

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

In the matter of:

- The application for license as a/an _____, filed by:
or
 License Number 5-75-337-01-2K-40839 as a/an
Dealer in Firearms Other Than Destructive Devices, issued to:

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

A F Luke Enterprises, Inc. d.b.a. Ace Hardware
310 West Highway 82, Nocona, Texas 76255, Montague County

Notice is Hereby Given That:

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

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

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

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

Date 01/24/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official Kristen N. Moore, Acting Director of Industry Operations	Signature <i>Kristen N. Moore</i> Digitally signed by Kristen Moore Date: 2022.01.24 13:44:28 -06:00
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I certify that, on the date below, I served the above notice on the person identified below by:

- Certified mail to the address shown below.
Tracking Number: 2019 297000017136 4940 Or Delivering a copy of the notice to the address shown below.

Date Notice Served <u>1/24/22</u>	Title of Person Serving Notice <u>Investigative Analyst</u>	Signature of Person Serving Notice (b)(6)
Print Name and Title of Person Served		

Address Where Notice Served
310 West Highway 82, Nocona, TX 76255

Note: Previous Edition is Obsolete

Page 2 – ATF Form 5300.13, Final Notice of Denial of Application, Revocation,
Suspension and/or Fine of Firearms License


AF Luke Enterprises, Inc. dba Ace Hardware, 310 West Highway 82, Nocona, Texas 76255 (Licensee), holds Federal firearms license 5-75-337-01-2K-40839 as a dealer in firearms other than destructive devices issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

On December 17, 2021, ATF issued a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4) (Notice to Revoke) advising the Licensee that ATF intended to revoke its License. The Notice to Revoke was served upon the Licensee via certified mail, return receipt requested, on December 31, 2021. The Notice to Revoke alleged that the Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. The Notice to Revoke further specified that if the Licensee wished to challenge the revocation, it [he/she] may file a request with ATF for a hearing “within 15 days after receipt of this notice.” See 18 U.S.C. § 923(f)(2); 27 C.F.R. § 478.73(b).

Although the Notice to Revoke was served upon the Licensee on December 31, 2021, no request for hearing was filed with ATF within 15 days of the date on which the Notice was served.

For the reasons set forth in the Notice to Revoke or Suspend License and/or Impose a Civil Fine issued on December 17, 2021, the Federal firearms license held by AF Luke Enterprises, Inc. dba Ace Hardware is hereby REVOKED.

Dated this 24th day of January, 2022.

 Digitally signed by Kristen Moore
Date: 2022.01.24 13:11:52 -06'00'

Kristen Moore
Acting Director, Industry Operations
Dallas Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
United State Department of Justice