

**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 1-62-149-02-2H-00567 as a/an
Dealer in Firearms, Including Pawnbroker, Other than Destructive Devices, issued to:

Name and Address of Applicant or Licensee (Show number, street, city, state and Zip Code)
Harrison's, Inc.
DBA Lavergne Pawn and Jewelry
173 Stones River Road
Lavergne, TN 37086

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 302 Innovation Drive, Suite 300, Franklin, TN 37067

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
07/21/2022	Steven A. Kolb, Director, Industry Operations	

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

Certified mail to the address shown below.
Tracking Number: 7017268000082170557

Or

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

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
07/21/2022	Executive Assistant	(b)(6)

Print Name and Title of Person Served	Signature of Person Served
Ronald Harrison	

Address Where Notice Served
173 Stones River Road, Lavergne, TN 37086

Note: Previous Edition is Obsolete

Background

Harrison's Inc. doing business as LaVergne Pawn and Jewelry, located at 173 Stones River Road, LaVergne, Tennessee 37086 (hereinafter, the "Licensee"), holds Federal firearms license number 1-62-149-02-2H-00567, as a dealer, including pawnbroker, 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 September 27, 2021, ATF conducted a compliance inspection at Licensee's premises. As a result of that inspection, on February 28, 2022, ATF issued a Notice to Revoke or Suspend License and/ or Impose a Civil Fine, ATF Form 4500, to Licensee. By letter dated March 4, 2022, Licensee timely requested a hearing to review that Notice.

The hearing was held on May 24, 2022, at the ATF Nashville Field Division Office in Franklin, Tennessee. The hearing was conducted by ATF Director of Industry Operations (DIO) Steven Kolb. ATF was represented by ATF Attorney (b)(6) ATF Industry Operations Investigator (IOI) (b)(6) appeared as a witness on behalf of the Government. Licensee's responsible person Ronald Harrison was present at the hearing and represented Harrison's Inc. doing business as LaVergne Pawn and Jewelry. The hearing was recorded and transcribed by the Government through a court reporter service. Both sides offered testimony. The Government offered 66 exhibits. The testimony, transcript, and exhibits introduced at the hearing constitute the complete administrative 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 2001.
2. In 2008, an ATF IOI conducted a compliance investigation of Licensee and cited Licensee with four regulatory violations, with multiple instances of each violation, including failure to properly record acquisition and disposition information in violation of 27 C.F.R. § 478.125(e). As part of that inspection, the ATF IOI also reviewed relevant Federal firearms laws with Licensee. Among the items covered by the IOI were the requirements related to background checks, multiple sales, ATF Form 4473, and acquisition and disposition records. Licensee signed an Acknowledgment of Federal Firearms Regulations form indicating that ATF explained the information listed on the form related to firearms law and regulations. (See Government Exhibit 10). As a result of the 2008 inspection, Licensee (specifically, responsible person and President Ronald Harrison) received a warning letter from ATF in which violations and proposed corrective actions were reviewed. In the warning letter, ATF stated "any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license." (See Government Exhibit 11).
3. In 2009, an ATF IOI conducted a compliance investigation of Licensee and cited Licensee

with eight regulatory violations, with multiple instances of each violation, including failure to properly record acquisition and disposition information in violation of 27 C.F.R. § 478.125(e) and failure to properly record background check information on the ATF Form 4473 in violation of 27 C.F.R. § 478.124(c)(3)(iv). The ATF IOI also reviewed relevant Federal firearms laws with Licensee. Among the items covered by the IOI were the requirements related to background checks, multiple sales, ATF Form 4473, and acquisition and disposition records. Licensee signed an Acknowledgment of Federal Firearms Regulations form indicating that ATF explained the information listed on the form related to firearms law and regulations. (See Government Exhibit 13). As a result of the 2009 inspection, Licensee (specifically, responsible person and President Ronald Harrison) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. Following the warning conference, ATF sent a letter stating “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.” (See Government’s Exhibit Number 14).

4. In 2010, an ATF IOI conducted a compliance investigation of Licensee and cited Licensee with one regulatory violation with multiple instances of failing to properly record acquisition and disposition information in violation of 27 C.F.R. § 478.125(e). The ATF IOI also reviewed relevant Federal firearms laws with Licensee. Among the items covered by the IOI were the requirements related to background checks, multiple sales, ATF Form 4473, and acquisition and disposition records. Licensee signed an Acknowledgment of Federal Firearms Regulations form indicating that ATF explained the information listed on the form related to firearms law and regulations. (See Government Exhibit 16). As a result of the 2010 inspection, Licensee (specifically, responsible person Mr. Bobbitt) received a warning letter from ATF in which violations and proposed corrective actions were reviewed. In the warning letter, ATF stated “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.” (See Government Exhibit 17).
5. In 2019, ATF IOI (b)(6) conducted another compliance inspection of Licensee and cited Licensee with nine regulatory violations, with multiple instances of each violation, including: failure to conduct a background check in violation of 27 C.F.R. § 478.102; failure to report multiple sales in violation of 27 C.F.R. § 478.126a; failure to properly record background check information on the ATF Form 4473 in violation of 27 C.F.R. § 478.124(c)(3)(iv); and failure to maintain an accurate acquisition and disposition record in violation of 27 C.F.R. § 478.125(e). The ATF IOI also reviewed relevant Federal firearms laws with Licensee. Among the items covered by the IOI were the requirements related to background checks, multiple sales, ATF Form 4473, and acquisition and disposition records. Licensee signed an Acknowledgment of Federal Firearms Regulations form indicating that ATF explained the information listed on the form related to firearms law and regulations. (See Government Exhibit 19). As a result of the 2019 inspection, Licensee (specifically, responsible persons Ronald Harrison and Dorine Marie Zak Farmer) attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. Following the warning conference, ATF sent a letter stating “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.” (See Government Exhibit 20).

6. On September 27, 2021, ATF initiated a compliance inspection of Licensee’s business premises. The compliance inspection resulted in the issuance of a Report of Violations, which identified 11 regulatory violations with multiple instances of each violation. Four of those regulatory violations were included in the Notice of Revocation issued to Harrison’s Inc. doing business as LaVergne Pawn and Jewelry. After presiding over the hearing and reviewing the record in this matter, I find that the facts set forth in the Notice of Revocation occurred.
7. The evidence in the record establishes that Licensee committed the following willful violations:
 - a. On three occasions, Licensee willfully 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, in violation of 18 U.S.C. § 922(t) and 27 C.F.R. § 478.102. See Appendix ¶ 1.

This violation was established by the admitted exhibits and hearing testimony. IOI (b)(6) identified documentary evidence showing that Licensee willfully failed to comply with 27 C.F.R. § 478.102 on three occasions. Specifically, Licensee transferred firearms to the following three unlicensed persons on the following dates, without initiating a new NICS or Tennessee Instant Background Check System (TICS) check:

(b)(6)

On each of these occasions, the transfer of the firearm occurred more than 30 days after the initial NICS/ TICS check was conducted, and Licensee failed to initiate a new NICS/ TICS check prior to completion of the transfer.

IOI (b)(6) testimony established that Licensee's failures to comply with 27 C.F.R. § 478.102 were willful because Licensee was aware of the duty to conduct the requisite background checks before allowing a firearms transfer. During previous inspections, Licensee acknowledged the applicable federal firearms regulations governing licensees, including 27 C.F.R. § 478.102. (See Government Exhibits 10, 13, 16 and 19). Further, Licensee was previously cited with violating 27 C.F.R. § 478.102 during the 2019 compliance inspection. (See Government Exhibit 11). As a result of the 2019 inspection, Licensee attended a warning conference with ATF in which violations and proposed corrective actions were reviewed. Following the warning conference, ATF sent a letter stating “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.” (See Government Exhibit 13). Therefore, the evidence indicates that Licensee clearly demonstrated a purposeful disregard of or a plain indifference to its known legal obligation to comply with 27 C.F.R. § 478.102. IOI (b)(6) testified that the requirement to conduct background checks in compliance with 27 C.F.R. § 478.102 impacts public safety. Licensee failed to offer any explanation for

this violation other than to just say it was a “mistake.”

- b. On (b)(3) occasions, Licensee willfully failed to timely and/or 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, in violation of 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a. See Appendix ¶ 2.

This violation was established by the admitted exhibits and hearing testimony. IOI (b)(6) identified documentary evidence showing that Licensee willfully failed to comply with 27 C.F.R. § 478.126a on (b)(3) occasions. The regulation requires that a report of multiple sales be submitted to ATF and the local law enforcement agency in which the sale took place no later than the close of business on the day the multiple sale occurred. However, Licensee failed to timely report the multiple sales of pistols and revolvers to the following (b)(3) unlicensed persons on the following dates:

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



IOI (b)(6) testimony established that Licensee's failures to comply with 27 C.F.R. § 478.126a were willful because Licensee was aware of the requirements in the regulation. During previous inspections, Licensee acknowledged the applicable federal firearms regulations for licensees, including 27 C.F.R. § 478.126a. (See Government Exhibits 10, 13, 16 and 19). Further, Licensee was previously cited with violating 27 C.F.R. § 478.126a during the 2019 compliance inspection. (See Government Exhibit 18). As set forth above, Licensee attended a warning conference in 2019 during which violations and proposed corrective actions were reviewed.

IOI (b)(6) also testified that compliance with 27 C.F.R. § 478.126a is very important because ATF utilizes multiple sales reports to investigate firearms trafficking. He testified that compliance with 27 C.F.R. § 478.126a impacts public safety.

IOI (b)(6) also testified that responsible person Dorine Farmer told him it was her practice to save all the multiple sales reports and 4473s and submit them at the end of the year. During the inspection, Ms. Farmer told him that “the last IOI did not inform her that the 3310.4s must be submitted by the close of the same business day.” The evidence indicates that Licensee was, in fact, educated on the requirements in 27 C.F.R. § 478.126a multiple times and signed in acknowledgement of those forms. Additionally, the

instructions on the multiple sales form (ATF Form 3310.4) state that the form is to be submitted “no later than the close of business on the day that the multiple sale or other disposition occurs.” (See Government Exhibit 27). The actions by Ms. Farmer demonstrate that the business’s practice was plainly indifferent to the regulation which requires multiple sales reports to be submitted no later than the close of business on the day the multiple sale occurred. Licensee failed to offer any explanation for this violation other than to just say it was a “mistake.”

- c. On ^{(b)(3) - 11} occasions, Licensee willfully transferred a firearm to a non-licensee without recording the date Licensee contacted NICS, any response provided by the system and/or any identification number provided by the system on the Firearms Transaction Record, ATF Form 4473, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix ¶ 3.

This violation was established by the admitted exhibits and hearing testimony. IOI (b)(6) identified documentary evidence showing that Licensee willfully failed to comply with 27 C.F.R. § 478.124(c)(3)(iv) on ^{(b)(3) - 11} occasions. The evidence demonstrated that Licensee willfully failed to record the date Licensee contacted NICS, any response provided by the system and/or any identification number provided by the system on the Firearms Transaction Record, ATF Form 4473 for ^{(b)(3) - 11} different transactions with non-licensees. Specifically, Licensee willfully failed to record the date Licensee contacted NICS, any response provided by the system and/or any identification number provided by the system on the Firearms Transaction Record, ATF Form 4473 to the following ^{(b)(3) - 112} non-licensees on the following dates:

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



IOI (b)(6) testimony established that Licensee's failures to comply with these requirements related to ATF Form 4473 were willful because Licensee was aware of the requirements in the regulation. During previous inspections, Licensee acknowledged the applicable federal firearms regulations for licensees, including 27 C.F.R. § 478.124. (See Government Exhibits 10, 13, 16 and 19). Further, Licensee was previously cited with violating 27 C.F.R. § 478.124(c)(3)(iv) during the 2009 and 2019 compliance inspections. (See Government Exhibits 12 and 18). As set forth above, Licensee attended warning conferences in both 2009 and 2019 during which violations and proposed corrective actions were reviewed. IOI (b)(6) testified that compliance with 27 C.F.R. § 478.124(c)(3)(iv) is important because this documentation shows whether a background check was run and whether a purchaser was prohibited. Licensee failed to offer any explanation for this violation other than to just say it was a "mistake."

- d. On (b)(3) - 112 occasions, Licensee willfully failed to timely and/or accurately record the disposition of firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix ¶ 4.

This violation was established by the admitted exhibits and hearing testimony. IOI (b)(6) identified documentary evidence showing that Licensee willfully failed to comply with 27 C.F.R. § 478.125(e) on (b)(3) - 112 occasions. The evidence demonstrated that Licensee willfully failed to timely and/or accurately record the disposition of the following (b)(3) - 112 firearms:

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

IOI (b)(6) testimony established that Licensee's failures to comply with the requirements related to 27 C.F.R. § 478.125(e) were willful because Licensee was aware of the requirements in the regulations. During previous inspections, Licensee acknowledged the applicable federal firearms regulations for licensees, including 27 C.F.R. § 478.125(e). (See Government Exhibits 10, 13, 16 and 19). Further Licensee was previously cited with violating 27 C.F.R. § 478.125(e) during the 2008, 2009, 201 and 2019 compliance inspections (See Government Exhibits 9, 12, 15 and 18). ATF memorialized the need for improvement with warning conferences (2009 and 2019) and warning letters (2008 and 2011). IOI (b)(6) testified that the requirement to record the disposition of firearms is important because it ensures that ATF can trace firearms that are connected to criminal activity. Licensee failed to offer any explanation for this violation other than to just say it was a "mistake."

Conclusions of Law

Pursuant to the GCA, ATF may, after notice and opportunity for hearing, revoke a Federal firearms license if 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 - 478.74.

For purposes of the regulatory provisions of the GCA, a "willful" violation is committed when Licensee knows of [his/her/its] legal obligations and purposefully disregarded or was plainly indifferent to those requirements. *Armalite v. Lambert*, 544 F.3d 644 (6th Cir. 2008), *Article II Gun Shop, Inc. v. Gonzales*, 441 F.3d 492 (7th Cir. 2006); *Appalachian Resources Development Corporation v. McCabe*, 387 F.3d 461 (6th Cir. 2004); *Procaccio v. Lambert*, 233 Fed. App'x. 554 (6th Cir. 2007); *3 Bridges, Inc. v. United States*, 216 F. Supp. 2d 655, 660 (E.D. Ky. 2002).

The Sixth Circuit has held the term "willfully" within the GCA does not require a showing of a bad purpose. *Appalachian Resources Dev. Corp.*, 387 F.3d 461, 464 (6th Cir. 2004); *Procaccio*, 233 Fed. App'x. 554, 558 (6th Cir. 2007).

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

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

After consideration of all relevant facts and circumstances presented by Licensee and the Government, I find that Licensee willfully violated the GCA.

During the hearing, Licensee did not dispute ATF's determination that Licensee violated the GCA. Responsible person Ronald Harrison asserted that the violations were "mistakes" and that another responsible person, Ms. Farmer, had done the wrong things. Mr. Harrison stated that it was Ms. Farmer's job to go over the laws and regulations with the employees but "she just went bad." When describing his involvement in the business, Mr. Harrison stated that he went to the business approximately every six months and he never reviewed any of the forms associated with the transactions.

Despite Licensee's assertions that the violations were mistakes, I find that there is ample evidence that the violations were committed willfully. During previous inspections, Licensee acknowledged

the applicable federal firearms regulations for licensees. In 2008, 2009, 2010, and 2019, ATF conducted compliance inspections of Licensee; these inspections resulted in a thorough review of all cited violations and any proposed corrective actions. ATF memorialized the need for improvement with warning conferences (2009 and 2019) and warning letters (2008 and 2011). In the written follow-up to the warning conferences and in the warning letters, Licensee (through its responsible person(s)) was told that “any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.”

As for the violations, similar violations had been cited after the most recent 2019 compliance inspection. Additionally, acquisition and dispositions violations had been cited after all four other compliance inspections (2008, 2009, 2010 and 2019).

Despite ATF's numerous attempts to educate Licensee, impress upon it the importance of compliance, and instruct on the need for accurate record keeping, Licensee has continued to be indifferent to its legal obligations under the GCA. This resulted in the public safety risks associated with the transfer of a firearm in violation of NICS/ TICS requirements, the failure to report multiple sales, the failure to properly complete ATF Forms 4473, and the failure to properly record the disposition of firearms. Licensee's history of failing to comply with regulations clearly meets the legal standard for plain indifference of the record keeping requirements necessary to revoke the license.

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. § 478.74, the Federal firearms license held by Harrison's Inc. doing business as LaVergne Pawn and Jewelry is hereby REVOKED.

Dated this 21st day of July 2022.



Steven A. Kolb
Director, Industry Operations
Nashville Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
United States Department of Justice