

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 1-59-103-02-3A-12622 as a/an
pawnbroker in firearms other than destructive devices, issued to:

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

Cash America East, Inc.
d/b/a Cash America Pawn of Palm Harbor #1
36001 US Highway 19N
Palm Harbor, Florida 34684

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 August 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	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
07/06/2022	Aaron R. Gerber, Director, Industry Operations, Tampa Field Division	<i>Aaron R. Gerber</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: 7018 3090 0002 0441 0454 ^{Or}

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

Date Notice Served	Title of Person Serving Notice	Signature
07/06/2022	(b)(6) Division Counsel, Tampa Field Division	<i>for</i> (b)(6)
Print Name and Title of Person Served	Signature	
Cash America East, Inc. d/b/a Cash America Pawn of Palm Harbor #1	(b)(6)	

Address Where Notice Served

36001 US Highway 19N, Palm Harbor, Florida 34684

Note: Previous Edition is Obsolete

**DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**

In the Matter of Revocation for the Federal
Firearms License Under Chapter 44, Title 18,
United States Code, as a Pawnbroker in
Firearms other than Destructive Devices:

FINDINGS AND CONCLUSIONS

Licensee:

TAMPA FIELD DIVISION

Cash America East, Inc.
d/b/a Cash America Pawn of Pawn Harbor #1
36001 US Highway 19N
Palm Harbor, Florida 34684
FFL#: 1-59-103-02-3A-12622

Under the provisions of 18 U.S.C. §§ 923 and 922(t)(5), the Attorney General may, after notice and opportunity for a hearing, suspend for not more than six (6) months or revoke a Federal firearms license, and may impose on the licensee a fine, if the licensee knowingly transferred a firearm to an unlicensed person and knowingly failed to comply with the requirements of 18 U.S.C. § 922(t) with respect to the transfer and, at the time that the transferee most recently proposed the transfer, the National Instant Criminal Background Check System was operating and information was available to the system demonstrating that the transferee's receipt of a firearm would violate 18 U.S.C. §§ 922(g) or 922(n) or State law.

BACKGROUND

The License held by Cash America East, Inc. d/b/a Cash America Pawn of Pawn Harbor #1 ("Licensee"), Federal firearms number 1-59-103-02-3A-12622, is a pawnbroker in firearms other than destructive devices located at 36001 US Highway 19N, Palm Harbor, Florida 34684.

On November 10, 2021, (b)(6) Director of Firearms, Compliance and Training, First Cash (Cash America) contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Tampa Field division (TFD) to advise of a Glock 43, 9x19mm pistol, Serial Number (b)(6) was transferred from Cash America East, Inc. d/b/a Cash America Pawn of Palm Harbor #1, Federal firearms number 1-59-103-02-3A-12622, located at 36001 US Highway 19N, Palm Harbor, Florida 34384 to (b)(6) an unlicensed individual, who received a denial from Florida Department of Law Enforcement which is the Point of Contact Agency for the National Instant Criminal Background Check System for the State of Florida. (b)(6) informed TFD that on November 8, 2021, while reviewing ATF Form 4473s at this premises, upper management discovered the violation. Immediate attempts by the FFL to contact (b)(6) (b)(6) were made to retrieve the firearm.

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FFL#: 1-59-103-02-3A-12622*

On November 9, 2021, at approximately 4:54pm (CST), (b)(6) returned the phone call from (b)(6) at which time she advised him he needed to return the firearm to the store. (b)(6) (b)(6) related that he would return the firearm by 3pm EST on November 10, 2021.

(b)(6) also gave ATF consent to do a compliance inspection. This consent inspection was done by IOI (b)(6) and covered the period from March 30, 2021 until November 15, 2021. IOI (b)(6) started the consent inspection on November 15, 2021 and held a closing conference on November 16, 2021. The only violation found was the single 18 U.S.C. § 922(t)(5) violation that (b)(6) self-reported on November 10, 2021.

ATF was informed that the firearm had been returned to the Licensee by (b)(6) on or about November 13, 2021.

On June 17, 2022, a Notice to Revoke or Suspend License and/or Impose a Civil Fine ATF Form 4500 (5300.4) was sent certified mail to the Licensee at 36001 US Highway 19N, Palm Harbor, Florida 34684 citing a single violation of 18 U.S.C. § 922(t)(5) for the transfer of a Glock 43, 9x19mm pistol, Serial Number (b)(6) to (b)(6) on or about November 7, 2021 after receiving a denial from FDLE.

On June 22, 2022, via electronic mail, (b)(6) informed TFD that the Licensee will be surrendering Federal firearms license 1-59-103-02-3A-12622 issued to Cash America East, Inc. d/b/a Cash America Pawn of Palm Harbor #1 located at 36001 US Highway 19N, Palm Harbor, Florida 34684. (b)(6) requested a stay of revocation until August 4, 2022 to dispose of existing inventory and pawn redemptions.

FINDINGS OF FACT and CONCLUSIONS

FINDINGS OF FACT

Having reviewed the record in this matter, I make the following findings and conclusions:

On or about November 7, 2021, the Licensee knowingly transferred a Glock 43, 9x19mm pistol, Serial Number (b)(6) to (b)(6) an unlicensed person, knowing that the Florida Department of Law Enforcement (FDLE), the State Point of Contact for the National Instant Criminal Background Check System (NICS) in the State of Florida, had provided a unique identification number indicating the receipt of a firearm by (b)(6) would violate subsection (g) or (n) of Section 922 of Title 18 of the United States Code or State law. At the time of the transfer, the NICS system, through FDLE, was operating and information was available to the system demonstrating that receipt of a firearm by (b)(6) would violate subsection (g) or (n) of Section 922 of Title 18 of the United States Code or State law. The NICS system, through the FDLE, advised the licensee on November 7, 2021, that the transfer of the firearm to (b)(6) had been denied/nonapproved, and provided transaction number (b)(6)

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denoting the transaction was nonapproved. Despite the non- approval, the Licensee transferred the firearm to (b)(6) on November 7, 2021.

CONCLUSIONS OF LAW

I find that the record demonstrates that the Licensee's transfer of a Glock 43, 9x19mm pistol, Serial Number (b)(6) to (b)(6) an unlicensed person, after receiving non-approvals from FDLE, the State of Florida's Point of Contact for NICS is a knowing violation of 18 U.S.C. § 922(t)(5).

As such this knowing violation, was performed under the administrative provisions of the Gun Control Act and the licensee is subject to revocation. *Willingham Sports, Inc. v. BATF*, 415 F. 3d 1274, 1277 (11th Cir. 2005); *CEW Props v. United States DOJ*, 979 F. 3d 1271 1279-81 (10th Cir. 2020); *American Arms Int'l v. Herbert*, 563 F. 3d 78, 87-88; *RSM v. Herbert*, 466 F. 3d 316, 321 (4th Cir. 2006); *Simpson v. DOJ, United States*, 913 F. 3d 110, 114 (2019); *Bankston v. Then*, 615 F. 3d 1356, 1366 (11th Cir. 2010).

THEREFORE, Cash America East, Inc. d/b/a Cash America Pawn of Palm Harbor #1 is revoked pursuant to 18 U.S.C. § 922(t)(5), 18 U.S.C. § 923(e), and 27 C.F.R. § 478.73 for the reasons outlined above and set forth in the Notice to Revoke or Suspend License issued on June 17, 2022. The revocation of Federal Firearms License number 1-59-103-02-3A-12622 shall be effective on August 4, 2022.

Dated: July 6, 2022.



Aaron R. Gerber
Director of Industry Operations
Tampa Field Division