FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

No. 12-30235

v.

D.C. No. 2:10-cr-00168-JI.R-1

OLIVER KING, AKA Hamid Malekpour,

Defendant-Appellant.

OPINION

Appeal from the United States District Court for the Western District of Washington James L. Robart, District Judge, Presiding

Argued and Submitted May 9, 2013—Seattle, Washington

Filed November 15, 2013

Before: Sidney R. Thomas and Jacqueline H. Nguyen, Circuit Judges, and Raymond J. Dearie, District Judge.*

Opinion by Judge Nguyen

^{*} The Honorable Raymond J. Dearie, Senior District Judge for the U.S. District Court for the Eastern District of New York, sitting by designation.

SUMMARY**

Criminal Law

Affirming convictions for unlawfully dealing in firearms in violation of 18 U.S.C. § 922(a)(1)(A) and making false statements to customs officials to gain entry into the United States in violation of 18 U.S.C. § 1001, the panel held that with regard to the unlawful dealing charge, the defendant was not entitled to jury instructions requiring the government to prove that the defendant was not acting as an authorized agent of a federal firearms licensee.

Reviewing for plain error, the panel held that there was sufficient evidence to prove that the defendant "engaged in the business" of dealing firearms, as required by § 922(a)(1)(A), and to prove the materiality element supporting the § 1001 convictions.

The panel concluded that the district court did not abuse its discretion in denying the defendant's motion for a new trial.

COUNSEL

Terrence Kellogg, Seattle, Washington, for Defendant-Appellant.

^{**} This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

Michael S. Morgan (argued), Assistant United States Attorney, and Jenny A. Durkan, United States Attorney, United States Attorney's Office, Seattle, Washington, for Plaintiff-Appellee.

OPINION

NGUYEN, Circuit Judge:

Oliver King appeals his convictions for unlawfully dealing in firearms, in violation of 18 U.S.C. § 922(a)(1)(A), and making false statements to customs officials to gain entry into the United States, in violation of 18 U.S.C. § 1001. With regard to his conviction for unlawfully dealing in firearms, King contends that the district court erred in refusing to give his proposed jury instructions, which required the government to prove that King was not acting as an authorized agent of a federal firearms licensee. In an issue of first impression in our circuit, we hold that King is not entitled to such an instruction. Because we also find that King's remaining contentions—that the evidence was insufficient, and that the district court abused its discretion in denying his motion for a new trial—lack merit, we affirm.

BACKGROUND

A. Factual Background

Oliver King, born Hamid Malekpour, is an Iranian-born Canadian citizen and self-described firearms enthusiast. In January 2009, during a flight from Amsterdam to Tehran, King bonded with Amir Zarandi, an Iranian-born United States citizen, over their shared passion for guns.

Although King purportedly ran an ammunition manufacturing business in Vancouver, Canada, he was not permitted to lawfully deal firearms in either the United States or Canada. As a non-immigrant alien, King was ineligible for a license to deal firearms in the United States. He was eligible for a license in Canada, but his license had been revoked. Three months after he and Zarandi met, King invited Zarandi to Vancouver. During the visit, King drove Zarandi to a building where King's company was purportedly located. When Zarandi asked to go inside, King made excuses and did not permit Zarandi to enter. At King's apartment, King showed off his gun collection and introduced Zarandi to his "wife," Rebecca Reznick, whom King claimed to have met when they served together in the Israeli Intelligence. (In fact, she was his girlfriend whom he met on J-date.) Zarandi indicated that he was interested in getting into the firearms business, but didn't know very much about it. King proposed, and Zarandi agreed, to have King do the "legwork" to help Zarandi set up a firearms business in the United States.

In May 2009, King secured a one-room office in McMinnville, Oregon,¹ and incorporated an entity called McMinnville Hunting and Police Supply ("MHPS"). MHPS's articles of incorporation listed King, using the pseudonym "O. Ki," as its registered agent. King paid the incorporation fee and lease with Reznick's credit card.

As support for MHPS's federal firearms license ("FFL") application, Zarandi mailed King copies of his social security

¹ According to Zarandi, King chose McMinnville because it was cheap, close to King's "in-laws," and because King allegedly knew the police chief there.

card and certificate of naturalization. In June 2009, King submitted the application on behalf of MHPS. The application listed Zarandi, identified as the company's CEO, as the sole "responsible person." Approximately two months later, King flew Zarandi to McMinnville to meet with an investigator from the Bureau of Alcohol, Tobacco, and Firearms ("ATF") about the license. During this meeting, Zarandi and King informed the investigator that King would "not be part of the business, that Amir [Zarandi] would solely be the owner/operator of the business."

MHPS's application was subsequently approved and, in October 2009, an investigator contacted Zarandi to inquire as to whether he had received the license. Zarandi said he had not, but indicated that his "consultant" might have. King later contacted the investigator, identifying himself as "Oliver Ki." During the phone call, King repeatedly used the term "we" when referring to MHPS. When the investigator questioned his involvement, King chalked it up to his "broken English," reiterating that he was only a consultant. Weeks passed, and Zarandi still had not heard whether MHPS's license had been approved. So he called King, who said he would look into it. Within a few hours, Zarandi received the license via e-Fax.

² As defined on the application, a "responsible person" is "someone who can control and direct the activities of the firearms license." For corporate applicants, a "responsible person" includes "any individual possessing directly or indirectly the power to direct or cause the direction of management policies and practices of the [business], insofar as they pertain to firearms." *See* Appendix A (Application for Federal Firearms License, Instruction #10). All responsible persons must provide fingerprints, and submit to the background check associated with the license.

According to Zarandi, King was eager to buy guns once the license was secured. Zarandi agreed to order five semi-automatic rifles from LWRC International ("LWRC").³ After this transaction, Zarandi also agreed to let King "use the company" in order to buy items which did not require a federal firearms license, such as optics and scopes.

But King wanted more. Before long, he began purchasing firearms behind Zarandi's back. Unbeknownst to Zarandi. King submitted credit applications on MHPS's behalf to multiple firearms suppliers, providing them with copies of the license on which Zarandi's signature had been forged. On one occasion, King even posed as Zarandi, setting up an email account in Zarandi's name to submit paperwork with forged signature. Using this Zarandi's falsified documentation, King ordered nineteen additional firearms—semi-automatic rifles, pistols, shotguns, and sniper rifles—as well as magazines and thousands of rounds of ammunition

Although there was no evidence that King successfully sold any firearms, ⁴ King offered to procure them for others on at least two occasions. First, he offered to supply a "weapon or gun" to David Potter, the property manager of MHPS's office building, bragging that he could get it at a cheap price. When Potter said he was interested in a "44 mag," King

³ King deposited \$5,000 into MHPS's bank account to pay for these firearms. He also tried to get Zarandi to order another \$20,000 in rifles from LWRC, but they could not obtain enough funding.

⁴ Two of the twenty-four firearms ordered on behalf of MHPS, however, were never located or accounted for. King also sold ammunition and magazines for \$1,700 in cash to a man he arranged to meet in a grocery store parking lot.

replied, "No problem." King also offered to sell David Seward a handgun. After Seward told King that he was interested in a Glock 9mm handgun, King invited Seward into the MHPS office, showed him a Glock that was for sale, and offered it to Seward for about \$500. The sale was never consummated, but Seward subsequently called King to inquire about purchasing three other firearms.

Between May 2009 and May 2010, King entered the United States from Canada on eighteen separate occasions. Fifteen of these times he was referred for secondary inspection.⁵ During his interactions with Customs and Borders Protection ("CBP") officials, King repeatedly lied about his reasons for entering the United States, concealing his firearms-related activities. For instance, on November 8, 2009, King told CBP officers that he was going to meet his father-in-law and wife at a Costco store in Bellingham, Washington. Instead, he drove to MHPS's office in McMinnville, Oregon.

Similarly, on March 15, 2010, King entered the United States after telling a CBP officer that he was going to a nearby Costco to buy a camcorder. ICE agents followed him as he continued to drive south to Marysville, Washington, at which point they discontinued surveillance. The next day, King rented a storage unit in Ferndale, Washington (located approximately twenty minutes from the Canadian border).

⁵ King was subject to heightened scrutiny at border entry points because, in February 2009, his "unclear story" about his intended purpose in the United States, along with his name change and recent travel to Iran, drew the attention of border agents. Following an interview with ICE and FBI agents, officials opened a preliminary investigation and entered King into an ICE database.

His rental paperwork listed MHPS's corporate office as his address of record.

On May 18, 2010, King presented a brand new passport to a CBP officer at a different port of entry, claiming he was heading to Bellingham, Washington, to pick up his wife at Target. However, agents followed him as he drove directly to Oregon, arriving at MHPS's office in McMinnville the next morning. There, they observed King loading several large boxes into his car before driving back north to his U-Haul storage unit.

Agents searched King's vehicle and storage unit and recovered twenty-one firearms, assault-rifle magazines, and ammunition. King's laptop contained a number of incriminating documents, including the following: digital copies of credit applications submitted to firearms dealers on MHPS's behalf that contained Zarandi's forged signature; an unsigned letter from "A. Zarandi" confirming King's employment with MHPS; copies of Zarandi's social security card and certificate of naturalization; articles of incorporation for MHPS; and an unsigned copy of MHPS's federal firearms license.

B. Procedural History

King was indicted on charges of unlawfully dealing in firearms (Count 1); unlawful possession and/or transportation of firearms and ammunition by an alien (Count 2); and three counts of making false statements to a government agency, namely border customs officials (Counts 3–5). Prior to trial, he requested jury instructions that stated, in relevant part, that the government was required to prove King was not acting as an agent "of another person or corporation that did have a

license as a firearms dealer" in order to convict him of unlawfully dealing in firearms. The district court refused to provide these instructions.

Following a six-day trial, a jury convicted King on all five counts. He subsequently appealed. While his appeal was pending, however, the Department of Justice's Office of Legal Counsel ("OLC") issued an opinion that negated the legal theory supporting King's alien-in-possession conviction on Count 2. The government conceded that this conviction could not stand, and we remanded for re-sentencing on the remaining counts.

On remand, King moved for a new trial on the remaining counts under Federal Rule of Criminal Procedure 33(b)(1), arguing, *inter alia*, that the OLC opinion amounted to newly discovered evidence meriting retrial. The district court denied this motion. On July 9, 2012, the court re-sentenced King to an aggregate thirty-month prison term, plus three years of supervised release, for his unlawful firearms dealing conviction in Count 1 and his three false statement convictions in Counts 3–5. This appeal followed.

DISCUSSION

A. Jury Instructions

We turn first to King's contention that the district court erred in rejecting his proposed jury instructions setting forth a purported agency defense to the charge under 18 U.S.C. § 922(a)(1)(A). "A criminal defendant has a constitutional right to have the jury instructed according to his theory of the case, provided that the requested instruction is supported by law and has some foundation in the evidence." *United States*

v. Marguet-Pillado, 648 F.3d 1001, 1006 (9th Cir. 2011) (citations and internal quotation marks omitted). We review de novo whether an instruction is supported by law; we review for abuse of discretion whether it has a foundation in evidence. *United States v. Anguiano-Morfin*, 713 F.3d 1208, 1209 (9th Cir. 2013) (citation omitted).

King's proposed instructions stated, in relevant part, that he could not be convicted of unlicensed firearms dealing unless the government proved that he was not "authorized to act on behalf of another person or corporation that did have a license as a firearms dealer." King sought these instructions so that he could argue to the jury that he was not guilty of unlicensed firearms dealing because he only acted on behalf of MHPS, a licensed corporate entity. We hold that the district court properly refused King's proposed agency instructions.

We begin, as always, with the statutory text. *See United States v. O'Donnell*, 608 F.3d 546, 549 (9th Cir. 2010); *see also United States v. Johnson*, 680 F.3d 1140, 1144 (9th Cir. 2012) ("If the plain meaning of the statute is unambiguous, that meaning is controlling[.]") (citations omitted). Section 922(a)(1)(A) prohibits:

any person . . . except a . . . licensed dealer, to engage in the business of . . . dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce.

18 U.S.C. § 922(a)(1)(A); see also 18 U.S.C. § 923(a) ("No person shall engage in the business of . . . dealing in firearms . . . until he has received a license to do so from the Attorney

General."); 27 C.F.R. § 478.41(a) (2011) ("each person intending to engage in business as . . . a dealer in firearms shall, before commencing such business, obtain the license required"). King's argument that, as an authorized agent, he was not included in the term "any person . . . except a . . . licensed dealer" does not comport with the statute's plain language. The term "person" is defined to include "any individual, corporation, company, association, firm, partnership, or joint stock company." 18 U.S.C. § 921(a)(1). King, as an individual human being, is therefore a "person" within the meaning of § 922(a)(1)(A).

King further suggests that, as an authorized agent for MHPS, he was not "any person . . . except a . . . licensed dealer"—he was a licensed dealer within the meaning of § 922(a)(1)(A). Interpreting the statute in this manner, however, would undermine—if not emasculate—the comprehensive licensing scheme designed by Congress. See Jonah R. v. Carmona, 446 F.3d 1000, 1005 (9th Cir. 2006) (stating that courts may consider, inter alia, a "statute's overall purpose" to "illuminate Congress's intent"). The Gun Control Act of 1968, Pub. L. No. 90-618, 82 Stat. 1213 (codified as amended at 18 U.S.C. § 921 et seq.) was "aimed at restricting public access to firearms." Huddleston v. United States, 415 U.S. 814, 824 (1974). To this end, Congress required anyone wishing to "engage in the business of . . . dealing in firearms" to obtain a federal firearms license See 18 U.S.C. § 923(a); 27 C.F.R. from the ATF. § 478.41(a).

Not everyone can obtain a federal firearms license; applicants must satisfy the myriad requirements set forth in complex statutory provisions and dense federal regulations. *See generally* 18 U.S.C. § 923 (licensing requirements);

27 C.F.R. § 478.44 (requirements for an original firearms license). Corporate entities present a unique challenge in this regard. While the Gun Control Act affords them the status of legal personhood, it simultaneously recognizes the limits of this legal fiction. To this end, any corporate applicant must provide a wealth of information about each "responsible person," owner, and partner of the company. The purpose of this information is to "enable[] ATF to look beyond the corporate structure, to related persons and entities able to direct the applicant's operation and management" in determining whether to approve a firearms license. XVP Sports, LLC v. Bangs, No. 11-379, 2012 WL 4329263, at *10 (E.D. Va. Mar. 21, 2012) (affirming the ATF's denial of a license where a company deliberately transferred ownership in an effort to avoid listing the true owner as a "responsible person").

King's proposed agency instructions are at odds with the Gun Control Act's purpose and comprehensive nature. The premise of his claim, if accepted, would allow King to skirt federal law by incorporating a front corporation with a straw principal, and then dealing firearms with impunity as a so-called "agent" of the company. We are hard pressed to

⁶ Specifically, this information includes the individual's full name, social security number, every address over the past five years, telephone number, position, country of citizenship, place of birth, sex, and race. Applicants are further required to disclose whether any responsible person, owner, or partner has previously held a FFL, has been denied a FFL, has worked for a company that held an FFL as an officer or employee, or has had a FFL revoked. Similarly, the application inquires as to whether any named persons have been charged or indicted for a felony, are fugitives, are unlawfully in the United States, are under 21 years old, are drug users or addicts, and/or are subject to domestic restraining orders. *See* Appendix A.

believe that Congress would have intended such an easy workaround to such a complex, pervasive regulatory scheme. *Cf. Casanova Guns, Inc. v. Connally*, 454 F.2d 1320, 1322 (7th Cir. 1972) ("[T]he fiction of a corporate entity must be disregarded whenever it has been adopted or used to circumvent the provisions of a statute.").

Our conclusion is also consistent with the well-settled principle that "an agent cannot be insulated from criminal liability by the fact that his principal authorized his conduct." *United States v. Fleischli*, 305 F.3d 643, 652 (7th Cir. 2002) (internal quotation marks omitted). To this end, the Seventh Circuit's decision in *Fleischli* offers helpful guidance. The defendant in *Fleischli* was convicted of violating 18 U.S.C. § 922(o)(1), which imposes restrictions on the possession and transportation of machineguns. *Id.* at 647. Fleischli, a convicted felon, was not licensed to possess the firearm. *Id.* Nevertheless, he insisted that his possession was lawful because, at the time he possessed it, he was acting as an agent of a corporation that was licensed to possess it. *Id.* at 652.

The court flatly rejected this argument. In upholding Fleischli's conviction, it reasoned that "a convicted felon who could not have legitimately obtained a manufacturer's or dealer's license may not obtain access to machine guns by setting up a sham corporation." *Id.* So too here, an agent who could not have legitimately obtained a license to deal firearms may not deal firearms by positioning himself as a "consultant" for a licensee. Just as federal law did not permit Fleischli to "immunize himself from prosecution" by "hiding behind a corporate charter[,]" neither does it permit King to escape liability by claiming that he was acting on behalf of MHPS. *Id.*

Moreover, it bears emphasis that there is no factual support for King's putative agency defense in the record. True, King may have been acting as an authorized agent for MHPS when he filed the company's articles of incorporation, submitted its license paperwork, secured a lease, etc. But these activities were not what gave rise to criminal liability under § 922(a)(1)(A). The unlicensed firearms dealing charge, rather, rested on King's activities that rose to the level of "engaging in the business of firearms dealing"—i.e., ordering, receiving, transporting, and attempting to sell firearms. See 18 U.S.C. § 921(a)(21)(C). There is no evidence showing that King was acting as an authorized agent of MHPS when he engaged in these activities. To the contrary, the record shows that King duped his business partner, falsified documents, and misappropriated company resources in his effort to deal firearms. We therefore agree with the district court that King was not entitled to his proposed jury instructions.

B. Sufficiency of Evidence Supporting King's Conviction for Unlawful Firearms Dealing

King next contends that the evidence was insufficient to prove that he "engaged in the business" of dealing firearms, as required by § 922(a)(1)(A). We disagree.

When properly preserved, we review sufficiency-of-evidence challenges by asking whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *United States v. Nevils*, 598 F.3d 1158, 1164 (9th Cir. 2010) (en banc) (citing *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). Here, however, King failed to preserve his sufficiency-of-evidence

challenge. Accordingly, we apply plain-error review. See United States v. Flyer, 633 F.3d 911, 917 (9th Cir. 2011). "Under plain-error review, reversal is permitted only when there is (1) error that is (2) plain, (3) affects substantial rights, and (4) seriously affects the fairness, integrity, or public reputation of judicial proceedings." *Id.* (citation omitted).

To prove that King "engaged in the business" of firearms dealing, the government had to establish that he "engaged in a greater degree of activity than the occasional sale of a hobbyist or collector, and that [he] devoted time, attention and labor to selling firearms as a trade or business with the intent of making profits through the repeated purchase and sale of firearms." 18 U.S.C. § 921(a)(21)(C); see also Ninth Circuit Model Instruction 8.53 (2010); United States v. *Breier*, 813 F.2d 212, 214–15 (9th Cir. 1987). There is ample evidence in the record from which a reasonable jury could have drawn this conclusion. To wit, King incorporated and funded a firearms business "on behalf" of a friend whose American citizenship enabled the business to obtain a federal firearms license. He then misappropriated the company's business account, using falsified documentation to set up credit accounts and order firearms from manufacturers and wholesalers behind his purported partner's back. King ordered nineteen firearms, including duplicates of the same model. He received these firearms at the company's office, and transported them in his car during the middle of the night to a storage unit just south of the Canadian border.

⁷ However, as we have observed, "it is hard to comprehend how [the plain error] standard can be any more stringent in actuality than that ordinarily applied to sufficiency-of-the-evidence challenges." *United States v. Cruz*, 554 F.3d 840, 844 (9th Cir. 2009).

Moreover, King held himself out as a firearms dealer. He attempted to sell one firearm to a tenant in MHPS's office building and offered to provide another to his building manager. King also sold ammunition and pistol magazines and represented to the buyer that he was "buying and selling, trading in guns, operating out of a company that was owned by a friend of his in McMinnville[,]" and that he could procure any item in a gun publication at a cheaper price. The record also contained overwhelming evidence that King repeatedly lied to customs and border officials about his true purpose in entering the United States.

Taken together, this evidence is more than sufficient for a rational jury to conclude that King was more than a mere hobbyist. See 18 U.S.C. § 921(a)(21)(C). In arguing to the contrary, King asserts that certain "evidence of innocence"—namely, his role as an agent for Zarandi and the fact that he was not listed as a "responsible person" on MHPS's license—would preclude a rational fact finder from finding him guilty beyond a reasonable doubt. However, in determining whether evidence is sufficient to support a conviction, "the question is not whether the evidence excludes every hypothesis except that of guilt but rather whether the trier of fact could reasonably arrive at its conclusion." Nevils, 598 F.3d at 1165 (emphasis added).

⁸ We note that Section 922(a)(1)(A) does not require an actual sale of firearms. See United States v. Nadirashvili, 655 F.3d 114, 120 (2d Cir. 2011) (stating that "the government's burden under Section 922(a)(1)(A) is to prove that the defendant has guns on hand or is ready and able to procure them for the purpose of selling them from [time] to time to such persons as might be accepted as customers") (citation and internal quotation marks omitted) (alteration in original).

Because the evidence, viewed in the light most favorable to the government, demonstrates that King engaged in the business of dealing firearms, there was no plain error.

C. Materiality of False Statements

King also challenges his convictions under 18 U.S.C. § 1001, which prohibits making false statements in any matter within the jurisdiction of a federal department or agency. King neither denies that he lied to border officials nor disputes the jurisdictional predicate of the crime; he contests only the materiality of his false statements.

Because materiality is an element of the offense, *see United States v. Selby*, 557 F.3d 968, 977 (9th Cir. 2009), whether a false statement is material to an agency decision is a question properly resolved by a jury, rather than by the court. *United States v. Gaudin*, 515 U.S. 506, 512, 522–23 (1995). The issue before us is therefore whether the government presented sufficient evidence to support the jury's finding of materiality. *See United States v. Serv. Deli Inc.*, 151 F.3d 938, 941 (9th Cir. 1998). Because King failed to move for a judgment of acquittal on this basis, we review for plain error. *Flyer*, 633 F.3d at 917.

A misstatement is material for purposes of § 1001 if it has "a natural tendency to influence, or [is] capable of influencing, the decision of the decisionmaking body to which it was addressed." *Gaudin*, 515 U.S. at 509 (citation omitted). A misstatement need not actually influence the agency decision in order to be material; propensity to influence is enough. *See United States v. Facchini*, 832 F.2d 1159, 1162 (9th Cir. 1987). Accordingly, our concern is not with the extent of the agency's reliance, but rather with the

"intrinsic capabilities of the false statement itself[.]" *Serv. Deli Inc.*, 151 F.3d at 941.

Here, two border officers testified that they might not have admitted King into the United States had he disclosed that his true purpose in entering the country was to engage in firearms-related activities. Based on this evidence alone, a rational jury could conclude that King's misstatements had a propensity to affect the officers' decision about whether to admit King into the United States. Indeed, we have found lies to border agents material in cases involving more attenuated connections between misstatements and agency decisions. See, e.g., United States v. Chen, 324 F.3d 1103, 1104-05 (9th Cir. 2003) (holding that a defendant's false statement that he entered the country as a crewman on a particular fishing boat was material under § 1001 because it could have affected the government's investigation of smuggling and harboring of illegal aliens); United States v. Rodriguez-Rodriguez, 840 F.2d 697, 700–01 (9th Cir. 1988) (holding that a defendant's false statement to a border patrol officer that everyone in the car was a United States citizen constituted a material misstatement under § 1001).

Relying solely on a dissent in an unpublished decision, *United States v. Howard*, 430 F. App'x 569, 572 (9th Cir. 2011) (Tashima, J., dissenting), King contends that his lies to CBP officers were immaterial because, as he was already the target of an ICE investigation, officers would have admitted him regardless, in order to further their investigation. King's argument, however, is foreclosed by numerous cases which emphasize that actual influence is not required, so long as the misstatement has a *propensity* to influence agency action. *See, e.g., Serv. Deli Inc.*, 151 F.3d at 941; *Rodriguez-Rodriguez*, 840 F.2d at 700–01; *Facchini*, 874 F.2d at 643;

United States v. Vaughn, 797 F.2d 1485, 1490 (9th Cir. 1986).

In sum, we conclude that the evidence was more than sufficient to prove the materiality element supporting King's § 1001 convictions.

D. Motion for New Trial

King also appeals the denial of his motion for a new trial under Federal Rule of Criminal Procedure 33. He argues that the OLC opinion, which negated the viability of his alien-in-possession conviction on Count 2, constitutes "newly discovered evidence" warranting a new trial.

"We review a district court's order denying a motion for a new trial made on the ground of newly discovered evidence for abuse of discretion." *United States v. Hinkson*, 585 F.3d 1247, 1259 (9th Cir. 2009) (en banc). A new trial is not warranted under Rule 33 unless a defendant can establish five elements: "(1) the evidence is newly discovered; (2) the defendant was diligent in seeking the evidence; (3) the evidence is material to the issues at trial; (4) the evidence is not (a) cumulative or (b) merely impeaching; and (5) the evidence indicates the defendant would probably be acquitted in a new trial." *United States v. Berry*, 624 F.3d 1031, 1042 (9th Cir. 2010) (citation and internal quotation marks omitted).

King cannot clear the first hurdle here. As we held in *United States v. Shelton*, 459 F.2d 1005 (9th Cir. 1972), a change in the law does not constitute newly discovered evidence for purposes of Rule 33. *Id.* at 1006–07 (holding that a change in the legal standard for determining insanity

did not amount to "newly discovered evidence"). *Shelton* vitiates King's assertion that the OLC opinion warrants retrial.

Moreover, even if the OLC opinion constituted "newly discovered evidence," King's argument would still fail. Because the opinion pertains only to whether an alien-in-possession conviction under § 922(g)(5)(B) applies to aliens admitted without visas, King cannot establish that it was material to the unlawful firearms dealing and false statements charges. *See Berry*, 624 F.3d at 1042. And, because the same evidence supporting the now-vacated alien-in-possession conviction also supported the charge of unlawful dealing in firearms, King's assertion of unfair prejudice likewise fails.

CONCLUSION

We hold that the district court properly refused to instruct the jury on King's purported agency theory, that sufficient evidence supported King's firearms dealing and false statement convictions, and that the district court did not abuse its discretion in denying King's motion for a new trial.

AFFIRMED.



Application for Federal Firearms License

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2. Trade	or Business	Name, if any			ation Number (EIN#) o mber (SSN is Voluntary			h	
		(RFD or street number, city, S he business address CANNOT		6. Mailing Address (I	f different from address	s in item #5)			
7. Conta	act Numbers	(Include Area Code)							_
Business	Phone			Fax Number					
Cell Pho	ne			24 Hour Emergency #	(If different)				
8. Appli	icant's Busin	ess is (Select one)							
			Partnership	A Corporation	Other (Specify)				
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06	Manufactu	rer of Ammunition for Firearn	s Other Than A	mmunition for Destruc	tive Devices or Armor	Piercing Ammunition	\$30		
07	Manufactu	rer of Firearms Other Than De	structive Device	es .		Same production of the same of	\$150		
08		f Firearms Other Than Destruction Other Than Armor Piercing					\$150]
09	Dealer in I	Destructive Devices					\$3000	-	
10	Manufactu	rer of Destructive Devices, An	nmunition for D	estructive Devices or A	rmor Piercing Ammun	ition	\$3000		
11	Importer o	f Destructive Devices, Ammur	ition for Destru	ctive Devices or Armor	Piercing Ammunition	(See instruction #8)	\$3000		
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13. Hours of C	peration of Applic	eant's Business (Mu	st be completed)					ant Presently Engag		
Time S	iun Mon	Tues	Wed Thu	Fri		Sat	Requirin	g a Federal Firearms	Licens	e? (If "Yes,"
Open								Yes	Пи	0
				-	+	-	14a. Present	Federal Firearms Li	cense N	umber
Close										
		rmed Forces, Provided Military Branch.	de Service Serial	Number			N	filitary Branch		
123/45/2000	Business Premise				17 1	ndicate Tve	pe of Busines	e Promicae		-10-00
Owned		ased/Rented	Military		1000	Zoned Zoned	pe or Busines	Zoned		
F RENTED O	R LEASED, PLE	ASE PROVIDE TH	E NAME, ADDRE	ESS, AND		Commercia		Residential		
		E PROPERTY OW				Store !				Dwelling
Name and Add	ress of Property O	wner (If applicable	,			Office				/Apartment
						=	Gun Club	Hotel/		
						Milita	ry Base	Public	Housin	g
						Other	(Specify)			
l'elephone Nur	nber of Property O	wner (If applicable)							
								OCATED ON A MI I A COPY OF WRI		Y
18. Do You In	tend To Make a Pr	rofit from Your Bus	iness?		AUT	THORIZAT	TION FROM	THE BASE COMM	IANDE	
Yes		No (If no, do not s	ubmit application)			NDUCT A		BUSINESS ON TH	E MILI	ΓARY
18a. Do You I	ntend To Sell Fire	arms Only at Gun S	Shows?				tend to Use Y	our License Only to	Acquir	e Personal
Yes (If yes, do not subm	it application)	No			Firearms?	ar do not rui	omit application.)		No
		If Business was	Obtained From Sor	meone Else	Prov	4				110
Responsib	le Person Definitio	on. If a Female, Lis	t Any Given, Marr	ied, and Ma	aiden 1	Names, e.g.	., "Mary Alice	Business. See Insta (Smith) Jones," No. Il Information in t	t "Mrs.	John
Full Name	Position and Social Security Number (Social Security Number is	Home Address Please provide every address you have had in the	Country of Citizenship List more than or if applicable. Nonimmigrant aliens must compl	Place Birt (City	of h	Date of Birth	Race (Ple	and Ethnicity ase check one more boxes)	Sex	Residence Telephone No.
	Voluntary)	last 5 years.	all information i item #23.	Count						
let-						Caronica (2)	American	Indian or Alaska Native		13.45
							Asian			
je.							Black or A	frican American		
							Hispanic o	r Latino		
							Native Ha	waiian or Other Pacific		
							White			
							American	Indian or Alaska Native		
							Asian			
								frican American		
91							Hispanic o			
							_	waiian or Other Pacific		
							White			
							-		1000.0	Form 7 (5310 12

Full Name	Position and Social Security Number (Social Security Number is Voluntary)	Home Address Please provide every address you have had in the last 5 years.	Country of Citizenship List more than one, if applicable. Nonimmigrant aliens must complete all information in item #23.	Place of Birth (City, State, or Foreign Country)	Date of Birth	Race and Ethnicity (Please check one or more boxes)	Sex	Residence Telephone No.
8						American Indian or Alaska Native Asian Black or African American Hispanic or Latino Native Hawaiian or Other Pacific Islander White		7
1						American Indian or Alaska Native Asian Black or African American Hispanic or Latino Native Hawaiian or Other Pacific Islander White		
A. Name of Pers	onimmigrant ali son Certifying Co	ompliance Las	2 must complete the fe t:	ollowing info	rmation cert First:		in inters . 922(g) e Initial	(5)(B).
C. Are you in po 1. If you ans 2. If you ans	ossession of a value wered "NO," you wered "YES," or	lid hunting license ou	ng information, and a	ed in the Uni	ited States? e cannot be of the license	Yes a Federal firearms licensee, or permit to the application.	No . if any	
		and the second second		Programme MA			Yes	No
		ederal Firearms Lie	s" Answers in Items	24 and 23.			1 63	140
 Has Applica or any Perso 		enied a Federal Fire			0.07		-	
Referred to	in B. Beell De	DAS TATES TO SELECT THE TOTAL OF THE TATES		-1 T'	1		-	
Item 22 Abo			ration Holding a Feder		license?			
			leral Firearms License	e?				
		ederal Firearms Lic						
 Is Applicant any Person 	Judge C		Under Indictment in a for More Than One Y		a Felony, or	any Other Crime for Which the		
Named in It	B. A Fugiti	ive from Justice?						
22 Above:	C. An Alie	n Who is Illegally o	r Unlawfully in the U	nited States?				
	D. Under 2	1 Years of Age?						
	E. An Unla	AND REAL PROPERTY AND ADDRESS OF THE PARTY AND		or any Depre	ssant, Stimu	lant or Narcotic Drug, or any		
	F. Subject		straining Him/Her fro	m Harassing,	Stalking, o	r Threatening his/her child or an		

	n a Separate Sheet for All "Yes" Answers in Item 26.		Yes	No
 Has Applicant or any Person 	A. Been Convicted in any Court of a Felony, or any other crime for which the Judge C You for More Than One Year, Even if You Received a Shorter Sentence, Including			
Named in Item	B. Been Discharged from the Armed Forces Under Dishonorable Conditions?			
22 Ever:	C. Been Adjudicated as a Mental Defective, Which Includes Having Been Adjudicated Manage Your Own Affairs, or Been Committed to any Mental Institution?	d Incompetent to		
	D. Renounced United States Citizenship?		П	
	E. Been Convicted in any Court of a Misdemeanor Crime of Domestic Violence? (See	definition #3)		
You may answer	formal accusation of crime made by a prosecuting attorney, as distinguished from an in NO if (a) you have been pardoned for the crime or (b) the conviction has been expunged as are not prohibited from possessing or receiving any firearms under the law where the	or set aside or (c) your ci		ave be
7. Applicant Cer	tification (Please read and initial each box)			
item 5. 7 Within 3 the cond	ness to be conducted under the Federal Firearms License is not prohibited by State this includes compliance with zoning ordinances. 0 days after the application is approved, the business will comply with the requirer uct of business. will not be conducted under the license until the requirements of State and local la	nents of State and local I	aw applica	ible to
premises	eted copy of this form has been sent (mailed or delivered) to the Chief Law Enforces is located. (See instruction #5.)			
	red by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices w are sold under this Federal Firearms License to persons who are not licensees.	ill be available at any pla	rce in whic	h
lame of Chief Law	Enforcement Officer (CLEO)			
LEO's Address (In	clude no., street, city, county, State, and ZIP Code)			
CLEO's Address (h	clude no., street, city, county, State, and ZIP Code)			
8. Certification: examined this best of my kno when presente constitute cons representative statements and Specifically, I	Under the penalties imposed by 18 U.S.C. 924, I declare that I have application and the documents submitted in support thereof, and to the wledge and belief, they are true, correct and complete. This signature, d by a duly authorized representative of the Department of Justice, will cent and authority for the appropriate Department of Justice to examine and obtain copies and abstracts of records and to receive to examine and obtain copies and abstracts of records and to receive linformation regarding the background of all responsible persons. hereby authorize the release of the following data or records to ATF: mation/records, medical information/records, police and criminal records.	Attach 2 X 2 Photograph	ı(s)	
8. Certification: examined this best of my kno when presente constitute cons representative statements and Specifically, I	Under the penalties imposed by 18 U.S.C. 924, I declare that I have application and the documents submitted in support thereof, and to the whedge and belief, they are true, correct and complete. This signature, d by a duly authorized representative of the Department of Justice, will sent and authority for the appropriate Department of Justice to examine and obtain copies and abstracts of records and to receive I information regarding the background of all responsible persons. hereby authorize the release of the following data or records to ATF:	2 X 2		
8. Certification: examined this best of my kne when presente constitute con- representative statements and Specifically, I Military infor-	Under the penalties imposed by 18 U.S.C. 924, I declare that I have application and the documents submitted in support thereof, and to the whedge and belief, they are true, correct and complete. This signature, d by a duly authorized representative of the Department of Justice, will sent and authority for the appropriate Department of Justice to examine and obtain copies and abstracts of records and to receive I information regarding the background of all responsible persons. hereby authorize the release of the following data or records to ATF:	2 X 2 Photograph Here		
8. Certification: examined this best of my kne when presente constitute com representative statements an Specifically, I Military infor- ign ign ign	Under the penalties imposed by 18 U.S.C. 924, I declare that I have application and the documents submitted in support thereof, and to the whedge and belief, they are true, correct and complete. This signature, d by a duly authorized representative of the Department of Justice, will sent and authority for the appropriate Department of Justice to examine and obtain copies and abstracts of records and to receive I information regarding the background of all responsible persons. hereby authorize the release of the following data or records to ATF:	2 X 2 Photograph Here		
8. Certification: examined this best of my kno when presente constitute cons representative statements and Specifically, I Military information	Under the penalties imposed by 18 U.S.C. 924, I declare that I have application and the documents submitted in support thereof, and to the wledge and belief, they are true, correct and complete. This signature, d by a duly authorized representative of the Department of Justice, will ent and authority for the appropriate Department of Justice to examine and obtain copies and abstracts of records and to receive I information regarding the background of all responsible persons. hereby authorize the release of the following data or records to ATF: mation/records, medical information/records, police and criminal records.	2 X 2 Photograph Here		
8. Certification: examined this best of my kne when presente constitute com representative statements an Specifically, I Military inform ign iere Title Outc	Under the penalties imposed by 18 U.S.C. 924, I declare that I have application and the documents submitted in support thereof, and to the wledge and belief, they are true, correct and complete. This signature, d by a duly authorized representative of the Department of Justice, will ent and authority for the appropriate Department of Justice to examine and obtain copies and abstracts of records and to receive I information regarding the background of all responsible persons. hereby authorize the release of the following data or records to ATF: mation/records, medical information/records, police and criminal records.	2 X 2 Photograph Here		
8. Certification: examined this best of my kne when presente constitute com representative statements an Specifically, I Military inform lere Title	Under the penalties imposed by 18 U.S.C. 924, I declare that I have application and the documents submitted in support thereof, and to the whedge and belief, they are true, correct and complete. This signature, d by a duly authorized representative of the Department of Justice, will sent and authority for the appropriate Department of Justice to examine and obtain copies and abstracts of records and to receive I information regarding the background of all responsible persons. hereby authorize the release of the following data or records to ATF: mation/records, medical information/records, police and criminal records.	2 X 2 Photograph Here		
8. Certification: examined this best of my kne when presente constitute con- representative statements and Specifically, I Military inform lere Title Date For ATF Use Only 9. Application is	Under the penalties imposed by 18 U.S.C. 924, I declare that I have application and the documents submitted in support thereof, and to the wledge and belief, they are true, correct and complete. This signature, d by a duly authorized representative of the Department of Justice, will sent and authority for the appropriate Department of Justice to examine and obtain copies and abstracts of records and to receive 1 information regarding the background of all responsible persons. hereby authorize the release of the following data or records to ATF: mation/records, medical information/records, police and criminal records. Reasons for Denial of Application Denied Denie	2 X 2 Photograph Here		

This form provides notification of a person's intent to apply for a Federal firearms license. It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal firearms license, please contact the Federal Firearms Licensing Center at 1-866-662-2750. A "Yes" answer to items #24, #25, and #26 could disqualify a person for a license. Also, ATF may not issue a license if the business would be in violation of State or local law.

Application for Federal Firearms License

1. Name of Owner or Corporation (If partnership, include name of each partner) 2. Trade or Business Name, if any 3. Employer Identification Number (EIN*) or Social Security Number (SSN is Voluntary) 4. Name of County in Business is Located Social Security Number (SSN is Voluntary) 5. Business Address (RFD or street number, city, State, and ZIP code) (NOTE: The business address CANNOT be a P.O. Box.) 7. Contact Numbers (Include Area Code) Business Phone Fax Number Cell Phone 24 Hour Emergency # (If different) 8. Applicant's Business is (Select one) Individually Owned A Partnership A Corporation Other (Specify) 9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Firearms License. (Sale of ammunition alone does not require a license.) 10. Do You Intend to E. Business as a Pawnl Yes 11. Application is Made For a License Under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box. Submit the fee noted next to the application. Licenses are issued for a 3-year period. See instruction #13 for payment information.)	ed	
Social Security Number (SSN is Voluntary) Business is Located Security Number (SSN is Voluntary) Social Security Number (SSN is Voluntary) Business is Located National Security Number (SSN is Voluntary) Mailing Address (If different from address in item #5) Contact Numbers (Include Area Code) Business Phone Fax Number Cell Phone 24 Hour Emergency # (If different) A Corporation Other (Specify) Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Business as a Pawnl Yes Firearms License. (Sale of ammunition alone does not require a license.) 10. Do You Intend to E. Business as a Pawnl Yes 11. Application is Made For a License Under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box. Submit the fee noted next is	ed	
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7. Contact Numbers (Include Area Code) Business Phone Fax Number Cell Phone 24 Hour Emergency # (If different) 8. Applicant's Business is (Select one) Other (Specify) 9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Firearms License. (Sale of ammunition alone does not require a license.) 10. Do You Intend to Elementary Business as a Pawnling Yes 11. Application is Made For a License Under 18 U.S.C. Chapter 44 as a: (Place on "X" in the appropriate box. Submit the fee noted next to	Engage in	
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Cell Phone 24 Hour Emergency # (If different)	Engage in	
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Individually Owned	Engage in	
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	nbroker?	
the application. Licenses are assieu for a 5-year period. See this metron with for payment information.	to the box	x witi
Type Description of License Type	Fee	e
01/02 Dealer (01), Including Pawnbroker (02), in Firearms Other Than Destructive Devices (Includes: Rifles, Shotguns, Pistols, Revolvers, Gunsmith activities and National Firearms Act (NFA) Weapons)	\$200 [
06 Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition \$	\$30	
Of the state of th	\$150	
Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #8.)	\$150 [
	\$3000	
To internation of personal control of the control o	\$3000	
	\$3000	
Total Fees \$	0	

	13. Hours of 0	Operation of Applic	ant's Business (Mu	st be completed)			14. Is Applicant Presently Engage	
Close 14a. Present Federal Firearms License Number 15b. Indicate Type of Business Premises Are 200	Time	Sun Mon	Tues \	Wed Thu	Fri	Sat		License? (If "Yes,"
15. If You Have Served in the Armed Forces, Provide the Service Serial Number and Military Branch. 16. Applicant's Business Premises Are	Open						Yes	No
17. Indicate Type of Business Premises Are Owned Leased/Rented Military	Close						14a. Present Federal Firearms Lic	cense Number
Owned Leased/Rented Military Zoned Commercial: Residential: Renter OR LEASED PLEASE PROVIDE THE NAME, ADDRESS, AND Single Family Dwelling Store Front Single Family Dwelling Office Condominium/Apartment Rod & Gun Club Hotel/Motel Military Base Public Housing Other (Specify)				de Service Serial N	umber		Military Branch	
22. Provide the Information Required for Each Individual Owner, Partner, and Other Responsible Person in the Business. See Instruction #10 for Responsible Person Definition. If a Female, List Any Given, Married, and Maiden Names, e.g., "Mary Alice (Smith) Jones," Not "Mrs. John Jones." (If additional space is needed, use a separate sheet.) Each Responsible Person Must Complete All Information in this Section. Position and Social Security Number (Social Security Number Is Voluntary) Home Address you have had in the last 5 years. Please provide early information in item #23. Date of Sixtee, or Foreign Country) Date of Foreign Country) Date of Sixtee, or Foreign Country) American Indian or Alaska Native Asian Black or African American Hispanic or Latino Asian Bl	Owned IF RENTED O TELEPHONE Name and Add Telephone Nu 18. Do You Ii Yes 18a. Do You Yes	Le DR LEASED, PLEANUMBER OF THE ITEM TO SELL THE ITEM TO	ased/Rented ASE PROVIDE THE PROPERTY OWNER (If applicable) where (If applicable) offit from Your Bus No (If no, do not starms Only at Gun Starms O	E NAME, ADDRES (NER.) iness? ubmit application) Shows? No		Zoned Comme Sto OI Re M OO IF THE PR INSTALL AUTHORI CONDUCT INSTALL 19. Do Yo Firearm Yes Provide the	reial: Zoned Residential: ore Front Single Flice Condor did & Gun Club Hotel/ filtary Base Public her (Specify) EMISES ARE LOCATED ON A MIL VITION, ATTACH A COPY OF WRIT ZATION FROM THE BASE COMM TA FIREARMS BUSINESS ON THE VITION. u Intend to Use Your License Only to ns? (If yes, do not submit application.) Following Information.	Family Dwelling minium/Apartment Motel Housing LITARY TTEN ANDER TO E MILITARY Acquire Personal
Full Name Position and Social Security Number (Social Security Number)	22. Provide the Responsib	ne Information Require Person Definition	n. If a Female, Lis	t Any Given, Married	d, and Ma	ner Responsi	ble Persons in the Business. See Instr. e.g., "Mary Alice (Smith) Jones," No.	t "Mrs. John
Assian Black or African American Hispanic or Latino Native Hawaiian or Other Pacific Islander White American Indian or Alaska Native Axian Black or African American Hispanic or Latino Native Hawaiian or Other Pacific Islander White	1.	Position and Social Security Number (Social Security Number is	Home Address Please provide every address you have had in the	Country of Citizenship List more than one if applicable. Nonimmigrant aliens must complete all information in	Place Birt (City State, Forei	of h Date or gn	Race and Ethnicity of th (Please check one	Residence Sex Telephone
Native Hawaiian or Other Pacific Islander White							Asian Black or African American Hispanic or Latino Native Hawaiian or Other Pacific Islander White American Indian or Alaska Native Asian	
	34						Native Hawaiian or Other Pacific	

Full Name	Position and Social Security Number (Social Security Number is Voluntary)	Home Address Please provide every address you have had in the last 5 years.	Country of Citizenship List more than one, if applicable. Nonimmigrant aliens must complete all information in item #23.	Place of Birth (City, State, or Foreign Country)	Date of Birth	Race and Ethnicity (Please check one or more boxes)	Sex	Residence Telephone No.
		1-4				American Indian or Alaska Native Asian Black or African American Hispanic or Latino Native Hawaiian or Other Pacific		
						White American Indian or Alaska Native Asian Black or African American Hispanic or Latino Native Hawaiian or Other Pacific Islander		
A. Name of Per	nonimmigrant ali son Certifying Co	ens listed in item 2 ompliance Las	2 must complete the fe t:	ollowing info	First:		922(g) Initial	(5)(B).
C. Are you in p 1. If you ans 2. If you ans	ossession of a val swered "NO," you swered "YES," co	id hunting license	ng information, and at	and therefor tach a copy	ited States?	Yes a Federal firearms licensee.	No No	
			s" Answers in Items	24 and 25	5-44-24-28-CS		Yes	No
24. Has Applica		ederal Firearms Li						
or any Perso	on B Been De	nied a Federal Fire	CONTRACT.		-1.5			
Referred to	in		ration Holding a Feder	al Firearms	License?			H H
Item 22 Abo			leral Firearms License		Diccino.			
		ederal Firearms Lic		· ·				
5. Is Applican	t or A. Charged	by Information or			a Felony, or	any Other Crime for Which the	-	
Named in It		ve from Justice?						П
22 Above:			r Unlawfully in the U	nited States?			F	
		1 Years of Age?						1 1
	E. An Unla			or any Depre	essant, Stimu	alant or Narcotic Drug, or any		
	F. Subject t		straining Him/Her fro	m Harassing	, Stalking, o	r Threatening his/her child or an		

C 17 - 1 - 17	n a Separate Sheet for All "Yes" Answers in Item 26.		Yes	No
Has Applicant or any Person	Been Convicted in any Court of a Felony, or any other crime for wh You for More Than One Year, Even if You Received a Shorter Sent			
Named in Item 22 Ever:	B. Been Discharged from the Armed Forces Under Dishonorable Cond	itions?		
22 1,101.	C. Been Adjudicated as a Mental Defective, Which Includes Having B Manage Your Own Affairs, or Been Committed to any Mental Instit			
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	E. Been Convicted in any Court of a Misdemeanor Crime of Domestic	Violence? (See definition #3)		
You may answer restored AND ye	a formal accusation of crime made by a prosecuting attorney, as distingui NO if (a) you have been pardoned for the crime or (b) the conviction has an are not prohibited from possessing or receiving any firearms under the	been expunged or set aside or (c) your		nave be
7. Applicant Cer	tification (Please read and initial each box)			
item 5. Within 3 the cond	ness to be conducted under the Federal Firearms License is not proh This includes compliance with zoning ordinances. 0 days after the application is approved, the business will comply wit uct of business.	th the requirements of State and local	law applica	able to
Business met.	will not be conducted under the license until the requirements of Sta	te and local law applicable to the bus	iness have l	been
	eted copy of this form has been sent (mailed or delivered) to the Chief is located. (See instruction #5.)	Law Enforcement Officer of the loca	lity in whic	h the
	red by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or sa are sold under this Federal Firearms License to persons who are no		lace in whic	h
	Enforcement Officer (CLEO)			
T FO's Address (I	clude no., street, city, county, State, and ZIP Code)			
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
this applicatio knowledge and by a duly auth and authority obtain copies the backgroun the following of	Under the penalties imposed by 18 U.S.C. 924, I declare that I have en and the documents submitted in support thereof, and to the best of I belief, they are true, correct and complete. This signature, when provized representative of the Department of Justice, will constitute oo for the appropriate Department of Justice representative to examine and abstracts of records and to receive statements and information red of all responsible persons. Specifically, I hereby authorize the relata or records to ATF: Military information/records, medical ecords, police and criminal records.	my esented nsent and egarding		
ign				
lere		(See Instruction	on #10)	
ïtle				
itle				
Title Date	Reasons for Denial of Application			
Title Date For ATF Use Only	Reasons for Denial of Application			
itle bate for ATF Use Only 9. Application is	Reasons for Denial of Application Denied		Date	

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Application for Federal Firearms License

41. Application is Made For a License Under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box. Submit the fee noted next to the box the application. Licenses are issued for a 3-year period. See instruction #13 for payment information.)	2. Trade or Business Name, if any 3. Employer Identification Number (EIN#) or Social Security Number (SSN is Voluntary) 4. Name of County in Which Business is Located 5. Business Address (RFD or street number, city, State, and ZIP code) (NOTE: The business address CANNOT be a P.O. Box.) 7. Contact Numbers (Include Area Code) Business Phone Fax Number Cell Phone 24 Hour Emergency # (If different) 8. Applicant's Business is (Select one) Individually Owned A Partnership A Corporation Other (Specify) 9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Firearms License. (Sale of ammunition alone does not require a license.)
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07 Manufacturer of Firearms Other Than Destructive Devices 150 181 182 183 184 185 186 187 188 188 188 188 188 188	Dealer (01), Including Pawnbroker (02), in Firearms Other Than Destructive Devices (Includes: Rifles, Shotguns, Pistols,
108 Importer of Firearms Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices, or Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #8.)	06 Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition \$30
Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #8.)	07 Manufacturer of Firearms Other Than Destructive Devices \$150
09 Dealer in Destructive Devices S3000	Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction *8.)
	O' Dealer in Desiretive provides
10 Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition \$3000	
Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition (See instruction #8) \$3000	
Total Fees \$ 0	Total Fees \$ 0

13. Hours of 0	Operation of Applic	ant's Business (Mu	st be completed)			14. Is Applica	nt Presently Engag	ed in a I	Business
Time 5	Sun Mon	Tues \	Wed Thu	Fri	Sat	Requiring	a Federal Firearms	License	e? (If "Yes."
Open							Yes	□ N	o
Close				2000		14a. Present F	ederal Firearms Lie	ense N	umber
CONTRACT						15.77	U. B. L		
	we Served in the Ar e Serial Number an		de Service Serial Nu	mber		Mi	litary Branch		
16. Applicant	's Business Premise	s Are		1	7. Indicate Ty	ype of Business	Premises		
Owned	_ Le	ased/Rented	Military		Zoned		Zoned		
	OR LEASED, PLEA		E NAME, ADDRESS	, AND	Commerci	al: Front	Residential:		Dwelling
	dress of Property O				Office				/Apartment
						& Gun Club	Hotel/		// parament
						ary Base		Housin	
						r (Specify)	Public	riousin	8
Telephone Nu	mber of Property O	wner (If annlicable			L] Other	(ореслуу)			
rerephone ivu	iniber of Froperty O	wiici (ij applicable		1	E THE PREM	USES ARE LO	CATED ON A MI	LITARY	v .
18 Do You Ir	ntend To Make a Pr	ofit from Your Bus	tiness?		NSTALLATI	ON, ATTACH	A COPY OF WRI	ITEN	
Yes			rubmit application)		CONDUCT A	FIREARMS B	THE BASE COMM USINESS ON THE		
	177 0 1172				NSTALLATI		Lianna Oalata	Anguin	a Doronnol
	Intend To Sell Fire			1	Firearms?		our License Only to	Acquir	e reisonai
Yes	(If yes, do not subm	it application)	□ No		Yes (If	yes, do not sub	mit application.)		No
		If Business was	Obtained From Some			DOLLAR SERVICE	N. 17. S. 18. S. 18		
20. Name of I	Previous Business			2	1. Federal Fi	rearms License	Number		
									110.0
Responsib	ole Person Definitio	n. If a Female, Lis	vidual Owner, Partner, at Any Given, Married, parate sheet.) Each R	and Maid	len Names, c.;	g., "Mary Alice	(Smith) Jones," No	t "Mrs.	John
Full Name	Position and Social Security Number (Social Security Number is Voluntary)	Home Address Please provide every address you have had in the last 5 years.	Country of Citizenship List more than one, if applicable. Nonimmigrant aliens must complete all information in item #23.	Place o Birth (City, State, o Foreign Country	Date of Birth	(Plea	and Ethnicity se check one nore boxes)	Sex	Residence Telephone No.
						American Ir	ndian or Alaska Native		
						Black or Afi	kioan Amarican		
						Hispanic or			
							aiian or Other Pacific		
						☐ Islander ☐ White			
								-	
							ndian or Alaska Native		
						Asian			
						Black or Af			
						Hispanic or	Latino mian or Other Pacific		
						Islander	anal or Criter Pacific		
						White			

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4						American Indian or Alaska Native Asian Black or African American Hispunic or Latino Native Hawaiian or Other Pacific		
						White		
						American Indian or Alaska Native Asian Black or African American Hispanic or Latino Native Hawaiian or Other Pacific Islander White		
	son Certifying Co		t: ued Alien Number or		First:		Initial:	
Are you in p I. If you ans	ossession of a val	lid hunting license	or permit lawfully issu fully possess a firearm	ed in the Un	ited States?	Yes a Federal firearms licensee, e or permit to the application.	No	
1	Hunting License	or Permit Number,	if any	State of	Issuance	Expiration Date	, if any	
ive Full Detai	ls on a Separate	Sheet for All "Ye	s" Answers in Items 2	4 and 25.			Yes	No
4. Has Applica		ederal Firearms Li	cense?					
or any Perso Referred to		nied a Federal Fire	arms License?					
Item 22 Abo		Officer in a Corpor	ration Holding a Feder	al Firearms l	License?			
	D. Been an	Employee of a Fed	leral Firearms Licensee	?		100		
	E. Had a Fo	ederal Firearms Lic	ense Revoked?	115-11-1-	77-77-77			
5. Is Applicant any Person			Under Indictment in a for More Than One Y		a Felony, or	any Other Crime for Which the		
Named in It	em B. A Fugiti	ve from Justice?						
22 Above:	C. An Alier	n Who is Illegally o	or Unlawfully in the Ur	ited States?				
	D. Under 2	1 1/ (1 - 0		need Sinces.				
		I Years of Age?		need States.				H
						alant or Narcotic Drug, or any		

sive Full Details of	n a Separate Sheet for All "Yes" Answers in Item 26.		Yes	
6. Has Applicant or any Person	A. Been Convicted in any Court of a Felony, or any other crime for which the Judge C You for More Than One Year, Even if You Received a Shorter Sentence, Including			
Named in Item 22 Ever:	B. Been Discharged from the Armed Forces Under Dishonorable Conditions?			
22 Ever.	C. Been Adjudicated as a Mental Defective, Which Includes Having Been Adjudicated Manage Your Own Affairs, or Been Committed to any Mental Institution?	Incompetent to		
	D. Renounced United States Citizenship?			
	E. Been Convicted in any Court of a Misdemeanor Crime of Domestic Violence? (See	definition #3)		
You may answer	r formal accusation of crime made by a prosecuting attorney, as distinguished from an in NO if (a) you have been pardoned for the crime or (b) the conviction has been expunged u are not prohibited from possessing or receiving any firearms under the law where the	or set aside or (c) your		have be
7. Applicant Cert	ification (Please read and initial each box)			
item 5. 7	ness to be conducted under the Federal Firearms License is not prohibited by State this includes compliance with zoning ordinances.			
	0 days after the application is approved, the business will comply with the requiren uct of business.	ients of State and local	law applic	able to
Business met.	will not be conducted under the license until the requirements of State and local la	w applicable to the bus	iness have	been
	eted copy of this form has been sent (mailed or delivered) to the Chief Law Enforcen is located. (See instruction #5.)	nent Officer of the loca	lity in whic	h the
	red by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices we are sold under this Federal Firearms License to persons who are not licensees.	ll be available at any p	lace in whi	ich
	Enforcement Officer (CLEO)			
Name of Chief Law	Enforcement Officer (CLEO)			
Name of Chief Law				
ZEEO's Address (In this application knowledge and by a duly auth and authority obtain copies a the backgroun the following d	Enforcement Officer (CLEO)	Attach 2 X 2 Photograp Here		
Name of Chief Law CLEO's Address (In this application this application by a duly auth and authority obtain copies a the backgroun the following d	Enforcement Officer (CLEO) clude no., street, city, county, State, and ZIP Code) Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined and the documents submitted in support thereof, and to the best of my I belief, they are true, correct and complete. This signature, when presented orized representative of the Department of Justice, will constitute consent for the appropriate Department of Justice representative to examine and and abstracts of records and to receive statements and information regarding d of all responsible persons. Specifically, I hereby authorize the release of atta or records to ATF: Military information/records, medical	2 X 2 Photograp Here	h(s)	
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This form provides notification of a person's intent to apply for a Federal firearms license. It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal firearms license, please contact the Federal Firearms Licensing Center at 1-866-662-2750. A "Yes" answer to items #24, #25, and #26 could disqualify a person for a license. Also, ATF may not issue a license if the business would be in violation of State or local law.

Application for Federal Firearms License

1. Name of Owner or Corporation (If partmership, include name of each partners) 2. Trade or Business Name, If any 3. Employer Identification Number (EINi) or Social Security Number (SN is Voluntary) 4. Name of County in Which Business Address (RFD or street number, city, State, and ZIP code) (NOTE: The business address CANNOT be a P. O. Box.) 7. Contact Numbers (Include Area Code) Business Phone Fax Number Cell Phone 8. Applicant's Business is (Select one) Individually Owned A Partnership A Corporation Other (Specify) 9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Business as a Pawarbroker? Firearms License. (Sale of ammunition alone does not require a license.) 10. Do You Intend to Engage in Business as a Pawarbroker? Yes No 11. Application is Made For a License Under 18 U.S.C. Chapter 44 as a: (Place on "X" in the appropriate box. Submit the fee moted next to the box with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate box. Submit the fee moted next to the low with the appropriate	For ATI	7 Use Only			
Social Security Number (SSN is Voluntary) Business is Located Social Security Number (SSN is Voluntary) Business is Located 6. Mailing Address (If different from address in item #5) 7. Contact Numbers (Include Area Code) Business Phone Cell Phone Social Security Number (If different from address in item #5) 7. Contact Numbers (Include Area Code) Business Phone Cell Phone A Partnership A Corporation Other (Specify) 9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Firearms License. (Sale of ammunition alone does not require a license.) 10. Do You Intend to Engage in Business as a Pawnbroker? Yes No 11. Application is Made For a License Under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box. Submit the fee noted next to the box with the application. Licenses are issued for a 3-year period. See instruction #13 for payment information.) Type Description of License Type Fee O1/02 Revolvers, Gunsmith activities and National Firearms Other Than Destructive Devices (Includes: Rifles, Shotguns, Pistols, Revolvers, Gunsmith activities and National Firearms (other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices Importer of Firearms Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices or Ammunition Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices or Ammunition (NOTE: Importer of handguns and rifles, see instruction #8) 10. Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Saudo Interpret of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Saudo Interpret of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Impo	1. Name	of Owner or Corporation (If partnership, include name of	each partner)		
7. Contact Numbers (Include Area Code) Business Phone	2. Trade	or Business Name, if any			
Business Phone			6. Mailing Address (If different from address	in item #5)	
Business Phone	7. Conta	act Numbers (Include Area Code)			
Second Phone 24 Hour Emergency # (If different)			Fax Number		
8. Applicant's Business is (Select one) Individually Owned A Partnership A Corporation Other (Specify) 9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Firearms License. (Sale of ammunition alone does not require a license.) 10. Do You Intend to Engage in Business as a Pawnbroker? Yes No 11. Application is Made For a License Under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box. Submit the fee noted next to the box with the application. Licenses are issued for a 3-year period. See instruction #13 for payment information.) Type Description of License Type Description of License Type Description of License Type Description of License Type Ol/02 Revolvers, Gunsmith activities and National Firearms Other Than Destructive Devices (Includes: Rifles, Shorguns, Pistols, Revolvers, Gunsmith activities and National Firearms Act (NFA) Weapons) Of Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition Importer of Firearms Other Than Destructive Devices or Ammunition of Firearms Other Than Destructive Devices or Ammunition of Firearms Other Than Destructive Devices or Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see Instruction #8.) Dealer in Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition (See instruction #8)			24 Hour Emergonou # (If different)	-	
Individually Owned			24 Hour Emergency # (1) different)		
9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Firearms License. (Sale of ammunition alone does not require a license.) 10. Do You Intend to Engage in Business as a Pawnbroker? Yes No 11. Application is Made For a License Under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box. Submit the fee noted next to the box with the application. Licenses are issued for a 3-year period. See instruction #13 for payment information.) 12. Type Dealer (01), Including Pawnbroker (02), in Firearms Other Than Destructive Devices (Includes: Rifles, Shotguns, Pistols, Revolvers, Gunsmith activities and National Firearms Act (NFA) Weapons) 13. Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition 14. Manufacturer of Firearms Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices 15. Manufacturer of Firearms Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices or Ammunition Other Than Ammunition (NOTE: Importer of handguns and rifles, see Instruction #8.) 15. Manufacturer of Destructive Devices 15. Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition 15. Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition 16. Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition 17. Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition 18. Sa000 19. Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition 19. Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition 19. Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition	8. Appii		A Corporation Other (Specify)		
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Revolvers, Gunsmith activities and National Firearms Act (NFA) Weapons S200	Type				Fee
Manufacturer of Firearms Other Than Destructive Devices Importer of Firearms Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices, or Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #8.) Dealer in Destructive Devices Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition S3000 Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition (See instruction #8)	,01/02	Revolvers, Gunsmith activities and National Firearms Ac	ct (NFA) Weapons)		
Importer of Firearms Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices, or Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #8.) 10 Dealer in Destructive Devices 11 Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition 12 Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition 13 Sa000 14 Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition (See instruction #8)	1.00			Piercing Ammunition	
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10 Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition \$3000 11 Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition (See instruction #8) \$3000	. 08	Importer of Firearms Other Than Destructive Devices or Ammunition Other Than Armor Piercing Ammunition (*)	Ammunition for Firearms Other Than Destruct NOTE: Importer of handguns and rifles, see ins	truction #8.)	
11 Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition (See instruction #8) \$3000					-
The important of Destinating Destinating Control of the Indian Con					-
Total Fees \$ 0	11	Importer of Destructive Devices, Ammunition for Destru	ective Devices or Armor Piercing Ammunition		-
				Total Fees \$	0

13. Hours of 0	Operation of Applic	cant's Business (Mu	st be completed)			14. Is Applicant Presently Engag	ed in a	Business
Time :	Sun Mon	Tues	Wed Thu	Fri	Sat	Requiring a Federal Firearms answer 14a.)	s Licens	e? (If "Yes,"
Open						Yes	\square N	o
Close						14a. Present Federal Firearms Li	cense N	umber
	ive Served in the A	rmed Forces, Provid ad Military Branch.	de Service Serial Nu	mber	-1	Military Branch		
16. Applicant Owned	's Business Premise	es Are ased/Rented	Military		Zoned	ype of Business Premises Zoned		
		ASE PROVIDE THE PROPERTY OW	E NAME, ADDRESS	, AND	Commerci			Dwelling
		wner (If applicable,	and the second s	-	Office			/Apartment
					Rod &	_	Motel	
					- Land		Housin	g
Telephone Nu	mber of Property O	wner (If applicable	i	-	Other	(Specify)		
			n.		IF THE PREM	IISES ARE LOCATED ON A MI	LITAR	Y
18. Do You Ir	ntend To Make a Pr	ofit from Your Bus	iness?			ON, ATTACH A COPY OF WRI TION FROM THE BASE COMM		R TO
Yes		No (If no, do not s	ubmit application)		CONDUCT A INSTALLATI	FIREARMS BUSINESS ON THE ON.	E MILI	TARY
18a. Do You	Intend To Sell Fire	arms Only at Gun S	Shows?		19. Do You Ir Firearms?	ntend to Use Your License Only to	Acquir	e Personal
Yes	(If yes, do not subn	it application)	☐ No			yes, do not submit application.)		No
20 31 61		If Business was	Obtained From Some					
20. Name of I	Previous Business				21. Federal F1	rearms License Number		
Responsib	ole Person Definitio	m. If a Female, Lis	t Any Given, Married,	and Mai	den Names, e.	Persons in the Business. See Instig., "Mary Alice (Smith) Jones," No	"Mrs.	John
Full Name	Position and Social Security Number (Social Security Number is Voluntary)	Home Address Please provide every address you have had in the last 5 years.	Country of Citizenship List more than one, if applicable. Nonimmigrant aliens must complete all information in item #23.	Place (Birth (City, State, CForeig Country)	Date of Birth	Race and Ethnicity (Please check one or more boxes)	Sex	Residence Telephone No.
						American Indian or Alaska Native		
						Asian		
						Black or African American Hispanic or Latino		
						Native Hawaiian or Other Pacific		
						White		
						American Indian or Alaska Native		
						Asian		
						Black or African American		
						Hispanic or Latino Native Hawaiian or Other Pacific		
						Native Hawanan or Other Pacific Islander White		
			Comuni	Applia	. Com		ATF E-Fo	rm 7 (5310.12)

Full Name	Position and Social Security Number (Social Security Number is Voluntary)	Home Address Please provide every address you have had in the last 5 years.	Country of Citizenship List more than one, if applicable. Nonimmigrant aliens must complete all information in item #23.	Place of Birth (City, State, or Foreign Country)	Date of Birth	Race and Ethnicity (Please check one or more boxes)	Sex	Residence Telephone No.
						American Indian or Alaska Native		
						Asian		
						Black or African American		
						225-0		
						Hispanic or Latino		
						Native Hawaiian or Other Pacific		
						White	-	
						American Indian or Alaska Native		
						Asian		
						Black or African American		
						Hispanic or Latino		
						Native Hawaiian or Other Pacific		
						∐Islander		
						White		
affecting comme	rce, any firearms	s or ammunition; or	to receive any firearm	s or ammuni	tion which h	in interstate or foreign commerce have been shipped or transported it ifying compliance with 18 U.S.C.	in inters	tate or foreign
ommerce. All n	rce, any firearms nonimmigrant ali	s or ammunition; or iens listed in item 22	to receive any firearm 2 must complete the fo	s or ammuni blowing info	tion which h	have been shipped or transported in ifying compliance with 18 U.S.C.	in inters	tate or foreign (5)(B).
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	on a Separate Sheet for All "Yes" Answers in Item 26.		Yes	No		
Has Applicant						
or any Person Named in Item	You for More Than One Year, Even if You Received a Shorter Sentence, Including Probation?2					
22 Ever:	B. Been Discharged from the Affiled Forces Order Dishonorable Conditions:					
	C. Been Adjudicated as a Mental Defective, Which Includes Having Been Adjudicated Incompetent to Manage Your Own Affairs, or Been Committed to any Mental Institution?					
	D. Renounced United States Citizenship?					
E. Been Convicted in any Court of a Misdemeanor Crime of Domestic Violence? (See definition #3)						
You may answe	a formal accusation of crime made by a prosecuting attorney, as distinguished from an indi- NO if (a) you have been pardoned for the crime or (b) the conviction has been expunged or ou are not prohibited from possessing or receiving any firearms under the law where the cor	set aside or (c) your civi		ave be		
27. Applicant Ce	tification (Please read and initial each box)					
item 5.	iness to be conducted under the Federal Firearms License is not prohibited by State of This includes compliance with zoning ordinances.					
	30 days after the application is approved, the business will comply with the requirementate of business.	nts of State and local lav	v applica	ble to		
Busines met.	s will not be conducted under the license until the requirements of State and local law	applicable to the busine	ss have b	een		
	leted copy of this form has been sent (mailed or delivered) to the Chief Law Enforceme s is located. (See instruction #5.)	nt Officer of the locality	in which	the .		
	ired by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices will sare sold under this Federal Firearms License to persons who are not licensees.	be available at any plac	e in whic	h		
Name of Chief La	Enforcement Officer (CLEO)					
CLEO's Address (nclude no., street, city, county, State, and ZIP Code)					
this application knowledge and by a duly auture and authority	Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined in and the documents submitted in support thereof, and to the best off my de belief, they are frue, correct and complete. This signature, when presented torized representative of the Department of Justice, will constitute consent for the appropriate Department of Justice representative to examine and and abstracts of records and to receive statements and information regarding					
the backgrou the following	and abstracts of records and to receive statements and unformation regarding and of all responsible persons. Specifically, I hereby authorize the release of data or records to ATF: Military information/records, medical ecords, police and criminal records.	Attach 2 X 2 Photograph(s Here)			
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the backgrou the following	nd of all responsible persons. Specifically, I hereby authorize the release of lata or records to ATF: Military information/records, medical ecords, police and criminal records. Reasons for Denial of Application	2 X 2 Photograph(s Here				

Information for the Chief Law Enforcement Officer

This form provides notification of a person's intent to apply for a Federal firearms license. It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal firearms license, please contact the Federal Firearms Licensing Center at 1-866-662-2750. A "Yes" answer to items #24, #25, and #26 could disqualify a person for a license. Also, ATF may not issue a license if the business would be in violation of State or local law.

Instruction Sheet For ATF Form 7 (5310.12)

(Detach this instruction sheet before submitting your application.)

- 1. TYPE or PRINT with ball-point pen, except for the signature in item 28. Any attached sheets must:
 - a. Be identified with your name, trade name, address, and Employer Identification Number or Social Security Number (Social Security Number is Voluntary) at the top of each page.
 - b. Refer to the questions being answered.
- 2. Issuance of your license will be delayed if the fee is not included or incorrect, or if the form is incomplete or otherwise improperly prepared.
- 3. A license Under 18 U.S.C. Chapter 44:
 - a. Is NOT a license to carry, use, or possess a firearm.
 - b. Confers NO right or privilege to conduct business or activity contrary to State or other law.
 - c. Is a business license, and will NOT be issued to an applicant solely intending to enhance a personal firearms collection. Applicants for a collector of curios and relics license must submit an ATF Form 7CR (5310.16).
 - d. Is NOT a license to sell ammunition only.
 - e. Is NOT a license to buy and sell firearms at gun shows only.
- 4. In most cases, ATF will contact you prior to issuance of a license. If you do not qualify for a license, you will be advised in writing of the reasons for denial and your application fee will be returned. Please note ATF cannot place calls to blocked numbers.
- Applicants must submit "copy 3" of this form to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises sought to be licensed are located. The CLEO is the Chief of Police, the Sheriff, or an equivalent officer, or the designee of such individual.
- State laws or local ordinances may have requirements affecting your proposed firearms business. Contact your State and local authorities for specific information on their requirements, see item #27.
- 7. The certification in item 28 must be signed by the owner, a partner, or in the case of a corporation, association, etc., by an officer duly authorized to sign for the applicant.
- Applicants intending to import firearms and ammunition may need to register with ATF under the provisions of the Arms Export Control Act. Contact
 the Firearms and Explosives Imports Branch at (304) 616-4550 for further information on registration.
- Applicants intending to deal in, import, or manufacture weapons subject to the National Firearms Act (e.g., machineguns, short-barrel shotguns, and destructive devices) are required to pay a Special (Occupational) Tax. Contact the National Firearms Act Branch at (304) 616-4500.
- 10. IMPORTANT!! All responsible persons, to include sole proprietors, must submit a properly prepared FD-258 (Fingerprint Card) with this application. Fingerprints must be taken by appropriate law enforcement authorities on the enclosed pre-printed FD-258. The pre-printed FD-258 should reflect "WVATFI100, ATF-FIC, MARTINSBURG, WV" to preclude rejection of your fingerprints. A 2" x 2" frontal view photograph, taken within the last 6 months, and clearly showing a full front view of the features of the applicant with head bare, must also accompany this application. Please ensure that each photograph is clearly identified on the reverse with the full name of the responsible person to whom the photograph applies, and attach to ATF Form 7 (5310.12) in the space provided on copy 1. If there are multiple responsible persons, affix each photograph (with tape) of each responsible person to a separate sheet of paper and attach to this form.
- IN ADDITION TO A SOLE PROPRIETOR, A RESPONSIBLE PERSON IS:
- In the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management, policies, and practices of the corporation, partnership, or association, insofar as they pertain to firearms.
- 11. MULTIPLE LICENSES You can apply for more than one license if the business is to be conducted at the same location, by checking more than one type of license in Item #11. If business is to be conducted at multiple locations, a separate application and license fee is required for each business location.
- 12. This form requires you to authorize the release of certain information to ATF such as medical information/records. (See item 28). This information is used to determine, for example, whether the applicant has ever been adjudicated as a mental defective or committed to any mental institution. This information is protected by the Privacy Act of 1974 and cannot be disclosed without your written authorization.
- 13. PLEASE FORWARD THE APPLICATION WITH FEE, PHOTOGRAPH(S), AND FINGERPRINT CARD(S) TO:

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES P.O. BOX 409567 ATLANTA, GA 30384-9567

YOU CAN PAY BY CREDIT/DEBIT CARD (if you chose this option, complete item #12), OR CHECK OR MONEY ORDER MADE PAYABLE TO ATF. PLEASE DO NOT SEND CASH.

IF YOU HAVE ANY QUESTIONS RELATING TO THIS APPLICATION, PLEASE CONTACT THE ATF FEDERAL FIREARMS LICENSING CENTER, 244 NEEDY ROAD, MARTINSBURG, WEST VIRGINIA 25405, (304) 616-4600 OR TOLL FREE 1-866-662-2750, OR YOUR LOCAL ATF INDUSTRY OPERATIONS OFFICE.

ATF E-Form 7 (3310.12) Revised May 2005

Definitions

- 1. Restraining Order Under 18 U.S.C. 922 (g)(8), firearms may not be possessed or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner or reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
- Intimate Partner With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitates or has cohabitated with the person.
- 3. Misdemeanor Crime of Domestic Violence A Federal, State, or local offense that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., assault and battery), if the offense is committed by one of the defined parties.
- 4. Secure Gun Storage or Safety Device (A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; (B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or (C) a safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.
- 5. Nonimmigrant Alien An alien in the United States in a nonimmigrant classification. The definition includes, in large part, persons traveling temporarily in the United States for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain foreign workers. The definition does NOT include permanent resident aliens.
- 6. Hunting License or Permit Lawfully Issued in the United States A license or permit issued by a State for hunting which is valid and unexpired.

Privacy Act Information

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552 a(e)(3)):

- Authority. Solicitation of this information is authorized pursuant to 18 U.S.C. § 923 (a) of the Gun Control Act of 1968. Disclosure of this
 information is mandatory if the applicant wishes to obtain a Federal Firearms License.
- Purpose. To determine the eligibility of the applicant to obtain a firearms license, and to determine the ownership of the business, the type of firearms or ammunition to be dealt in, the business hours, the business history, and the identity of the responsible persons in the business.
- 3. Routine Uses. The information will be used by ATF to make determinations set forth in paragraph 2. In addition, information may be disclosed to other Federal, State, foreign, and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the enforcement and regulation of firearms and/or ammunition where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the application when such disclosure is not prohibited by law.
- Effects of Not Supplying Information Requested. Failure to supply complete information will delay processing and may result in denial of the
 application.
- Disclosure of Social Security Number. Disclosure of the individual's social security number is voluntary. Under 18 U.S.C. § 923 (a), ATF has the
 authority to solicit this information. The number may be used to verify the individual's identity. See Section 7(b) of the Privacy Act.

Paperwork Reduction Act Notice

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required to obtain or retain a benefit and is mandatory by statute(18 U.S.C. § 923).

The estimated average burden associated with this collection is 1 hour and 15 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.