

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) TURNBULL, DONALD JR Turnbull Custom Guns 117 CALLAHAN RD BUXTON, ME 04093, YORK		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 762030-2018-0225-B1B		
		3. PERMIT/LICENSE NUMBER 601031070E02001	4a. TARGET DATE 9/30/2018	4b. TARGET HOURS
		5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		
6. ATF OFFICER(S) ASSIGNED (b)(6) - Assigned Investigator (b)(6) - Lead Investigator				
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6), Area Supervisor, 12/09/2017				
8. PURPOSE/SPECIAL INSTRUCTIONS Please conduct an FMI inspection, FFL has not submitted 02 AFMERS in the last 5 years				
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC				
NO. OF VIOLATIONS	3	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	5	NO. OF TECS HITS	1	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: 02/22/2018 Violts WL ONLY and Recall Inspection				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
JAN 2018		13.50		
ATF OFFICER'S SUBTOTAL		13.50	ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
JAN 2018		23.00		
FEB 2018		33.00		
ATF OFFICER'S SUBTOTAL		56.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS		69.50		

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13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Preventative action has been taken and the FFL has been fully educated regarding his responsibilities and it is believed that future compliance can be achieved through a Warning Letter.

NCIC and NLETS checks were conducted of the RP with negative results.

Recommend FLS be updated to reflect that a Warning Letter was issued on 03/05/2018 via Certified Mail #7006 0810 0002 6795 7958. A recall recommendation was also made.

The last inspection date in FLS should now read 02/01/2018.

PII e-mailed to (b)(6), FFLC, on March 16, 2018.

Viols WL ONLY and Recall Inspection

☒ REVIEWED

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) - Area Supervisor

(b)(6)

REVIEW DATE

03/16/2018

ROUTING SEQUENCE AND DATE

- ☐ 1. _____
- ☐ 2. _____
- ☐ 3. _____
- ☐ 4. _____

CONTROL FILE POSTED DATE _____

FIREARMS INSPECTION REPORT

Name: Donald Turnbull Jr.
Turnbull Custom Guns

UI#: 762030-2018-0225-B1B
FFL#: 6-01-031-07-0E-02001

Address: 117 Callahan Road
Buxton, ME 04093

1 - Introduction

Inspection Profile:

A FMI firearms compliance inspection was conducted on Donald Turnbull Jr.'s Type 07 firearms license. Donald Turnbull, Owner was interviewed at the business premises on January 24, 2018. Present for the inspection were IOIs (b)(6) and Donald Turnbull Jr., Owner. The inspection covered the period from January 24, 2017 to January 23, 2018. No notification was given to the licensee.

Business Profile:

Turnbull has conducted minimal business under the FFL since it was issued on March 12, 2014. Turnbull has transferred one firearm in the last year. Turnbull has not manufactured any firearms since receiving the license. Turnbull stated that he had planned to get the business up and running full time from his residence however (b)(6)

(b)(6) He is a licensed gunsmith and stated that the majority of his business is and will continue to be gunsmithing. He does not have signs for his business due to it being located at his residence. Turnbull stated that most of his customers come in by appointment only. The residence is located in a rural residential area in Buxton, Maine.

Turnbull has not acquired any firearms during the inspection period. He has disposed of one firearm during the inspection period. Turnbull stated that he deals in newly ordered firearms. He does not sell firearms at gun shows. Turnbull uses gunbroker.com to advertise firearms for sale. He does not have a website for his business. Turnbull stated that his primary supplier is (b)(6). There are no other businesses located at the licensed business premises. Turnbull does not own any other businesses outside of the licensed business but he does work full-time. Turnbull does not hold any other ATF licenses. He does not hold any other state or local licenses pertaining to firearms. License #6-01-02001 was issued to Turnbull on March 12, 2014. There are no off-site storage locations.

IOI (b)(6) contacted the town of Buxton, Maine in order to verify the FFL was in compliance with local zoning regulations. Code Enforcement Office Clerk (b)(6) informed IOI (b)(6) that Mr. Turnbull had contacted the town and was in compliance with zoning and is allowed to conduct business from the location.

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FFL#: 6-01-031-07-0E-02001

Ownership and Control:

The business is a sole proprietorship. Turnbull uses the trade name of Turnbull Custom Guns. Turnbull owns 100% of the business. He is the only responsible person under the license. No changes in ownership have occurred and responsible persons are correctly shown in the Federal Licensing System (FLS). The business type is listed correctly in FLS as: individually owned. Hidden ownership is not suspected.

Variance:

Turnbull does not hold any variances and no variances were requested during the inspection.

2 - Recommendation

Violations cited, Warning Letter with a Recall Inspection.

3 - Inspection History

The NSpect database was searched. The following inspection history was found.

Date and Type of Inspection:	03/06/2014-on-site qualification inspection
UI#:	762030-2014-0326 B1B
Inspection Results:	Application approved
Cited Violations:	None

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

Turnbull had a hand written A&D record. There were (b)(3)-11 open entries in the A&D record. There were seven firearms in the business inventory. The licensee had zero acquisitions during the inspection period. The licensee had (b)(3)-112 disposition during the inspection period. The licensee transfers (b)(4) long guns and (b)(4) hand guns. The licensee has transferred new firearms only to date. The licensee has not conducted any gunsmith activities or manufacturing activities during the inspection period.

The licensee had (b)(3)-112 open entries in the A&D record where the firearm was not in the physical inventory. The licensee indicated that he may have sold the (b)(3)-112 firearms on gunsmith.com and forgot to log them out of the A&D record. Due to this the licensee was given some time to research his account on gunbroker.com in order to determine if there was some record of the sale. The licensee had (b)(3)-112 P0 older firearms in the inventory that were not logged into the A&D record. The licensee stated that he had those in his inventory from a previous FFL that he held. He accidentally let that license lapse and had to apply for a new license in 2014. These firearms were

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Name: Donald Turnbull Jr.
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transferred to his personal inventory when he submitted his records from the lapsed license. The licensee had some junk firearms in the shop that he indicated were personal firearms. He indicated that when or if he uses these for parts to repair firearms he will log them into the business inventory and then use the parts for repairs. The licensee indicated that he had owned these firearms for approximately 15 years. The firearms were placed in a large bin that is marked personal/not for sale.

Due to the errors found in the inventory and A&D record the following violation was cited:

27 CFR 478.123(a):

Licensee failed to record the acquisition of (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) firearms into the A&D record.

27 CFR 478.123(b):

Licensee failed to record the disposition of (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) firearms into the A&D record.
(see Report of Violations, violation #2 and #3 and Inventory and A&D review worksheet)

SIOI (b)(6) returned to the business premise on February 1, 2018 in order to verify the information found for the disposition of the (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) firearms. Mr. Turnbull showed a copy of an email dated September 16, 2014 for the sale of an (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) .
The second transfer dated August 8, 2014 was verified via telephone by Mr. Turnbull to an FFL, (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) who had purchased (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) other firearms of the same type.

No theft or loss reports were submitted during the inspection period or as a result of this inspection. No trafficking issues relating to acquisition and disposition of firearms were disclosed. Turnbull was reminded that if he uses any of his personal firearms for repairs those firearms will need to be entered into the A&D record. The possibility of taking the useable parts off of the firearms and destroying the receivers was discussed. The licensee stated that he did not want to do that at this time. Turnbull is the only person who will record information in the A&D record.

5 - ATF Forms 4473 – NICS & Other Dispositions

Turnbull had (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) ATF F 4473 on file for the inspection period. No violations were cited. There were no transfers to other licensees, transfers to law enforcement officers or denied transfers during the inspection period. Turnbull has conducted transfers to other FFLs prior to the inspection period. A FFL audit log was requested on January 16, 2018. The FFL audit log revealed one proceed responses. A comparison of the audit log to the ATF F 4473 revealed no violations. The FFL audit log revealed no denied responses.

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FFL#: 6-01-031-07-0E-02001

6 – Multiple Sales

A Violent Crime Analysis Branch trace query was requested on January 16, 2018. The query revealed no reported multiple handgun sales had been reported. No unreported multiple handgun sales were discovered during the inspection.

7 – Suspicious/Prohibited Purchasers

No suspicious purchasers were identified as a result of the inspection.

8 – Trace Activity

The Violent Crime Analysis Branch trace query revealed no trace requests have been conducted.

9 – NFA/Importer/Collector/Manufacturer

No NFA, importing, collecting or manufacturing activities were conducted by the licensee during the inspection period. Mr. Turnbull stated that he still has interest in manufacturing and gunsmithing however his business has not been a priority at this time. The requirements for obtaining a Special Occupational Tax Stamp were discussed with Mr. Turnbull in the event he decides to conduct business in NFA type firearms.

On January 16, 2018, IOI (b)(6) emailed a request to the AFMER request email for confirmation that Turnbull submitted the Annual Firearms Manufacturing and Exportation Reports (AFMER). On January 16, 2018, (b)(6) confirmed that Turnbull had only submitted the report for 2014. Turnbull was asked about the AFMER reports for years 2015 and 2016 during the inspection. He stated that he had not submitted the reports because he had not been conducting business. He was asked to submit them along with the report for 2017 via ATF eForms and to provide copies to IOI (b)(6). On January 31, 2018 Turnbull submitted the 2015, 2016 and 2017 reports to IOI (b)(6). Copies of the AFMER reports are attached to this report (See Exhibit #2). IOI (b)(6) forwarded the copies of the AFMER reports to IOI (b)(6) at the AFMER Program on February 2, 2018. Turnbull has not manufactured any firearms since the license was issued.

A violation of 18 U.S.C. 923 (g)(5)(A) was cited for the licensee's failure to submit the AFMER reports for years 2015 and 2016 prior to the April 1, 2016 and April 1, 2017 due dates as required (see Report of Violations, Violation #1, Exhibit 2).

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FFL#: 6-01-031-07-0E-02001

10 - Referrals

No referrals were generated as a result of the inspection.

11 - Other

On January 16, 2018, IOI (b)(6) contacted RAC (b)(6) of the Portland, ME Field Office via email. (b)(6) indicated that there were no ongoing criminal investigations, safety concerns, or any other concerns that would prevent the inspections from being conducted.

The licensee had gun safety devices for sale. The licensee had the Youth Handgun Safety Act (YHSA) poster and notices on the business premises. The licensee was reminded of the need to contact the Department of Defense Trade Controls if and when he starts conducting any manufacturing activity. Licensee was reminded of the need to set up payments of excise taxes in regards to manufacturing firearms.

The license asked questions in regards to purchasing "80%" finished receivers and building them up to a completed firearm. He was confused about this being considered manufacturing for the AFMER report. The instructions on the AFMER were reviewed and the activity was clarified with Turnbull. It was discussed with the licensee the need to mark all firearms with his manufacturer markings and that all manufacturing activity needed to be conducted on-site. The option to have another licensed FFL engrave the markings with an approved variance was also discussed. The licensee stated that he understood the requirements.

IOI (b)(6) conducted NCIC/NLETS checks on Donald Turnbull Jr. with negative results. A query of NForce was negative for any open cases on the licensee.

The licensee currently works full time for Kinetic Systems as a project manager. His business hours are correct at this time.

SIOI (b)(6) is recommending that a Warning Letter be sent to the licensee with a recall inspection. This is not in accordance with the Adverse Action Policy (hereby referred to as the AAP). The recommendation is being made due to the fact the licensee has not conducted much business and therefore does not have a minimum of (b)(3) instances as shown in the AAP however the violations for failure to record the acquisition of (b)(3) 112 P-0 firearms into the A&D record and failure to record the disposition of (b)(3) 112 firearms into the A&D is more than 5 percent of the licensees total acquisitions and dispositions for the inspection period, therefore a Warning Letter is recommended with a Recall Inspection to ensure future compliance.

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FFL#: 6-01-031-07-0E-02001

12 - Closing Actions

An Acknowledgement of Federal Firearms Regulations was reviewed with Turnbull. Turnbull signed the Acknowledgement. He retained a copy for the business records. A copy of the Acknowledgement is attached to this report (**See Exhibit #1**). IOI (b)(6) returned to the business premise on February 1, 2018 in order to verify the documentation found for the open entries in the A&D record. A closing conference was held on February 1, 2018 between IOI (b)(6) and Mr. Turnbull, Owner.

13 - Violations

1. **18 U.S.C 923(g)(5)(A):**

Nature of Violation: Each licensee shall, when required by letter issued by the Attorney General, submit on a form specified by the Attorney General all record information required to be kept by this chapter. Failure of licensee to submit the 2015 and 2016 Annual Firearms Manufacturing and Exportation Report (AFMER) by April 1, 2016 and April 1, 2017, as required.

Corrective Actions: Licensee completed and was instructed to submit copies of completed reports to ATF. Licensee also submitted copies of the 2015 and 2016 reports to (b)(6), along with the 2017 report. All reports were sent to the AFMER email on February 2, 2018 by IOI (b)(6).

Licensee Response: Licensee stated that he had not completed the AFMERs when they were due because he had not been conducting any activity. He stated that he will file them as required in the future.

Report of Violations, Violation #1, Exhibit #2

2. **27 CFR 478.123(a):**

Nature of Violation: Failure to record acquisition information in the acquisition and disposition book within seven days following the date of manufacture or otherwise acquired. Specifically, in (b)(3) 112 P.003 instances, firearm acquisition information was not entered into the acquisition and disposition book following the date of manufacture or otherwise acquired.

Corrective Actions: Licensee immediately logged all three firearms into the acquisition and disposition record.

Licensee Response: Licensee stated that the firearms were left over inventory from his previous FFL that he accidentally let lapse. He had transferred them into his personal collection when he closed out his previous license and forgot to enter them

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into the new record.

Report of Violations, Violation #2 and Inventory and A&D review worksheet

3. 27 CFR 478.123(b):

Nature of Violation: Failure to record disposition information in the acquisition and disposition book. Specifically, in (b)(3) 112 instances, firearm disposition information was not entered into the acquisition and disposition book.

Corrective Actions: Licensee searched through his gunbroker.com emails and transactions in order to determine where the firearms had been transferred. Licensee logged the (b)(3) 112 firearms out of the acquisition and disposition record.

Licensee Response: Licensee stated that the firearms were sold and he neglected to enter the disposition information into the record. Licensee stated that he will be more attentive to entering the information as required.

Report of Violations, Violation #3 and Inventory and A&D review worksheet

(b)(6)

Signature	SIOI	02/07/2018
	Title	Date of Report

Index of Worksheets and Exhibits

Report of Violations

Worksheet workbook

Exhibit #1-Acknowledgement of Federal Firearms Regulation

Exhibit #2-copies of AFMERs completed by licensee



U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives
10 Causeway Street, #791
Boston, MA 02222-1079

www.atf.gov

762030 (b)(6)
5370

March 5, 2018

WARNING LETTER

Mr. Donald Turnbull Jr.
Turnbull Custom Guns
117 Callahan Road
Buxton, ME 04093

Re: Federal Firearms License Number: 6-01-031-07-0E-02001

Dear Mr. Turnbull:

As a result of a recent compliance inspection conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) at your firearms business located at 117 Callahan Road Buxton, ME 04093 on January 24, 2018 through February 01, 2018, you were cited for violations of 27 Code of Federal Regulations, Part 478. The violations were discussed with you during the inspection. A copy of the Report of Violations, ATF Form 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you by ATF Industry Operations Investigator (b)(6) (b)(6). You indicated that you understood the requirements of the firearms laws and regulations as a licensee. You further indicated that corrective actions would be taken to eliminate future violations.

Mr. Donald Turnbull Jr.
Federal Firearms License Number: 6-01-031-07-0E-02001

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. ATF appreciates the efforts you and other industry members make in this area, and we look forward to continuing to work with you in that regard.

You are reminded that retention of your Federal firearms license is conditional upon compliance with Federal laws and regulations. Because the violations cited in this most recent inspection were fully explained to you and you stated you understood your compliance responsibilities as a licensee, 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.

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

Sincerely,

(b)(6)

Area Supervisor

cc: Federal Firearms Licensing Center
Boston V Area Office

Attachment

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 Donald Turnbull Jr.	Street Address 117 Callahan Road	City Buxton	State Maine	ZIP Code 04093	County York	Page 1 of 1 Pages
License/Permit/Registry Number (if any) 6-01-031-07-OD-02001		Expiration Date April 1, 2020	Date(s) or Period of Inspection January 24, 2018			

Inspection Results

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

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (If not corrected immediately)	Date Corrections to be Made (If not corrected immediately)
1.	18 U.S.C 923(g)(5)(A)	Each licensee shall, when required by letter issued by the Attorney General, submit on a form specified by the Attorney General all record information required to be kept by this chapter. Failure of licensee to submit the 2015 and 2016 Annual Firearms Manufacturing and Exportation Report (AFMER) by April 1, 2016 and April 1, 2017, as required.	Licensee completed and was instructed to submit copies of completed reports to ATF. Licensee also submitted copies of the 2015 and 2016 reports to IOI (b)(6)	
2.	27 CFR 478.123(a)	Failure to record acquisition information in the acquisition and disposition book within seven days following the date of manufacture or otherwise acquired. Specifically, in (b)(3) 112 instances, firearm acquisition information was not entered into the acquisition and disposition book following the date of manufacture or otherwise acquired.	Licensee immediately logged all (b)(3) 112 firearms into the acquisition and disposition record.	
3.	27 CFR 478.123(b)	Failure to record disposition information in the acquisition and disposition book. Specifically, in (b)(3) 11 instances, firearm disposition information was not entered into the acquisition and disposition book.	Licensee logged the two firearms out of his acquisition and disposition record book.	

I Have Received a Copy of This Report of Violations (Proprietor's signature and title)

Signature and Title of ATF Officer

(b)(6)

IO Investigator

Date

01-Feb-2018

Date

01-Feb-2018

ATF E-Form 5030.5
Revised April 2005