

ATF	et al	Investigation Number:	Report Number:
		785115-10 ATF	485

SUMMARY OF EVENT:

On December 17, 2009, ATF Group Supervisor **ATF**, ATF Special Agent **ATF** and AUSA Emory Hurley met with **ATF**, the owner of FFL **ATF** at which time among other topics, those present discussed the practice of the FFL with respect to gun sales.

NARRATIVE:

1. Post indictment I have been advised that at least one defendant has notified the prosecution of an intent to raise a defense of entrapment by estoppel. This report memorializes a meeting held on December 17, 2009, at which time among other topics, those present discussed the practice of the FFL with respect to gun sales.
2. On December 17, 2009, ATF Group Supervisor **ATF**, ATF Special Agent **ATF** and AUSA Emory Hurley met with **ATF**, the owner of **ATF** **ATF** had been providing information to ATF on large firearms purchases, including large purchases of (only) long guns which do not trigger any multiple purchase reporting requirements. This information was being provided voluntarily and without compensation from ATF. **ATF** had expressed concerns about the cooperation he was providing and whether he was endangering himself or implicating himself in a criminal investigation.
3. **ATF** was advised by GS **ATF** agent **ATF** and AUSA Hurley that they could not tell him who he could or could not sell firearms to and that they could not instruct him to make a sale in violation of the law or to refuse to make a lawful sale. **ATF** was advised by GS **ATF** agent **ATF** and AUSA Hurley that as an FFL **ATF** has to comply with all of the statutes and regulations that govern the sale and transfer of firearms and cannot sell firearms unless the required paperwork and background check were completed. **ATF** was also told by GS **ATF** agent **ATF** and AUSA Hurley that the information he provided to ATF regarding large firearms transactions, particularly sales involving only long guns, was very important and useful to ongoing ATF investigations.
4. During this meeting, GS **ATF** agent **ATF** and AUSA Hurley also described additional information that **ATF** or his employees might receive from purchasers which would not necessarily be required by the provisions of Chapter 44 of Title 18 to be kept in his records, but which would prove useful to ATF. This information included phone numbers or other contact information as well as license plate numbers and vehicle

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descriptions. As of the date of this meeting, **ATF** was already providing this type of information to ATF and continued to do so throughout the course of the investigation. At no time were any threats or promises made to **ATF** or employees of **ATF** nor at any time did **ATF** or any employee from **ATF** express any reluctance towards the requested cooperation.