U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Boston Field Division

www.atf.gov

August 3, 2020

Q, LLC
4 Cutts Street, Unit 3
Portsmouth, NH, 03801

FFL License Number: 6-02-015-07-2H-02814

In Re: **Cease and Desist** - "Honey Badger" Firearm

To Whom It May Concern:

This is in reference to the Q, LLC model Honey Badger Pistol, manufactured and marketed by your company. The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") examined this firearm and determined that the Honey Badger Pistol is a "firearm" as defined by the National Firearms Act (NFA). Additionally, ATF is aware of two similar firearms marketed by Q, LLC, the Sugar Weasel and Mini Fix, which may also be "firearms" as defined by the NFA.

The NFA defines a firearm to include, in relevant part, "a rifle having a barrel or barrels of less than 16 inches in length." 26 U.S.C. § 5845. A rifle is defined under section 5845(c) as –

> [a] weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

The Firearms and Ammunition Technology Division (FATD) examined the Honey Badger Pistol manufactured and marketed by Q, LLC and determined the firearm is a short-barreled rifle as defined under the NFA. A short-barreled rifle is subject to the registration, transfer, taxation, and possession restrictions regarding these regulated firearms, which include criminal penalties relating to the illegal transfer and possession of said firearms. *See* 26 United States Code Chapter 53; *see also* 26 U.S.C. § 5871 (any person who violates or fails to comply with the provisions of the NFA shall be fined $10,000 per violation and is subject to imprisonment for a term of up to ten years). Additionally, short-barreled rifles are also subject to the Gun Control Act of 1968, as amended ("GCA"), *see* 18 U.S.C. § 921 (a)(8), and would be subject to

prohibitions regarding the transport of such items as set forth in 18 U.S.C. § 922 (a)(4).

The Honey Badger Pistol is equipped with a proprietary "pistol stabilizing brace" accessory made by SB Tactical. The firearm has an overall length of approximately 20-25 inches and a barrel length of approximately 7 inches. The objective design features of the Honey Badger firearm, configured with the subject stabilizing brace, indicate the firearm is designed and intended to be fired from the shoulder. Since this firearm also contains a rifled barrel, it meets the definition of a "rifle." Further, since it has a barrel of less than 16 inches in length, this firearm also meets the definition of a "short-barreled rifle" under the GCA and NFA.

Further, you market the Sugar Weasel and Mini Fix firearms on your website at https://www.liveqordie.com/. The objective design features described in your advertisement of the Sugar Weasel and Mini Fix include a "pistol stabilizing brace" and a rifled barrel of less than 16 inches. Based on the product description on your website, ATF believes these firearms are designed and intended to be fired from the shoulder and may be classified as a short-barreled rifle under the GCA and NFA. Please note, FATD makes firearm classifications based on the physical sample of firearms as received and this is not an official classification.

As a Federal firearms licensee and Special Occupational Taxpayer (SOT), you know that the manufacture and sale of an SBR is subject to significant legal restrictions and compliance under the GCA and the NFA. The NFA requires that the manufacturer register each firearm manufactured in the National Firearms Registration and Transfer Record. *See* 26 U.S.C. § 5841; 27 C.F.R. § 479.101. Any firearm manufactured and/or transferred in violation of the NFA, and possessed by a person to whom it is not registered, is a violation of the NFA and subject to seizure and forfeiture. *See* 26 U.S.C. §§ 5861, 5872. Pursuant to the above, the Honey Badger is properly classified as a "short-barreled rifle" as defined by the NFA, and you must immediately take the following actions:

1. **Cease and desist all manufacture and transfer of the "Honey Badger Pistol" firearm** unless you properly register each firearm manufactured on an ATF Form 2 as required by the NFA, and file the appropriate ATF Form prior to the transfer.
2. **Contact ATF to develop a plan for addressing those firearms already distributed no later than August 17, 2020.**
3. **Provide a sample of the Sugar Weasel and Mini Fix firearms to ATF for an official classification no later than August 17, 2020.**

As you are aware, the NFA levies a $200 tax on each firearm made and an additional $200 tax on each firearm transferred. *See* 26 U.S.C. §§ 5811, 5821. Even though you are an SOT, you are not entitled to the tax exemption on the manufacture of the firearms that you did not properly register on an ATF Form 2 or the transfer of the firearm to another SOT that you did not properly transfer on an ATF Form 3. *See* 26 U.S.C. § 5852(f) and 27 C.F.R. § 479.88(c). Therefore, Q, LLC may be liable for a $200 making tax and a $200 transfer tax on each of the above firearms made and transferred.

For public safety reasons, your cooperation in this matter is essential. Your failure to take the above

Q, LLC

steps may result in (1) law enforcement action by ATF, including a referral of this matter to the United States Attorney's Office for criminal prosecution; (2) tax assessment and collection; and/or (3) seizure and forfeiture of the firearms and property involved in violations of Federal law.

If you have any questions or require any additional information regarding this matter, please contact Nicholas O'Leary, Director of Industry Operations, at 617-557-1203.

for Kelly Brady
Special Agent in Charge
Boston Field Division

c: Director of Industry Operations, Boston Field Division