inspection history:

Date of Inspection:	August 5, 2009
Type of Inspection:	Qualification New Onsite
UI#:	771060-2009-0036-B1B
Inspection Results:	Approve Original
Cited Violations:	None

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

On July 12-15 and 18, 2016, a full physical firearms inventory was conducted. There were (b)(3) 112 F008 firearms in the physical inventory, inclusive of 140 NFA firearms. There were (b)(3) 112 F008 open entries in the A&D Record. The firearms found in the physical inventory were compared to the open entries in the computerized A&D Record. After this review, it was determined that there were (b)(3) 112 F008 firearms that were unaccounted for. The following is a summary of the inventory reconciliation:

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- (b)(3) 112 Pub
- (b)(3) 112 Pub
- (b)(3)
- (b)(3) 112
0
- Open entries in the A&D Record
Firearms found in the physical inventory
Open entries to account for
Firearms sold on ATF Forms 4473 or transferred to FFLs and not logged out
Firearms reported missing

On July 18, 2016, the licensee was given a list of the (b)(3) 112 Pub firearms that were unaccounted for. The licensee was able to determine that (b)(3) 112 Pub of the firearms were sold on ATF Forms 4473 but were not logged out of the A&D Record as required. The licensee was also able to determine that (b)(3) 112 of the firearms were transferred to other FFLs and not logged out of the A&D Record as required. The following is a list of the thirty firearms:

#	Manufacturer/ Importer	Model	Serial Number	Type	Calibe r/ Gauge	Date Disposed	Nature of Violation
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(b)(3) 112 Public Law 55 125 STAT 552

FIREARMS INSPECTION REPORT

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



FIREARMS INSPECTION REPORT

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



Copies for line numbers 8 and 20 were inadvertently not obtained. On August 8, 2016, IO Investigator (b)(6) verified that all thirty firearms were logged out of the A&D Record as required. The licensee was cited in violation of 27 CFR 478.125(e).

Reference ATF EF 5030.5, Report of Violations, Violation Number 1; Worksheet 1; and Exhibit 1.

The licensee submitted (b)(6) theft or loss reports during the inspection period. No theft or loss report was submitted as a result of this inspection. The A&D Record is in the proper format and all the required information is accurate. The disposition entries are not timely made as discussed above, but the acquisition entries are timely made. One hundred forty-five firearms were traced through the licensee's required records from acquisition through disposition with no additional discrepancies found. No obliterated serial numbers or illegal firearms were found.

The licensee stated that the store policy is to log in the firearm upon receipt, before the firearm is placed either out for sale, in the internet transfer area, or in the pawn room. A computerized label is printed with the firearm's identifying information, the gun log number and the date acquired. The licensee stated that the computerized A&D Record should record all dispositions of firearms immediately upon the sale taking place. Mrs. Ott stated that they take an inventory at least once a year. IO Investigator (b)(6) suggested a different approach to taking the inventory, involving printing out each A&D Record page that contains an open entry. IO Investigator (b)(6) suggested this

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approach based on the difficulty that the licensee initially had in printing out a complete inventory of firearms in the store. IO Investigator (b)(6) also suggested taking an inventory more than once a year based on the volume of sales.

5 - ATF Forms 4473 – NICS & Other Dispositions

There were 2,852 ATF Forms 4473 on file for the inspection period. All forms were reviewed. During the review of the ATF Forms 4473, IO Investigator (b)(6) found that the licensee did not initiate a new NICS check prior to the completion of the transfer of a firearm when the transaction was not completed within 30 calendar days from the date that NICS was initially contacted on (b)(3) 112 occasion. Purchaser (b)(3) 112 originally completed the ATF Form 4473 on February 16, 2016, a NICS proceed was received on February 17, 2016 but the transfer was not completed until March 26, 2016 with no new NICS check being initiated. The licensee was cited in violation of 27 CFR 478.102(c). **Reference ATF EF 5030.5, Report of Violations, Violation Number 2, Worksheet 2; and Exhibit 2.**

The licensee transferred firearms to other licensees properly. The licensee does not transfer firearms to law enforcement officers unless they complete an ATF Form 4473. The FFL Audit log had 184 proceed, 14 currently open, 3 currently delayed, 101 denied and 6 denied under appeal transactions for the inspection period, for a total of 308 transactions. All transactions were verified with no discrepancies found.

The forms are filed by transferor's transaction serial number. Another store employee reviews the form prior to the completion of the transfer of the firearm. A secondary review of the completed forms is performed once a week. At month end, the forms are bundled together and stored upstairs.

6 - Multiple Sales

There were one hundred nine multiple sales, involving two hundred twenty-five firearms, reported during the inspection period on the Violent Crime Analysis Branch FFL Master Query. There were no unreported multiple sales found during the inspection. The licensee stated that the computerized A&D Record alerts them when a multiple sale has occurred.

7 - Suspicious/Prohibited Purchasers

During the inspection, IO Investigator (b)(6) determined that (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) had purchased (b)(3) 112 Public Law firearms during the inspection period. An OpenFox check on (b)(3) 112 did not disclose any prohibiting information. **Reference Paragraph 10 – Referrals.** It was also determined that (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) had purchased (b)(3) 112 Public Law firearms during the inspection period. An OpenFox check on (b)(3) 112 did not disclose

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any prohibiting information. **Reference Paragraph 10 – Referrals.** OpenFox and eTrace queries were conducted on six purchasers in addition to the two listed previously in this paragraph (total of ^(b) purchasers queried), with no hits resulting.

8 - Trace Activity

There were ^{(b)(3) 112 Public Law 55 125 STAT 552} successful traces within the previous twelve months. There was ^{(b)(3) 112} unsuccessful trace within the previous twelve months. IO Investigator ^{(b)(6)} obtained the ATF Form 4473 for the unsuccessful trace and forwarded the completed trace information to the National Tracing Center on August 11, 2016. The licensee stated that they had already responded to the trace request, and did not understand why it showed as not having been completed. **Reference Exhibit 3.** ^{(b)(3) 112 Public Law 55 125} firearms, inclusive of ^{(b)(3)} secondary market firearms, were traced through NCIC and eTrace with no hits resulting. No discrepancies were found.

9 - NFA/Importer/Collector/Manufacturer

The licensee does not conduct any Importer, Collector or Manufacturer activities. The licensee does obtain and sell NFA firearms. They have a current SOT Stamp ^{(b)(3) 112 Public Law 55}, which expires June 30, 2017. There were 140 firearms listed on the National Firearm Registration and Transfer Record (NFRTR) for the licensee. There were 140 NFA firearms in inventory. There were no discrepancies found with the NFRTR. All 140 NFA firearms were properly recorded in the A&D Record. The licensee is properly maintaining all forms required for the transfer of NFA weapons.

The licensee inquired about the State Department Directorate of Defense Trade Controls (DDTC) policy guidance published on July 22, 2016. IO Investigator ^{(b)(6)} educated the licensee on the difference between gunsmithing and manufacturing.

10 - Referrals

During the inspection, IO Investigator ^{(b)(6)} determined that ^{(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)} had purchased ^{(b)(3) 112 Public Law 55} firearms, including fifty receivers in ^{(b)(3) 112} transaction, during the period from July 11, 2015 to December 18, 2015. ^{(b)(3) 112 Public Law 55 125 STAT 552} is a former employee of Moss Pawn and also has a YouTube channel under Iraqveteran8888. A referral was made to ATF Criminal Enforcement (CE) for potentially dealing in firearms without a license. **Reference ATF Referral Number 2016-0027.**

It was also determined that ^{(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)} had purchased ^{(b)(3) 112 Public Law 55} firearms, including ^{(b)(3) 112 Public Law 55} receivers in ^{(b)(3) 112} transaction, during the period from July 22, 2015 to December 18, 2015. A referral was made to ATF Criminal Enforcement (CE) for

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potentially dealing in firearms without a license. **Reference ATF Referral Number**

(b)(3) 112 Public Law 59-122
[REDACTED]

11 - Other

No other noteworthy information disclosed.

12 - Closing Actions

On August 8, 2016, IO Investigator (b)(6) held a closing conference at the above listed premises. IO Investigator (b)(6) reviewed the Report of Violations with the licensee, as evidenced by Mrs. Michelle Ott's signature on the form. **Reference ATF EF 5030.5, Report of Violations.** IO Investigator (b)(6) reviewed the Acknowledgement of Federal Firearms Regulations with Mrs. Ott, as evidenced by her signature on the form. **Reference Exhibit 4.** IO Investigator (b)(6) provided the following reference materials: ATF Important phone numbers and ATF P 5380.1, Loss Prevention for Firearms Retailers.

13 - Violations

1. **27 CFR 478.125(e)**

Nature of Violation:

Failure to record the disposition of (b)(3) firearms in the A&D Record no later than seven days following the date of disposition.

Licensee's Response:

The licensee stated that most of these mistakes came from when they switched computer systems. The licensee believes that firearms in the old system were moved into the new system as acquisitions when they should not have been. The licensee stated that they would conduct an inventory more often.

Corrective Action:

Record the sale or disposition of any firearms not later than seven days following the date of such transaction. The A&D Record shall show the date of the sale or other disposition of each firearm, the name and address of the person to whom the firearm is transferred, or the name and full license number of the person to whom transferred if such person is a licensee. Record the disposition information for each firearm above as required. Report any firearms whose disposition cannot be determined as missing.

Worksheets and Exhibits:

Worksheet 1
Exhibit 1

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2. 27 CFR 478.102(c)

Nature of Violation:

Failure to initiate a new NICS check prior to the completion of the transfer of a firearm if the transaction is not completed within 30 calendar days from the date that NICS was initially contacted on [REDACTED] occasion. Example: ATF Form Number [REDACTED].

Licensee's Response:

The licensee stated that she has no idea why her employee let this happen. She stated that they are all aware that NICS checks are only good for 30 days.

Corrective Action:

A NICS check conducted in accordance with 27 CFR 478.102(a) may be relied upon by the licensee only for use in a single transaction, and for a period not to exceed 30 calendar days from the date that NICS was initially contacted. If the transaction is not completed within the 30-day period, the licensee shall initiate a new NICS check prior to completion of the transfer.

Worksheets and Exhibits:

Worksheet 2
Exhibit 2

X

Industry Operations Investigator

Index of Worksheets and Exhibits

WORKSHEETS

- 1 – Inventory discrepancies
- 2 – ATF Form 4473 discrepancies

EXHIBITS

- 1 – Copies for Violation Number 1
- 2 – Copies for Violation Number 2
- 3 – Completed trace
- 4 – Acknowledgement of Federal Firearms Regulations

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