

**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 5-75-357-07-4F-14049 as a/an  
Manufacturer of firearms of firearms other than destructive devices, issued to:

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

Gerald Leslie Galpin  
DBA: Garry's Guns and Training  
991 Loggins Trail  
Poolville, Texas 76487

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 2501 S. State Hwy 121 Business, Suite 300A, Lewisville, Texas 75067

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	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
10/31/2022	Krissy Carlson, Director, Industry Operations, Dallas Field Division	<i>Krissy Carlson</i>

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: 7009-1410-0002-1004-1794

Or

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

Date Notice Served	Title of Person Serving Notice	<b>(b)(6)</b>
11/1/2022	INVESTIGATIVE ANALYST	
Print Name and Title of Person Served		
GERALD LESLIE GALPIN		
Address Where Notice Served		
991 LOGGINS TRAIL POOLVILLE, TX 76487		

Note: Previous Edition is Obsolete

### **Background**

Gerald Leslie Galpin (“Licensee”) holds Federal firearms license 5-75-357-07-4F-14049 as a manufacturer 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, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478 (collectively “GCA”) as described herein.

On August 16, 2022, ATF issued a Notice to Revoke or Suspend License and/or Impose a Civil Fine, ATF Form 4500 (5300.4) (“Notice to Revoke”) to Licensee. On August 26, 2022, Licensee timely requested a hearing on that Notice.

The hearing occurred on September 22, 2022, at ATF’s Dallas Field Division Office. ATF Director, Industry Operations (“DIO”), Dallas Field Division, Krissy Carlson conducted the hearing. ATF was represented by Staff Attorney (b)(6) ATF Industry Operations Investigator (b)(6) appeared as a witness on behalf of the Government. ATF Area Supervisor (b)(6) was present for observational purposes only. Licensee attended the hearing and represented himself. Court reporter (b)(6) attended the hearing and transcribed the proceedings. Both the Government and Licensee offered testimony and exhibits at the hearing. The testimony and exhibits introduced at the hearing constitute the record in this proceeding.

### **Findings of Fact**

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

1. ATF first issued a Federal firearms license to Licensee in 2018. Subsequently, ATF conducted compliance inspections of Licensee in 2018 and 2021 and issued a Report of Violations to Licensee following each of the compliance inspections. The laws and regulations issued under the GCA were reviewed with Licensee as a part of a 2018 qualification inspection and during both compliance inspections as evidenced by his signature on Acknowledgement of Federal Firearms Regulations forms dated October 17, 2018, and January 19, 2021.
2. As a result of the 2018 compliance inspection, Licensee attended a warning conference with then-ATF Area Supervisor (b)(6) occurred on November 14, 2018. At the warning conference, the violations cited from the related inspection and proposed corrective action were reviewed with Licensee. Following the warning conference, ATF sent a letter to Licensee stating, “future violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license.”
3. As a result of the 2021 inspection, Licensee attended a warning conference with DIO Carlson on February 24, 2021. At the warning conference, the violations cited from the related inspection and proposed corrective action were reviewed with Licensee. Following the warning conference, ATF sent a letter to Licensee again advising that

“future violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license.”

4. On May 31, 2022, ATF initiated a compliance inspection of Licensee. The violations uncovered during that inspection formed the basis of the Notice to Revoke in this case. Specifically, the Notice to Revoke alleged Licensee willfully:
  - Transferred a firearm other than a rifle or a shotgun to a person not licensed by the GCA and whom Licensee knew or had reasonable cause to believe did not reside in the state in which Licensee’s place of business or activity is located in violation of 18 U.S.C. § 922(b)(3) and 27 C.F.R. § 478.99(a).
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  - Transferred a firearm to an unlicensed person without first contacting the National Instant Criminal Background Check System ("NICS") and obtaining a unique identification number and/or waiting three days before allowing the transfer on three (3) occasions, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102.
  - Failed to timely and accurately report the sale or other disposition of two or more pistols and/or revolvers during any five consecutive business days to an unlicensed person on (b)(3) - 112 Public Law occasions in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a.
  - Failed to timely and accurately record the manufacture or acquisition of a firearm on (b)(3) - 112 Public Law 55 125 Stat 552 occasions in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(a).
  - Failed to timely and accurately record the disposition of a firearm on (b)(3) - 112 Public Law 55 occasions in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.123(b).
  - Failed to maintain records of firearms moved from business inventory into his personal collection in violation of 18 U.S.C. § 478.125a.
  - Transferred a firearm to an unlicensed person without recording the transaction on a Firearm Transaction Record, ATF Form 4473, on (b)(3) - 112 Public Law 55 occasions in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(a).
  - Failed to obtain a complete and accurate Firearms Transaction Record, ATF Form 4473, from a transferee prior to making an over-the-counter transfer of a firearm to a non-licensee, on (b)(3) - 112 Public Law occasions in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1).
  - Transferred a firearm to a non-licensee without verifying the identity of the transferee by examining the identification document presented and noting the type on a Firearms Transaction Record, ATF Form 4473, on (b)(3) - 112 Public Law occasion in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(i).

- Transferred a firearm to a non-licensee without recording the date Licensee contacted the National Instant Criminal Background Check System ("NICS"), any response provided by the system and/or any identification number provided by the system information on the Firearms Transaction Record, ATF Form 4473, on (b)(3) - 112 Public Law 55 1 occasions in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv).
  - Failed to completely and/or accurately identify the firearm to be transferred on the Firearms Transaction Record, ATF Form 4473, on (b)(3) - 112 Public Law 55 1 occasions in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(4).
  - Failed to sign and/or date the Firearms Transaction Record, ATF Form 4473, certifying that Licensee does not know or have reason to believe the transferee is disqualified by law from receiving the firearm described on the Form, on (b)(3) - 112 Public Law 55 1 occasions in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(5).
  - Failed to obtain/execute the Firearms Transaction Record, ATF Form 4473, as indicated by the headings on the Form and the instructions on or pertaining to the Form on (b)(3) - 112 Public Law 55 1 occasions in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a).
  - Made false entry in, failed to make appropriate entry in, or failed to properly maintain records required under the Gun Control Act in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.121(c).
5. During the hearing, Licensee admitted that the aforementioned violations occurred but argued that such violations were not committed willfully.
6. After review of the record in this matter, I find that the facts as set forth in the Notice to Revoke occurred. Evidence entered into the record at the administrative hearing revealed that ATF previously cited Licensee with violating a number of the same regulations during both the 2018 and 2021 compliance inspections. In this regard, ATF previously cited Licensee with the following;
- 27 C.F.R. § 478.21(a) – 2018 and 2021 inspections
  - 27 C.F.R. § 478.123(a) – 2018 and 2021 inspections
  - 27 C.F.R. § 478.123(b) – 2018 and 2021 inspections
  - 27 C.F.R. § 478.124(c)(1) – 2018 and 2021 inspections
  - 27 C.F.R. § 478.124(c)(3)(i) – 2018 and 2021 inspections
  - 27 C.F.R. § 478.124(c)(3)(iv) – 2018 and 2021 inspections
  - 27 C.F.R. § 478.124(c)(5) – 2018 inspection

### Conclusions of Law

1. Pursuant to the GCA, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license if the licensee has willfully violated any provision of the GCA or the regulations issued thereunder. 18 U.S.C. § 923(e); 27 C.F.R. § 478.73.
2. For purposes of the regulatory provisions of the GCA, a "willful" violation occurs when a licensee knows of its legal obligations and either purposefully disregards the requirements or is plainly indifferent to them. *Fairmont Cash Mgmt., LLC v. James*, 858 F.3d 356 (5th Cir. 2017); *See also CEW Properties v. DOJ*, 979 F.3d 1271 (10th Cir. 2020); *Taylor v. Hughes*, 548 F. App'x 822 (3rd Cir. 2015); *Borchardt Rifle Corp. v. Cook*, 684 F.3d 1037, 1043 (10th Cir. 2012); *Shawano Gun & Loan v. Hughes*, 650 F.3d 1070 (7th Cir. 2011); *General Store, Inc. v. Van Loan*, 560 F.3d 920 (9th Cir. 2009); *American Arms, Int'l v. Herbert*, 563 F.3d 78 (4th Cir. 2009); *Armalite, Inc. v. Lambert*, 544 F.3d 644 (6th Cir. 2008); *On Target Sporting Goods, Inc. v. Attorney General*, 472 F.3d 572 (8th Cir. 2007); *Willingham Sports, Inc. v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, 415 F.3d 1274, 1276 (11th Cir. 2005). *See also Bryan v. United States*, 524 U.S. 184, 197-98 (1998).
3. Having established that Licensee violated the GCA and the regulations issued thereunder, it must be determined whether such violations were willfully committed. For the reasons stated below, I conclude that Licensee's conduct constitutes willful violations.
4. The evidence and testimony presented at the hearing reveals that Licensee understood the requirements concerning transfers of firearms to out-of-state residents, conducting background checks prior to transferring a firearm to an unlicensed person, reporting multiple handgun sales, proper completion of firearm acquisition and disposition records, and properly executing ATF Forms 4473. In this regard, ATF cited Licensee with similar violations as a result of the 2018 and 2021 compliance inspections, discussed those violations with Licensee following those inspections, and reviewed the applicable laws and regulations with Licensee during the application inspection and the two compliance inspections. In addition, Licensee attended two warning conferences with ATF which addressed the violations uncovered during the compliance inspections and proposed corrective actions. Significantly, ATF advised Licensee on numerous occasions both in person and in writing that future violations, repeat or otherwise, could result in revocation. During the hearing, Licensee admitted he received prior Reports of Violations from ATF, attended multiple warning conferences, been educated by ATF, provided corrective actions during the warning conferences intended to address the violations, and acknowledged the repeat nature of several of the current violations.
5. Despite the fact that Licensee understood his responsibilities under the GCA, the evidence reveals that he was plainly indifferent to, or purposefully disregarded the firearms laws and regulations. However, while I find that Licensee unlawfully transferred a firearm other than a rifle or shotgun to (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (Notice to Revoke, ¶ 1); transferred a firearm (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

unlicensed person, without asking her to provide sufficient identification documents (Notice to Revoke, ¶ 9); and failed to properly execute the Form 4473 for (b)(3) - 12 PUBLIC LAW 55-12 (b)(3) - 112 Public Law 55-12 (Notice to Revoke, ¶ 14), I conclude that these violations do not rise to the level of willfulness required for revocation. By contrast, I conclude that Licensee willfully committed each of the remaining violations set forth in the Notice to Revoke.

6. As such, I conclude that Licensee willfully violated the provisions of the GCA and the regulations issued thereunder. Accordingly, as provided by 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, the Federal firearms license held by Gerald Leslie Galpin is hereby REVOKED.

Dated this 31 day of October, 2022.

*Krissy Carlson*

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Krissy Y. Carlson  
Director, Industry Operations  
Dallas Field Division  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
United States Department of Justice