

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) B & K General Store, LLC 315 US Hwy 117 S Burgaw, NC 28425, PENDER	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 763050-2017-0220-B1B			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 156141018G10615</td> <td style="width: 33%;">4a. TARGET DATE</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 156141018G10615	4a. TARGET DATE	4b. TARGET HOURS
3. PERMIT/LICENSE NUMBER 156141018G10615	4a. TARGET DATE	4b. TARGET HOURS		
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)				

6. ATF OFFICER(S) ASSIGNED
 (b)(6) Lead Investigator
 (b)(6) - Assigned Investigator

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)
 (b)(6), Area Supervisor, 05/16/2017

8. PURPOSE/SPECIAL INSTRUCTIONS
 Conduct a full-scope compliance inspection. Confer with Wilmington FO TFO (b)(6) regarding possible suspicious activity.

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	9	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	42	NO. OF TECS HITS		2112 - P.O.A.
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR
		\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.

11. ATF OFFICER'S RECOMMENDATION
 Submitted by (b)(6) - Industry Operations Investigator

 Submitted on: 08/01/2017
 Update to FLS - Hours: Monday - Friday 8am - 6pm, Saturday 8am - 4pm, Closed Sunday

 Viols WL ONLY and Recall Inspection

12. TIME ACCOUNTING DATA		
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)	
MAY 2017	2.50	
JUN 2017	52.50	
JUL 2017	84.50	
ATF OFFICER'S SUBTOTAL	139.50	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)	
JUN 2017	27.00	
JUL 2017	9.00	
ATF OFFICER'S SUBTOTAL	36.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)	
FEB 2017	4.00	
ATF OFFICER'S SUBTOTAL	4.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS	179.50	

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) B & K General Store, LLC 315 US Hwy 117 S Burgaw, NC 28425, PENDER	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 763050-2017-0220-B1B		
	3. PERMIT/LICENSE NUMBER 156141018G10615	4a. TARGET DATE	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Viols WL ONLY and Recall Inspection

REVIEWED CONCUR SEE COMMENTS FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 08/23/2017
---	---------------------------

ROUTING SEQUENCE AND DATE

- 1. FFLC _____
- 2. _____
- 3. _____
- 4. _____

CONTROL FILE POSTED DATE _____

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 1 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 1

Nature of Violation:

In (b)(3) instances, the licensee failed to record information into the bound Acquisition and Disposition Record book, including: Acquisition recorded, but not timely and/or correctly and/or Disposition information not recorded (ATF Form 4473 on file) - (b)(3) instances. (See attachment.)

In (b)(3) instances, the licensee failed to record either the license number or address for the licensee from whom firearms were received. Of those (b)(3) instances, (b)(3) instances, the licensee also failed to document the model number for the firearm and instead documented the product identification number (for ordering purposes) from the manufacturer or distributor, and in (b)(3) instances (b)(3) the licensee failed to record the acquisition date.

Citation: 27 CFR 478.125(e)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

During the inspection, the licensee corrected the A&D record and recorded the dispositions of all firearms. IOI (b)(6) counseled Mr. and Mrs. Wilborn on how to record acquisition and disposition information, providing training on how to identify descriptive information from the firearm, and stressed the requirement to document the acquisition dates and FFL numbers or addresses from whom firearms are received. IOI (b)(6) reviewed completion of the A&D record and stressed the requirement to record all acquisition information by close of business the next business day and record all disposition information within seven days of sale.

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 2 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

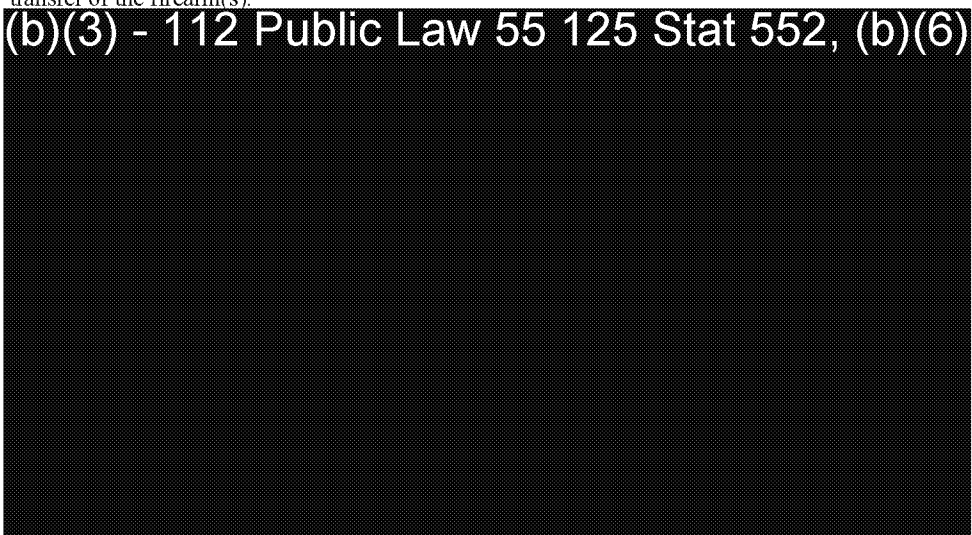
An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 2

Nature of Violation:

In **(b)(3)** instances out of **(b)(3) - 112** ATF Forms 4473 reviewed for the inspection period, the licensee failed to obtain correct or complete information from the transferee/buyer in Section A prior to transfer of the firearm(s).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

IOI **(b)(6)** directed Mr. and Mrs. Wilborn to request the customers correct missing information that would impact tracing (name, address, certification signature/date) on photocopies of the ATF Forms 4473, initialing and dating each change. During the inspection, IOI **(b)(6)** provided training regarding completion of ATF Form 4473. IOI **(b)(6)** explained the licensee should review the form prior to of the firearm, ensuring all required information is documented.

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 3 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Citation: 27 CFR 478.124(c)(1)

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 4 of 11 Pages
License/Permit/Registry Number (If any) 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 3

Nature of Violation:

On ^{(b)(3)} out of ^{(b)(3)} ATF Forms 4473 reviewed for the inspection period, the licensee failed to document the customer's identification document or documented incorrect or incomplete identification in Block 20a (2012 edition) or Block 18a (2016 edition) of Section B of ATF Form 4473.

a. Identification information not documented, but copy of driver's license attached instances) ^{(b)(3)} - 112 Public Law 55 125 Stat 552, (b)(6)

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

b. Identification errors:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

During the inspection, IOI ^{(b)(6)} provided training regarding completion of ATF Form 4473. IOI ^{(b)(6)} explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI ^{(b)(6)} explained acceptance of an expired driver's license is not permissible, except in limited circumstances. Should a customer present an expired driver's license, if the transferee has a temporary driving certificate that extends the expiration of the license, then the licensee may annotate the information in Block 18b of ATF Form 4473. If the customer does not have a valid, unexpired, government-issued identification document, or a combination of documents that satisfy the requirement for identification, the licensee must request the customer obtain a valid, unexpired driver's license or other government-issued photo identification card/document. IOI ^{(b)(6)} explained the information annotated on the driver's license must match the information provided on the ATF Form 4473 prior to transfer of a firearm. If it does not, the customer must return to the premises with an updated driver's license (or government-issued document) that reflects the customer's current information.

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 5 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

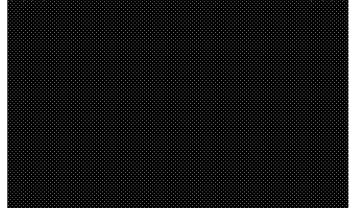
Citation: 27 CFR 478.124(c)(3)(i)

Number: 4

Nature of Violation:

On [redacted] out of [redacted] ATF Forms 4473 reviewed for the inspection period, the licensee failed to document the date NICS was contacted in either Block 21a (2012 ed.) or 19a (2016 ed.) of Section B of ATF Form 4473 prior to transfer of the firearm(s).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Citation: 27 CFR 478.124(c)(3)(iv)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI (b)(6) recommended documenting the date NICS is contacted immediately prior to calling the NICS call center to ensure the information is documented timely and correctly on all future transactions.

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 6 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 5

Nature of Violation:

On ^{08/6} out of ^{03/31} ATF Forms 4473 reviewed for the inspection period, the licensee failed to document or document correctly firearm description information (manufacturer/importer, model, serial number, caliber/gauge, and type) in Section D of ATF Form 4473 prior to transfer of the firearm(s).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Citation: 27 CFR 478.124(c)(4)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

As lack of the firearm information can impact tracing capability, IOI (b)(6) requested the licensee annotate the missing information on photocopies of the ATF Forms 4473, date and initial all changes, and staple the documents to the original forms. During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI (b)(6) explained all information on the ATF Form 4473, including the firearm description information, should all be documented prior to transfer of the firearm and in no situation should the form be completed after the transfer occurs on all future transactions.

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 7 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 6

Nature of Violation:

On (b)(3) out of (b)(3) ATF Forms 4473 reviewed for the inspection period, the licensee failed to conduct NICS checks (b)(3) - 112 Public Law 55 125 instances involved transfers to North Carolina sworn law enforcement officers. Computerized criminal records checks of all individuals identified no prohibitions.

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Citation: 27 CFR 478.102(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should conduct NICS background checks on all sworn North Carolina law enforcement officers prior to transfer of a firearm, including handguns. Although NC state law no longer requires a pistol permit/concealed carry permit for the purchase of a handgun for an NC law enforcement officer, the licensee must still comply with Federal law and conduct a NICS check prior to the transfer of a firearm. IOI (b)(6) further explained all transfers of firearms must first have a NICS check conducted or a valid alternative obtained PRIOR to transfer of the item(s).

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 8 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 7

Nature of Violation:

On ^{(b)(3) - 11} out ^{(b)(3) - 112 F} ATF Forms 4473 reviewed for the inspection period, the licensee failed to complete ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers by close of business the date of the multiple sale.

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

During the inspection, IOI ^{(b)(6)} provided training regarding completion of ATF Form 4473. An ATF Form 3310.4 is required to be completed and submitted to ATF and local law enforcement when a customer purchases more than one handgun within a five-day business period the licensee is open. IOI ^{(b)(6)} directed the licensee to submit the three ATF Forms 3310.4 by close of business the date of the closing conference. IOI ^{(b)(6)} directed the licensee to complete ATF Form 3310.4 by close of business the date of the multiple sale on all future transactions and provided several options to track and identify multiple purchases of handguns by the same customer.

Citation: 27 CFR 478.126a

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 9 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 8

Nature of Violation:

On ^{(b)(3)} out ^{(b)(3) - 112} ATF Forms 4473 reviewed for the inspection period, the licensee failed to document information or documented incomplete or incorrect information for the transferee's signature (Block 34 – 2012 ed., Block 35 – 2016 ed.) and transfer date (Block 36 – 2012 ed., Block 37 – 2016 ed.) prior to transfer of the firearm(s).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

During the inspection, IOI ^{(b)(6)} provided training regarding completion of ATF Form 4473. IOI ^{(b)(6)} explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI ^{(b)(6)} directed the licensee to complete all of Section D prior to transfer of firearms on all future transfers. Information should not be documented days, weeks, or months after the transfers occur.

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 10 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615	Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017				

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

- 13. 6/17/17 Benson, Stanley – Block 35 blank. Block 37 error – date transferred not documented.
- 14. 6/24/17 White, Jeffrey – Block 35 blank. Block 37 error – date transferred not documented.

Citation: 27 CFR 478.124(c)(5)

Number: 9

Nature of Violation:

On [redacted] out of [redacted] ATF Forms 4473 reviewed for the inspection period, the licensee failed to adhere to the instructions and headings on the ATF Form 4473 as required. See attachment.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

IOI (b)(6) directed the licensee to complete missing transfer information, including firearm information, on photocopies of the form, dating and initialing each change, before stapling the copy to the original ATF Form 4473. During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI (b)(6) directed the licensee to complete all of Section D prior to transfer of firearms on all future transfers. Information should not be documented days, weeks, or months after the transfers occur. Furthermore, in no situation should the licensee make entries in Section A of the ATF Form 4473. If the customer cannot read or write, the customer must have two individuals present, as transcriber and witness, and all three must certify at the completion of Section A prior to transfer of the firearm(s) to the customer.

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor B & K General Store, LLC	Street Address 315 US Hwy 117 S	City Burgaw	State NC	Zip Code 28425-	County PENDER	Page 11 of 11 Pages
License/Permit/Registry Number <i>(If any)</i> 156141018G10615		Expiration Date 7/1/2018	Date(s) or Period of Inspection 01/01/2016 through 06/19/2017			

Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Citation: 27 CFR 478.21(a)

I Have Received a Copy of This Report of Violations <i>(Proprietor's signature and title)</i>	Date
Signature and Title of ATF Officer	Date

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

Address: 315 US Hwy 117 S
Burgaw, NC 28425
Pender County

Business: (910) 259-5200
Cell: (b)(6)
Fax: (910) 259-7941
E-mail: (b)(6)

Hours: Monday – Friday 8am – 6pm, Saturday 8am – 4pm, Closed Sunday

1 - Introduction

Inspection Profile:

From 6/24/17 – 7/31/17, Industry Operations Investigators (IOI) (b)(6) and (b)(6) conducted an unannounced compliance inspection for the licensee at the licensed premises. This inspection was initiated as the result of information obtained from (b)(6), who e-mailed IOI (b)(6) with allegations (**Attachment**):

1. Missing firearms
2. Failure to record the correct firearm on the ATF Form 4473
3. Failure to conduct a NICS check at the time of sale
4. Failure to report multiple handgun sales
5. Failure to complete ATF Forms 4473 (“unsigned/incomplete forms 4473”) at the time of sale and completing the information weeks and months after the transfers
6. Failure to record dispositions into the A&D record book at the time of sale and instead documenting the information months after the transfers

(b)(6) also alleged other items; however, none of them are under the purview of ATF.

Mr. Brian Wilborn, manager, was interviewed and his identity was verified with NCDL (b)(6), expiration (b)(6). Computerized criminal background checks of Mr. and Mrs. Wilborn identified no criminal history and there are no active or inactive cases associated with either of their names in NFORCE. The scope of the inspection was from 1/1/16 to 6/19/17.

Business Profile:

Mr. Wilborn operates a small retail firearms business from a storefront in rural Burgaw, North Carolina. He sells primarily new handguns and long guns to area

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

firearms enthusiasts and hunters. Distributors were identified as (b)(4), (b)(4)'s, and other retailers selling firearms on www.gunbroker.com for which Mr. Wilborn completes the transfers for the customers. In the last 12 months, the licensee has acquired (b)(4) and disposed of (b)(4) firearms. Mr. Wilborn conducts internet transfers for customers, but does not engage in sales at gun shows. No other ATF licenses are required and a query of FLS identified no other ATF licenses active for Mr. or Mrs. Wilborn. No state or local permits are required. Off-site storage is not utilized.

Security: Mr. Wilborn maintains any firearms in inventory on racks on the wall or in display cases. At night, all firearms are removed to the safe located in the office. All boxes for firearms set out for display (or maintained in the safes for surplus stock) are maintained in a separate room to the left of the main entrance to the store. The licensee has also installed an alarm system and digital cameras, along with motion sensors.

Ownership and Control:

B & K General Store LLC is a properly registered limited liability company with the North Carolina Department of Secretary of State and a review of the most recent annual report on the website identified no unreported changes in ownership or control of the company, **Exhibit 1**. The documents available on the website indicated an administrative warning letter was mailed to the Wilborns regarding submission of annual reports in 2015 and annual reports were submitted throughout the past two years to bring the company into full compliance. Both Mr. and Mrs. Wilborn are identified as managers and during the inspection, IOI (b)(6) explained it was necessary to maintain compliance with DSS regulations. According to Mr. Wilborn's statements, no other individuals have an interest, financial or otherwise, in the business and hidden ownership is not suspected.

During the inspection, IOI (b)(6) reviewed the FLS printout with Mr. and Mrs. Wilborn and the following change to FLS is required:

Hours: Monday – Friday 8am – 6pm, Saturday 8am – 4pm, Closed Sunday

Variance:

No variances are on file for the licensee and during the inspection, none were requested.

2 - Recommendation

Report of Violations, Warning Letter, and Recall Inspection

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

Update to FLS – Hours: Monday – Friday 8am – 6pm, Saturday 8am – 4pm, Closed Sunday

3 - Inspection History

This is the licensee's first compliance inspection; however, there was a qualification inspection completed in 2015.

Date and Type of Inspection: 6/1/15 – Qualification Inspection
UI#: 763050-2015-0293-B1B

Inspection Results:

On 6/1/15, IOI (b)(6) conducted a qualification inspection for the applicant. IOI (b)(6) verified zoning and reviewed all regulations according to the Acknowledgment of Federal Firearms Regulations with the applicant. The license was issued without incident.

Cited Violations:

No violations were cited. Qualification inspection only.

4 - Acquisition & Disposition (A&D) Record – Inventory

On 6/12/17, IOI (b)(6) and IOI (b)(6) conducted a 100% serial number review of all firearms on premises. There were 87 firearms in inventory and (b)(6) firearms in the bound A&D record book, accounting for a discrepancy (b)(6) firearms, which after reconciliation, IOI (b)(6) identified the licensee failed to record their dispositions. IOI (b)(6) presented the inventory discrepancies to Mr. and Mrs. Wilborn who provided copies of the ATF Forms 4473.

IOIs (b)(6) and (b)(6) reviewed the forms to ensure they were completed within the seven-day window a licensee could delay entry into the A&D record. However, all (b)(6) ATF Forms 4473 (totaling (b)(6) firearms) were completed outside that window. (b)(6) forms involved firearms sold in (b)(6) at the (b)(6), and the remainder were sold in (b)(6). Furthermore, the licensee failed to record all information in Section B and D of the forms. IOI (b)(6) had to refer back to the A&D record to identify the firearms sold to the customers. Each form had the firearm's tag or tags paper-clipped to the document, along with copies of the driver's license and concealed carry permit (or the original pistol permits). IOI (b)(6) asked Mr. and Mrs. Wilborn why the forms were incomplete and Mr. Wilborn explained his wife (b)(6) (b)(6). He stated they had not yet "caught up" on the paperwork.

Upon review of the A&D record, IOI (b)(6) also identified (b)(6) instances whereby the licensee failed to record complete information for the acquisition of firearms, specifically, failing to document the FFL numbers from distributors, acquisition dates,

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

and/or manufacturer product codes/numbers documented as model numbers of firearms, **Violation 1, Report of Violations and Worksheet 1, Attachment; Copies of A&D, Exhibit 1.** Due to this violation and the estimated number of acquisitions (b)(3) - 112 Pub and dispositions (b)(3) - 112 Pub for the inspection period, the Other Statistics tab of the Inspection Worksheets workbook notes an inflated percentage of 127.6% for failure to timely and/or correctly record acquisition information into the bound A&D record book.

The licensee has not submitted any theft/loss reports in the past or during the inspection. The record appears to be in the correct format, but as noted above, not all required information was documented, and furthermore, not all entries were timely recorded. IOI (b)(6) traced approximately 101 firearms sold on ATF Forms 4473 completed within the previous six months in the A&D record book without discrepancy. On 6/30/16, IOI (b)(6) further requested all invoices of firearms received from (b)(4), Mr. and Mrs. Wilborn's primary supplier. IOI (b)(6) requested this information for verification due to B & K General Store's former employee allegations from (b)(6). (b)(6) allegations were not relating to receipt of firearms, IOI (b)(6) believed it prudent to verify all firearms were being recorded into the record and not sold 'off books.'

On 7/19/17, (b)(6) provided a spreadsheet (b)(3) - 112 Pub firearms transferred to the licensee according to (b)(4)'s records from initial licensing to 6/17/17. IOI (b)(6) traced each acquisition through the A&D record. No discrepancies were disclosed. No illegal firearms were disclosed on premises and contrary to (b)(6) allegation, no missing firearms were identified.

5 - ATF Forms 4473 – NICS & Other Dispositions

From 6/26/17 – 6/27/17, IOIs (b)(6) and (b)(6) reviewed (b)(3) - 112 Public ATF Forms 4473 on file for the inspection period of 1/1/16 – 6/19/17. The reason for the extended inspection period was due to the discrepancies disclosed for the initial one-year period of 6/19/16 – 6/19/17. Seven violations were disclosed, **Violations 2-6 and 8-9, Report of Violations and Worksheet 2 (2012 and 2016 edition), Attachment; Copies of ATF Forms 4473, Exhibit 3.**

The licensee failed to:

1. Obtain complete or correct information from the transferee (b)(3) - 112 Pub forms in Section A.
2. Document identification information for the transferee in Section B on (b)(3) - forms or failed to document complete or correct information. Copies of the driver's licenses were attached to each ATF Form 4473.
3. Document the date NICS was contacted prior to transfer of a firearm on (b)(3) - 112 Pub forms.

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

4. Document description information for firearms sold to non-licensees in Section D on [REDACTED] ATF Forms 4473.
5. Conduct NICS checks for transfers to non-licensees [REDACTED] instances [REDACTED] of which were to NC sworn law enforcement officers. [REDACTED] involved a non-licensee (b)(6) who received the firearm the same date he signed the form, which was two days prior to the NICS check being conducted.
6. Complete all required transferor/seller signature/date in Section D in [REDACTED] instances.
7. Complete all required information according to headings and instructions [REDACTED] ATF Forms 4473, including several instances whereby both Mr. and Mrs. Wilborn completed Section A for the customer.

During the inspection, IOI (b)(6) asked about how they process ATF Forms 4473 and Mr. Wilborn explained that after the customer completes Section A, he or his wife will review the customer's information and then proceed with the sale by making photocopies of the customer's driver's license and concealed carry permit, or accepting the original pistol permit.

Mr. and Mrs. Wilborn stated they become very busy with other matters in the store, especially feed questions, and make photocopies of the driver's license and concealed carry permit, along with paper-clipping the firearm tag (with the entry # in the A&D) so as to record the information onto the ATF Form 4473 at a later date. Mrs. Wilborn also stated (b)(6) and that priority contributed to failing to document the information at the time of sale. They also stated they frequently "tag team" the forms as Mr. Wilborn is pulled away from the transfers by phone calls or questions regarding other matters in the store.

When asked why the date of sale in the A&D record frequently did not match the date of sale on the ATF Form 4473, Mr. Wilborn stated that he has documented the date of sale incorrectly onto the ATF Form 4473 as he completed Section D at a later date. The date on the form (if not the same as the customer signature) can be the date he completes the paperwork instead of the sale date. Mr. Wilborn stated he would ensure all forms are completed at the time of sale instead of waiting days, weeks, or months later to complete the entries.

Mr. and Mrs. Wilborn stated they thought having copies of the driver's license attached was sufficient if the information was documented at a later date. Furthermore, neither had an explanation for why they accepted an expired driver's license as proof of identity, residency, and age.

Mr. Wilborn files his ATF Forms 4473 by date of transfer. He obtains copies of the customer's identification document and concealed carry permit. However, as witnessed by reviewing the forms and by the licensee's admission, Mr. Wilborn and his wife

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

document the information on the forms after the transfers have completed, due to a number of reasons, but mainly because it becomes busy in the store and other customers require assistance. He maintains the original pistol permits.

IOIs (b)(6) and (b)(6) witnessed (b)(6) ATF Forms 4473 completed from March – June 2017 with all information missing from Section B and D of the ATF Form 4473, specifically identification information (for which copies were attached), NICS information, along with firearm documentation and seller information. As a result of these discrepancies, along with different handwriting and ink on the completed Forms as well as discrepancies with respect to dates transferred compared to Section A certification, on 6/26/17, IOI (b)(6) obtained verbal permission from DIO Steve Albro to conduct up to 30 forward traces after the conclusion of the inspection. On 7/5/17, IOI (b)(6) mailed out 13 certified letters to customers to verify the receipt of firearms. IOI (b)(6) received five responses out of the 13 letters that were mailed.

On 7/13/17, IOI (b)(6) received a phone call from (b)(6) who received the forward trace request and he stated he could not recall the date he purchased his firearm. IOI (b)(6) asked if he purchased it the same date he paid off the layaway (4/20/16) and he stated yes. IOI (b)(6) asked again if he returned to the premises either the day after he finished paying it off or two days later and he stated no, that he had received the firearm the date he paid the item in full. For clarification, according to the ATF Form 4473 exhibited in Exhibit 3, (b)(6) signed and dated the ATF Form 4473 on (b)(3) - 112 Public Law, the NICS check occurred on 4/22/16, verified with ATF Liaison for NICS (b)(6) (Exhibit 4), and according to the form, Mr. Wilborn dated the transfer as (b)(3) - 112 Public Law. The A&D record (also enclosed – Exhibit 2) shows the date of sale as (b)(3) - 112 Public Law. Furthermore, (b)(6) alleged in “the summer” Mr. Wilborn sold a long gun without a background check and “went in on a non business day to perform a NICS check to save his (expletive),” E-mail from (b)(6), Attachment. Although this transfer occurred in April, the transfer involved a rifle. The other four forward trace responses were positive and confirmed the firearms enclosed therein were transferred on the dates indicated in the letters. No further action was completed regarding these forward traces.

Review of the records determined the licensee is conducting FFL transfers correctly, but law enforcement transfers were not completed correctly. As noted above, although Mr. Wilborn explained he accepts pistol permits/concealed carry permits for law enforcement officers purchasing handguns and conducts NICS checks for long guns, neither of those occurred (b)(3) - 112 Public Law instances. During the inspection, IOI (b)(6) provided training regarding law enforcement sales.

The NICS history for the licensee since commencement of business in 2015 identified one “denied” transaction, three proceeds, and no open, canceled, or delayed responses were received for the 60-day period preceding the compliance inspection. All four

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

NICS responses were verified without discrepancy. No indications of trafficking were identified.

6 – Multiple Sales

On 6/6/17, the FFL trace history report identified (b)(3) - 112 reported multiple sales for the three-year period of 6/6/14 – 6/6/17. During the inspection, (b)(3) - 112 unreported multiple sales were disclosed involving a total of (b)(3) - 112 firearms, **Violation 7, Report of Violations and Worksheet 2, Attachment: Copies of ATF Forms 4473, Exhibit 3.**

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

The multiple sales for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) were not yet reported as the licensee had not completed Section B and D of the ATF Form 4473. Mrs. Wilborn explained she submits the documents when she completes the forms via fax to ATF and the sheriff's office. The licensee does retain a copy and attaches it to the form. At the closing conference, IOI (b)(6) discovered Mrs. Wilborn had submitted the ATF Forms 3310.4 for all (b)(3) - 112 unreported multiple sales immediately after IOIs (b)(6) and (b)(6) left the premises on 6/28/17.

IOI (b)(6) identified (b)(3) - 112 multiple sales for which the licensee had copies of the ATF Form 3310.4, but they were not identified in the trace history report. IOI (b)(6) directed the licensee to resubmit the forms and explained the document may be downloaded from the ATF website, populated and then e-mailed directly to ATF. IOI (b)(6) explained the licensee would receive an automated response notifying the receipt of the document. Review of E-trace for the individuals involved in the unreported multiple handgun sales identified no suspicious activity.

7 – Suspicious/Prohibited Purchasers

During the inspection, the following individuals were identified as suspicious or possibly prohibited for the following reasons and on 7/6/17, IOI (b)(6) queried them in NCIC/NLETS and their firearms in E-Trace with the following results:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



8 - Trace Activity

On 6/6/17, the FFL trace history report identified (b)(3) trace for the three-year period of 6/6/14 – 6/6/17 and it was completed for the inspection period. During the inspection, (b)(6) queried 35 used sold in NCIC/NLETS for theft and in E-Trace to complete a trace to a more recent purchaser. In both instances, the results were negative.

9 - NFA/Importer/Collector/Manufacturer

On 6/5/17, the NFA Branch identified B & K General Store LLC does not operate as Class III licensee and there are no NFA firearms registered to the business. During the inspection, IOI (b)(6) identified no evidence to indicate Mr. Wilborn operates as an importer, manufacturer, or collector.

10 - Referrals

During the inspection, no referrals were submitted.

11 - Other

The licensee was in compliance with the Youth Handgun Safety Act notice and poster, Child Safety Lock Act of 2005, NC GS-14-315.1, Storage of Firearms to Protect Minors, and secure gun storage and safety device requirements.

12 - Closing Actions

On 7/31/17, IOIs (b)(6) and (b)(6) held the closing conference with Mr. and Mrs. Wilborn at the licensed premises. The violations disclosed were reviewed in detail and a copy signed by Mr. Wilborn, **Report of Violations, Attachment**. After the review of the violations, the licensee explained corrective action he had taken to ensure the violations disclosed did not reoccur.

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

Mr. and Mrs. Wilborn stated they would ensure each form is completed at the time of sale instead of waiting until later to complete the information. IOI (b)(6) recommended using the driver's license to verify the validity of the information on the ATF Form 4473 prior to transfer. Mrs. Wilborn also explained they had recently upgraded their internet and computer system and would likely submit ATF Forms 3310.4 electronically. Mrs. Wilborn stated they had called several customers to return to the premises to make corrections in Section A (on photocopies of the ATF Forms 4473) with negative results. IOI (b)(6) explained to maintain documentation noting the method and frequency of attempts with the ATF Forms 4473. IOI (b)(6) explained they could only request, not require, the customers return to the premises to correct the ATF Forms 4473. Mr. and Mrs. Wilborn also stated they would no longer assist the customer complete the forms and IOI (b)(6) provided instruction on how to proceed if the customer cannot read or write.

The Federal firearms regulations were thoroughly reviewed and explained. An acknowledgment of that review was signed by Mr. Wilborn and is attached to this report, **Exhibit 5**. IOI (b)(6) provided copies of ATF P 5300.15, "Federal Firearms Licensee Quick Reference and Best Practices Guide," the Youth Handgun Safety Act Notice and Poster, an ATF national and local contact list, information regarding NICS, gun show guidelines, and other pertinent publications. IOI (b)(6) e-mailed a copy of the updated 2014 edition of the Federal Firearms Regulations Reference Guide.

13 –

Violations

1. **27 CFR 478.125(e)**

Nature of violation: In (b)(6) instances, the licensee failed to record information into the bound Acquisition and Disposition Record book, including:
Acquisition recorded, but not timely and/or correctly and/or Disposition information not recorded (ATF Form 4473 on file) – (b)(6) instances:

(b)(3) - 112 Public Law 55 125 Stat 552



FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

(b)(3) - 112 Public Law 55 125 Stat 552

In (b)(3)-11 instances, the licensee failed to record either the license number or address for the licensee from whom firearms were received. Of those (b)(3)-112 instances, in (b)(3)-1 instances, the licensee also failed to document the model number for the firearm and instead documented the product identification number (for ordering purposes) from the manufacturer or distributor, and in (b)(3)-11 instances (b)(3)-112 Public Law 55 125 Stat 552), the licensee failed to record the acquisition date.

Licensee response: The licensee stated he and his wife are the only individuals who now make entries into the bound A&D record book. He further stated the reason the dispositions were not recorded were because they had not “caught up,” his wife (b)(6) (b)(6)

The licensee had no explanation for why the acquisition dates were not recorded. However, regarding the disposition dates incorrectly recorded, the licensee stated he or his wife looked at the date the customer signed the form instead of when the firearm was transferred as they rarely receive delay responses and all sales occur on the same day the customer completes the ATF Form 4473.

Corrective action: During the inspection, the licensee corrected the A&D record and recorded the dispositions of all firearms. IOI (b)(6) counseled Mr. and Mrs. Wilborn

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

on how to record acquisition and disposition information, provided training on how to identify descriptive information from the firearm, and stressed the requirement to document the acquisition dates and FFL numbers or addresses from whom firearms are received. IOI (b)(6) reviewed completion of the A&D record and stressed the requirement to record all acquisition information by close of business the next business day and record all disposition information within seven days of sale.

2. **27 CFR 478.124(c)(1)**

Nature of violation: In (b)(3) instances out of (b)(3) ATF Forms 4473 reviewed for the inspection period, the licensee failed to obtain correct or complete information from the transferee/buyer in Section A prior to transfer of the firearm(s).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Licensee response: During the inspection, IOI (b)(6) asked about how they process ATF Forms 4473 and Mr. Wilborn explained that after the customer completes Section

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

A, he or his wife will review the customer's information and then proceed with the sale by making photocopies of the customer's driver's license and concealed carry permit, or accepting the original pistol permit. Mr. Wilborn admitted they do become busy with other customers or the phone ringing for other matters and may have not realized the customer was not completing all required information in Section A. They also stated they frequently "tag team" the forms as Mr. Wilborn is pulled away from the transfers by phone calls or questions regarding other matters in the store.

Corrective action: IOI (b)(6) directed Mr. and Mrs. Wilborn to request the customers correct missing information that would impact tracing (name, address, certification signature/date) on photocopies of the ATF Forms 4473, initialing and dating each change. During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented.

3. **27 CFR 478.124(c)(3)(i)**

Nature of violation: On (b)(3) out of (b)(3)-11 ATF Forms 4473 reviewed for the inspection period, the licensee failed to document the customer's identification document or documented incorrect or incomplete identification in Block 20a (2012 edition) or Block 18a (2016 edition) of Section B of ATF Form 4473.

- a. Identification information not documented, but copy of driver's license attached (b)(3)-1 instances) - (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

- b. Identification errors:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee response: Mr. and Mrs. Wilborn stated they thought having copies of the driver's license attached was sufficient if the information was documented at a later date. Furthermore, neither had an explanation for why they accepted an expired driver's license. They also stated they frequently "tag team" the forms as Mr. Wilborn is pulled away from the transfers by phone calls or questions regarding other matters in the store.

Corrective action: During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI (b)(6) explained acceptance of an expired driver's license is not permissible, except in limited circumstances. Should a customer present an expired driver's license, if the transferee has a temporary driving certificate that extends the expiration of the license, then the licensee may annotate the information in Block 18b of ATF Form 4473. If the customer does not have a valid, unexpired, government-issued identification document, or a combination of documents that satisfy the requirement for identification, the licensee must request the customer obtain a valid, unexpired driver's license or other government-issued photo identification card/document. IOI (b)(6) explained the information annotated on the driver's license must match the information provided on the ATF Form 4473 prior to transfer of a firearm. If it does not, the customer must return to the premises with an updated driver's license (or government-issued document) that reflects the customer's current information.

4. **Nature of violation:** On (b)(3) - 112 out of (b)(3) - 112 ATF Forms 4473 reviewed for the inspection period, the licensee failed to document the date NICS was contacted in either Block 21a (2012 ed.) or 19a (2016 ed.) of Section B of ATF Form 4473 prior to transfer of the firearm(s).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee response: Mr. and Mrs. Wilborn had no explanation for why the date NICS was contacted was not documented other than to say they might have become busy with other matters and overlooked the information. They also stated they frequently “tag team” the forms as Mr. Wilborn is pulled away from the transfers by phone calls or questions regarding other matters in the store.

Corrective action: During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI (b)(6) recommended documenting the date NICS is contacted immediately prior to calling the NICS call center to ensure the information is documented timely and correctly on all future transactions.

5. **27 CFR 478.124(c)(4)**

Nature of violation: On (b)(3) out of (b)(3) - 112 ATF Forms 4473 reviewed for the inspection period, the licensee failed to document or document correctly the firearm description information (manufacturer/importer, model, serial number, caliber/gauge, and type) in Section D of ATF Form 4473 prior to transfer of the firearm(s).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee response: Mr. and Mrs. Wilborn stated they become very busy with other matters in the store, especially feed questions, and make photocopies of the driver’s license and concealed carry permit, along with paper-clipping the firearm tag (with the entry # in the A&D) so as to record the information onto the ATF Form 4473 at a later date. Mrs. Wilborn also stated (b)(6) and that priority contributed to failing to document the information at the time of sale. They also stated they frequently “tag team” the forms as Mr. Wilborn is pulled away from the transfers

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

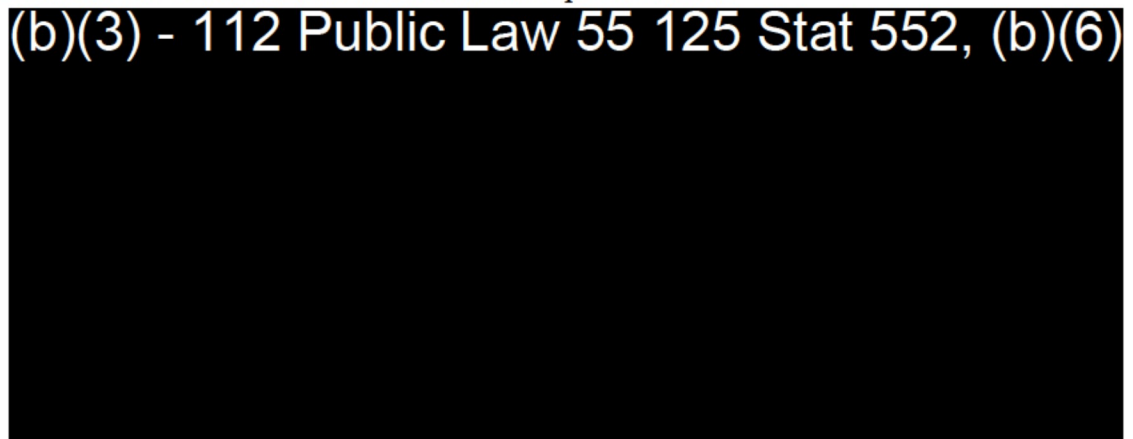
by phone calls or questions regarding other matters in the store. Mr. Wilborn stated he would ensure all forms are completed at the time of sale instead of waiting days, weeks, or months later to complete the entries.

Corrective action: As lack of the firearm information can impact tracing capability, IOI (b)(6) requested the licensee annotate the missing information on photocopies of the ATF Forms 4473, date and initial all changes, and staple the documents to the original forms. During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI (b)(6) explained all information on the ATF Form 4473, including the firearm description information, should all be documented prior to transfer of the firearm and in no situation should the form be completed after the transfer occurs on all future transactions.

6. **27 CFR 478.102(a)**

Nature of violation: On (b)(3)-1 out of (b)(3)-112 ATF Forms 4473 reviewed for the inspection period, the licensee failed to conduct NICS checks. (b)(3) - 112 Public Law 55 125 Stat 552 instances involved transfers to North Carolina sworn law enforcement officers. Computerized criminal records checks of all individuals identified no prohibitions.

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Licensee response: During the inspection, IOI (b)(6) queried how Mr. Wilborn processes law enforcement sales. Mr. Wilborn explained that when an NC law enforcement officer buys a handgun he asks for a pistol permit or concealed carry and if it is a long gun he will conduct a NICS check. However, none of the transfers had either permits or NICS checks conducted and Mr. Wilborn had no explanation for why this was the situation for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6), Mr. Wilborn stated the officer obtained a pistol permit and surrendered it; however, he must have lost the permit as it was not attached to the form.

Specifically regarding (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6), at first Mr. Wilborn stated he might have

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

conducted the NICS check after the sale, but then later Mr. Wilborn stated he conduct the NICS check and transfer on 4/22/16 (verified with FBI Analyst (b)(6)). However, initially Mr. Wilborn had no explanation as to why he dated the form from (b)(3) - 112 Public Law and the customer signed and dated Section A on (b)(3) - 112 Public Law. According to the attached layaway paperwork, the firearm was paid in full on 4/20/16. Mrs. Wilborn was not present during this initial conversation as she had left the premises to attend a dental appointment. A few hours later, Mrs. Wilborn returned. At that time, IOI (b)(6) questioned Mr. Wilborn again about this specific transfer. Mr. Wilborn then speculated the customer finished paying on the 20th, but did not receive the firearm until the 22nd. (b)(6) and said the buyer documented the wrong date (4/20/16 instead of 4/22/16) on both the form and the NC GS 14-315.1 document attached to the form. However, he could not explain why the sale and transfer were not completed on the 20th when full payment was received. He also stated Mrs. Wilborn entered the wrong date in the A&D record because she was looking at the date the customer signed the form instead of the date the firearm was transferred. Contrary to Mr. Wilborn's statements, Mrs. Wilborn stated she believed a former employee partially completed the form and improperly dated the information in the A&D record.

Corrective action: During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should conduct NICS background checks on all sworn North Carolina law enforcement officers prior to transfer of a firearm, including handguns. Although NC state law no longer requires a pistol permit/concealed carry permit for the purchase of a handgun for an NC law enforcement officer, the licensee must still comply with Federal law and conduct a NICS check prior to the transfer of a firearm. IOI (b)(6) further explained all transfers of firearms must first have a NICS check conducted or a valid alternative obtained PRIOR to transfer of the item(s).

7. **27 CFR 478.126a**

Nature of violation: On (b)(3) - 112 F out of (b)(3) - 112 ATF Forms 4473 reviewed for the inspection period, the licensee failed to complete ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers by close of business the date of the multiple sale.

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee response: Mr. Wilborn stated he knew he had to complete the ATF Form 3310.4, but believed it could be completed when the ATF Form 4473 was completed,

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

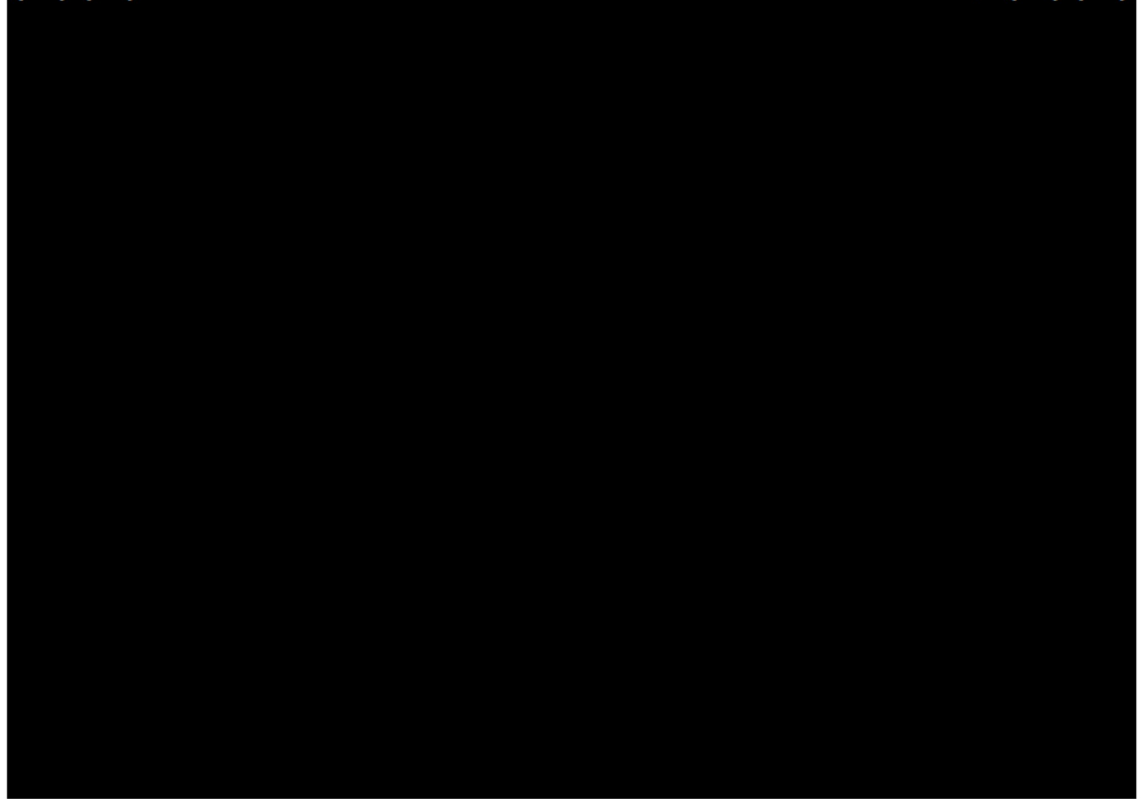
which often took place after the transfers occurred, per his admission. Regarding (b)(6) (b)(6) Mr. Wilborn stated he purchased the Glock for himself and the revolver for (b)(6) (b)(6).” Note: Mr. Wilborn signed as the transferor for (b)(6) (b)(3) - 112 Public Law transfer and Mrs. Wilborn signed as the transferor for (b)(6) transfer.

Corrective action: During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. An ATF Form 3310.4 is required to be completed and submitted to ATF and local law enforcement when a customer purchases more than one handgun within a five-day business period the licensee is open. IOI (b)(6) directed the licensee to submit the (b)(3) - 112 Public Law ATF Forms 3310.4 by close of business the date of the closing conference. IOI (b)(6) directed the licensee to complete ATF Form 3310.4 by close of business the date of the multiple sale on all future transactions and provided several options to track and identify multiple purchases of handguns by the same customer.

8. **27 CFR 478.124(c)(5)**

Nature of violation: On (b)(3) - out of (b)(3) - 112 ATF Forms 4473 reviewed for the inspection period, the licensee failed to document information or documented incomplete or incorrect information for the transferee’s signature (Block 34 – 2012 ed., Block 35 – 2016 ed.) and transfer date (Block 36 – 2012 ed., Block 37 – 2016 ed.) prior to transfer of the firearm(s).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Licensee response: Mr. and Mrs. Wilborn stated they become very busy with other matters in the store, especially feed questions, and make photocopies of the driver's license and concealed carry permit, along with paper-clipping the firearm tag (with the entry # in the A&D) so as to record the information onto the ATF Form 4473 at a later date. Mrs. Wilborn also stated (b)(6) and that priority contributed to failing to document the information at the time of sale. They also stated they frequently "tag team" the forms as Mr. Wilborn is pulled away from the transfers by phone calls or questions regarding other matters in the store. When asked why the date of sale in the A&D record did not match the date of sale on the ATF Form 4473 frequently, Mr. Wilborn stated that he has documented the date of sale incorrectly onto the ATF Form 4473 as he completed Section D at a later date. The date on the form (if not the same as the customer signature) can be the date he completes the paperwork instead of the sale date. Mr. Wilborn stated he would ensure all forms are completed at the time of sale instead of waiting days, weeks, or months later to complete the entries.

Corrective action: During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI (b)(6) directed the licensee to complete all of Section D prior to transfer of firearms on all future transfers. Information should not be documented days, weeks, or months after the transfers occur.

9. **27 CFR 478.21(a)**

Nature of violation: On (b)(3) out of (b)(3) ATF Forms 4473 reviewed for the inspection

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

period, the licensee failed to adhere to the instructions and headings on the ATF Form 4473 as required, including:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Licensee response: Mr. and Mrs. Wilborn had no explanation for why they would correct the customer's information in Section A when the customer failed to document required information. Regarding completion (b)(6) ATF Forms 4473, they stated (b)(6) and they assisted him in documenting his information. Regarding (b)(6) form, Mr. Wilborn admitted to IOI (b)(6) that he completed Section A for the customer (questions 1-10b, 12a), but stated (b)(6) checked the prohibiting questions and he did not influence the customer's answers for the questions. He further stated (when asked how he conducted a NICS check without the customer's address on the form) that he may have completed the check with the driver's license instead of utilizing the information obtained on the form.

They further stated they become very busy with other matters in the store, especially feed questions, and make photocopies of the driver's license and concealed carry permit, along with paper-clipping the firearm tag (with the entry # in the A&D) so as to record the information onto the ATF Form 4473 at a later date. Mrs. Wilborn also stated she (b)(6) and that priority contributed to failing to document the information at the time of sale. They also stated they frequently "tag team" the forms as Mr. Wilborn is pulled away from the transfers by phone calls or questions regarding other matters in the store. When asked why the date of sale in the A&D record did not match the date of sale on the ATF Form 4473 frequently, Mr. Wilborn stated that he has documented the date of sale incorrectly onto the ATF Form 4473 as he completed Section D at a later date. The date on the form (if not the same as the customer signature) can be the date he completes the paperwork instead of the sale date. Mr. Wilborn stated he would ensure all forms are completed at the time of sale instead of waiting days, weeks, or months later to complete the entries.

FIREARMS INSPECTION REPORT

Name: B & K General Store LLC.
Trade Name:

UI#: 763050-2017-0220-B1B
FFL#: 1-56-141-01-8G-10615

Corrective action: IOI (b)(6) directed the licensee to complete missing transfer information, including firearm information, on photocopies of the form, dating and initialing each change, before stapling the copy to the original ATF Form 4473. During the inspection, IOI (b)(6) provided training regarding completion of ATF Form 4473. IOI (b)(6) explained the licensee should review the form prior to transfer of the firearm, ensuring all required information is documented. IOI (b)(6) directed the licensee to complete all of Section D prior to transfer of firearms on all future transfers. Information should not be documented days, weeks, or months after the transfers occur. Furthermore, in no situation should the licensee make entries in Section A of the ATF Form 4473. If the customer cannot read or write, the customer must have two individuals present, as transcriber and witness, and all three must certify at the completion of Section A prior to transfer of the firearm(s) to the customer.

X

(b)(6)

Industry Operations Investigator

Index of Worksheets and Exhibits

Attachments – ATF Form 5030.5, Report of Violations
Attachment for Violations 1 and 9
Inspection Worksheets

Exhibit 1 – Annual Report

Exhibit 2 – Copies of A&D Record (Untimely Dispositions)

Copies of A&D Record (Incorrect/Incomplete Information Documented)

Exhibit 3 – Copies of ATF Forms 4473 with Violations

Exhibit 4 – E-mail from (b)(6), NICS Liaison for ATF

Exhibit 5 – Acknowledgment of Federal Firearms Regulations



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

1801 Stanley Road, Suite 300
Greensboro, NC 27407

August 29, 2017

www.atf.gov

763050(b)(6)
5373

WARNING LETTER

CERTIFIED RETURN RECEIPT REQUESTED

Mr. Brian Douglas Wilborn
B & K General Store, LLC
315 US Hwy 117 S
Burgaw, NC 28425

RE: 156141018G10615

Dear Mr. Wilborn:

During a recent inspection of your firearms business, covering the period January 1, 2016 to June 19, 2017, you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, ATF F 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator (b)(6). You indicated that you understood the requirements of the firearms laws and regulations and that corrective action would be taken to eliminate future violations.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business. This is critical to carrying out our mission to protect the public and to ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area. We look forward to continuing to work with you in that regard.

You are reminded that retention of your Federal firearms license is conditioned upon your compliance with Federal laws and regulations. Any future violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license. Please ensure that future compliance is achieved.

Mr. Brian Douglas Wilborn
B & K General Store, LLC

Should you have any questions regarding this matter, please contact Industry Operations Investigator (b)(6) at (b)(6)

Sincerely yours,

(b)(6)

Area Supervisor

Enclosure

c: Federal Firearms Licensing Center

**U.S. DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS
AND EXPLOSIVES**

Greensboro II - Industry Operations
1801 Stanley Rd. - Suite 300
Greensboro, NC 27407
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

CERTIFIED MAIL



7016 3010 0000 1807 2615

Mr. Brian Douglas Wilborn
B & K General Store, LLC
315 US Hwy 117 S
Burgaw, NC 28425

118 RECEIPT 2017
U.S. POSTAL SERVICE
CERTIFIED MAIL
\$ 006.77
MAILING PERMIT NO. 1000 GREENSBORO, NC
POST OFFICE BOX 1000 GREENSBORO, NC 27407

E 1363.3

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com

Certified Mail Fee \$ 02.10
Certified Mail® \$ 1000.00
0001126305 AUG 29 2017
11 ZIP CODE 27407

Extra Services & Fees (check box for each)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
 Total \$
 Sent \$
 Street \$
 City \$

Mr. Brian Douglas Wilborn
B & K General Store, LLC
315 US Hwy 117 S
Burgaw, NC 28425

Postmark Here

Instructions

7016 3010 0000 1807 2615