

applicant shall be so notified, in writing, and the license shall be issued as provided by § 478.47.

[33 FR 18555, Dec. 14, 1968, as amended by ATF-27P, 74 FR 1878, Jan. 14, 2009; ATF 2013R-9F, 79 FR 46692, Aug. 11, 2014; ATF 2008R-15P; 81 FR 32235, May 23, 2016]

**§ 478.73 Notice of revocation, suspension, or imposition of civil fine.**

(a) *Basis for action.* Whenever the Director has reason to believe that a licensee has willfully violated any provision of the Act or this part, a notice of revocation of the license, ATF Form 4500, may be issued. In addition, pursuant to 18 U.S.C. 922(t)(5) and 18 U.S.C. 924(p), a notice of revocation, suspension, or imposition of a civil fine may be issued on ATF Form 4500 whenever the Director has reason to believe that a licensee has knowingly transferred a firearm to an unlicensed person and knowingly failed to comply with the requirements of 18 U.S.C. 922(t)(1) with respect to the transfer and, at the time that the transferee most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that the transferee's receipt of a firearm would violate 18 U.S.C. 922(g) or 922(n) or State law; or that a licensee has violated 18 U.S.C. 922(z)(1) by selling, delivering, or transferring any handgun to any person other than a licensee, unless the transferee was provided with a secure gun storage or safety device for that handgun.

(b) *Issuance of notice.* The notice shall set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The Director shall afford the licensee 15 days from the date of receipt of the notice in which to request a hearing prior to suspension or revocation of the license, or imposition of a civil fine. If the licensee does not file a timely request for a hearing, the Director shall issue a final notice of suspension or revocation and/or imposition of a civil fine on ATF Form 5300.13, as provided in § 478.74.

[T.D. ATF-415, 63 FR 58278, Oct. 29, 1998, as amended by ATF-27P, 74 FR 1878, Jan. 14, 2009; ATF 2013R-9F, 79 FR 46692, Aug. 11, 2014; ATF 2008R-15P, 81 FR 32235, May 23, 2016]

**§ 478.74 Request for hearing after notice of suspension, revocation, or imposition of civil fine.**

If a licensee desires a hearing after receipt of a notice of suspension or revocation of a license, or imposition of a civil fine, the licensee shall file a request, in duplicate, with the Director of Industry Operations within 15 days after receipt of the notice of suspension or revocation of a license, or imposition of a civil fine. On receipt of such request, the Director of Industry Operations shall, as expeditiously as possible, make necessary arrangements for the hearing and advise the licensee of the date, time, location and the name of the officer before whom the hearing will be held. Such notification shall be made no less than 10 days in advance of the date set for the hearing. On conclusion of the hearing and consideration of all the relevant presentations made by the licensee or the licensee's representative, the Director shall render a decision and shall prepare a brief summary of the findings and conclusions on which the decision is based. If the decision is that the license should be revoked, or, in actions under 18 U.S.C. 922(t)(5) or 924(p), that the license should be revoked or suspended, or that a civil fine should be imposed, a certified copy of the summary shall be furnished to the licensee with the final notice of revocation, suspension, or imposition of a civil fine on ATF Form 5300.13. If the decision is that the license should not be revoked, or in actions under 18 U.S.C. 922(t)(5) or 924(p), that the license should not be revoked or suspended, and a civil fine should not be imposed, the licensee shall be notified in writing. During the hearing the licensee will have the opportunity to submit facts and arguments for review and consideration; offers of settlement will not be entertained at the hearing but may be made before or after the hearing.

[T.D. ATF-415, 63 FR 58278, Oct. 29, 1998, as amended by ATF-27P, 74 FR 1878, Jan. 14, 2009; ATF 2013R-9F, 79 FR 46692, Aug. 11, 2014; ATF 2008R-15P, 81 FR 32235, May 23, 2016]

**§ 478.75 Service on applicant or licensee.**

All notices and other documents required to be served on an applicant or