

**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 6-14-111-01-3J-08044 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)

Thomas M Carpenter, Jr., d/b/a Tom's Taxidermy
7109 Route 209
Wawarsing, New York 12489

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 June 4, 2022.
 - 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 _____, 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 05/18/2022	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official John Curtis, Director, Industry Operations	Signature <i>John Curtis</i>
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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: _____ Or Delivering a copy of the notice to the address shown below.

Date Notice Served 5/23/2022	Title of Person Serving Notice Industry Operations Investigator	(b)(6)
Print Name and Title of Person Served Thomas M Carpenter, Jr.	Signature of Person Served <i>[Signature]</i>	
Address Where Notice Served 7109 Route 209, Wawarsing, New York 12489		

Note: Previous Edition is Obsolete

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6-14-111-01-3J-08044

In the Matter of the Notice to Revoke or Suspend License and/or Impose a Civil Fine (NTR) issued to Thomas Carpenter, d/b/a Tom's Taxidermy, 7109 Route 209, Wawarsing, New York, Federal Firearms License (FFL), number 6-14-111-01-3J-08044, the Director, Industry Operations (DIO) hereby determines that FFL 6-14-111-01-3J-08044 is hereby **REVOKED** effective June 4, 2022.

This Notice provides a summary of my findings and conclusions.

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].

Procedural History

On April 25, 2022, ATF issued the NTR to Thomas Carpenter by certified mail. The NTR was received on April 30, 2022. The NTR informed Carpenter of the basis for the initiation of revocation proceedings and informed him that should he wish to request a hearing, such request must be made in writing and received within 15 calendar days. As of today's date, a request for hearing has not been received.

Findings and Conclusions:

Your business was inspected by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in 2010 and 2011. As a result of the 2010 inspection, you were cited for the following violations of the Gun Control Act (GCA) and implementing regulations:

27 C.F.R. § 478.125(e)	You failed to record in your Acquisition and Disposition ("A&D") record (i) [REDACTED] firearm dispositions, (ii) [REDACTED] firearm acquisitions, and (iii) the type of firearm on [REDACTED] occasions.
27 C.F.R. § 124(b)	You failed to maintain the ATF Firearms Transaction Record ("F. 4473") in alphabetical, chronological, or numerical order on [REDACTED] occasions.
27 C.F.R. § 124(a)	You failed to execute the ATF F. 4473 on [REDACTED] occasions involving [REDACTED] firearms.
27 C.F.R. § 102(a)	You transferred firearms on five occasions without conducting a National Instant Criminal Background Check System (NICS) background check on the transferee.
27 C.F.R. § 478.21(a)	You failed to complete the ATF F. 4473 on [REDACTED] occasions.

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27 C.F.R. § 478.124(c)(1)	You failed to have a purchaser sign and certify the ATF F. 4473 on [REDACTED] occasions.
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As a result of these violations, you were issued a Report of Violations and received instruction and counseling from an ATF Industry Operations Investigator. You subsequently received a letter from ATF reminding you that retention of your FFL is conditioned on compliance with Federal laws and regulations, and that future violations could result in a revocation of your license. On September 1, 2010, you participated in a warning conference with ATF personnel in which the violations were again discussed with you and in which you had an opportunity to ask questions regarding your compliance obligations. You were again reminded that future violations, repeat or otherwise, could result in revocation of your license.

In 2011, you were again inspected by ATF and no violations were discovered, indicating that you were aware your legal obligations under the GCA and implementing regulations, and had the ability to conduct operations in compliance with those obligations.

Notwithstanding these prior warnings and your ability to comply, in June of 2020, you accepted [REDACTED] handguns into your inventory but failed to make an appropriate entry in you Acquisition and Disposition (A&D) record. In November of 2020, when the customer came to retrieve the firearms, you were unable to locate them in inventory, and reported them missing to the local police department.¹ At this time, roughly five months later, you recorded the acquisition of the firearms in your A&D record. This failure to record the [REDACTED] handguns clearly done with plain indifference or a reckless disregard to your known legal obligations.

In March of 2020, when ATF became aware of the loss of inventory, the [REDACTED] firearms were found by a family member. However, when ATF personnel reviewed your records and inventory, [REDACTED] additional discrepancies were found, including [REDACTED] unrecorded dispositions and [REDACTED] unrecorded acquisitions, and [REDACTED] firearms which could not be located in your inventory and for which you were unable to find records of sale. These [REDACTED] firearms were required to be reported missing.

When asked about your record keeping practices, you stated that you would acquire used guns but not always inform your wife so that the entries could be made in the A&D record. Whatever the cause, it is apparent that your poor record keeping practices were the result of plain indifference to a known legal obligation and that they had a significant impact on public safety as you were unable to properly account for the location and disposition of [REDACTED] firearms.

You were also cited for four violations related to the properly conduct a National Instant Criminal Background Check System (NICS) background check, which is a repeat violation from your warning conference in 2010. On [REDACTED] occasion, you added a firearm to a customer's previously completed ATF F. 4473. On one occasion, you transferred a firearm after receiving a

¹ You did not report the loss to ATF, which is required under Federal law.

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"delayed" response from NICS. In the remaining two occasions, you transferred firearms on expired NICS checks. While various explanations were provided during the ATF inspection, none of the explanations excuse the conduct or otherwise negate a finding that the conduct was willful. Here too, I find that you acted with plain indifference or recklessly disregarded a known legal obligation with respect to the transfers.

Lastly, you were cited with three counts of transferring firearms in violation of New York State law by disposing of firearms after receiving a "delayed" NICS response, but without waiting 30 days or until a "proceed" response is received. While you stated to ATF personnel that you did not realize that State law superseded the Federal Brady law, you have been repeatedly informed that you must comply with both State and Federal law. Further, the ATF F. 4473 informs you of the requirement to comply with State law, including with respect to firearms transfers after a "delayed" response. Accordingly, I hereby also find that you acted with plain indifference or recklessly disregarded a known legal obligation with respect to the transfers.

Basis for Revocation

COUNTS ONE AND TWO

(Acquisition and Disposition Record)

1. From on or about June 1, 2020, through on or about November 19, 2020, the dates being approximate and inclusive, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 478.125(e), you failed to maintain your A&D record. You acquired (b)(3)-112 P handguns in June of 2020 but did not enter the acquisition of the handguns into your A&D record until November of 2020, when you believed the (b)(3)-112 P handguns to have been lost or stolen from your premises.

See Appendix A.

2. From on or about March 3, 2020, through on or about March 3, 2021, the dates being approximate and inclusive, in willful violation of 18 U.S.C. §§ 922(m) and 923(g)(1)(A), and 478.125(e), you failed to maintain your A&D record. You failed to record the acquisition of (b)(3)-112 P firearms, failed to properly record the disposition of (b)(3)-112 P firearms, and failed to timely or correctly record the acquisition of (b)(3)-112 P firearm. Due to your failure to properly account for your firearms in the A&D record and other records, you were required to report the loss of (b)(3)-112 P firearms.

See Appendix B.

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COUNTS THREE THROUGH SIX

(Failure to Comply with National Instant Criminal Background Check System (NICS) Check Requirements)

3. On or about July 12, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without, prior to the completion of the transfer, contacting NICS. You transferred (b)(3) - 112 Public Law 55 125 Stat 552

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

4. On or about July 26, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. §§ 478.102(a) and 478.102(c), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without, prior to the completion of the transfer, contacting NICS. You transferred (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) based on an expired NICS check conducted on April 13, 2020, and without conducting a new NICS check prior to the transfer.

5. On or about November 22, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, without, prior to the completion of the transfer, contacting NICS. You transferred (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) without first contacting NICS, contacting NICS thereafter on November 28, 2022.

6. On or about December 1, 2020, in willful violation of 18 U.S.C. § 922(t)(1) and 27 C.F.R. § 478.102(a), you transferred a firearm to a person not licensed as an importer, manufacturer, dealer, or collector under Title 18, United States Code, Chapter 44, after receiving a "Delay" response from NICS, and without waiting three business days or a proceed response from NICS. You transferred (b)(3) - 112 Public Law 55 125 Stat 552 after receiving a "Delayed" response from NICS on November 30, 2020.

COUNTS SEVEN THROUGH NINE

(Transferring a Firearm in Violation of New York State Law)

7. On September 9, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

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approximately 11 days after receiving a response of "Delayed" from NICS (on August 28, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20

8. On October 21, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. ^{(b)(3) - 112 Public Law 55 125 Stat 552}
(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

approximately nine days after receiving a response of "Delayed" from NICS (on October 12, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20.

9. On December 24, 2020, in willful violation of 18 U.S.C. § 922(b)(2), you did sell or deliver a firearm in New York State where the purchase or possession by such person would be in violation of State law applicable to the place of sale, delivery or other disposition. On December 24, 2020, you transferred **(b)(3) - 112 Public Law 55 125 Stat 552**
(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) approximately nine days after receiving a response of "Delayed" from NICS (on December 15, 2020), but without receiving either (i) a "proceed" response from NICS, or (ii) waiting 30 calendar days from the date on which the NICS check was initiated, in violation of New York Penal Law § 400.20.

For these reasons, you have committed willful violations of 18 U.S.C. §§ 922(b)(2), 922(m), 922(t)(1), and 923(g)(1)(A), and 27 C.F.R. §§ 478.102(a) and 478.125(e), and your FFL 6-14-111-01-3J-08044 is hereby **REVOKED** effective **June 4, 2022**.