

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Cypress Creek Outfitters LLC 10294 Hwy 412 W Linden, TN 37096, Perry	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 776055-2018-0102-B1B		
	3. PERMIT/LICENSE NUMBER 162135019F04658	4a. TARGET DATE	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

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

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)
(b)(6) Area Supervisor, 10/26/2017

8. PURPOSE/SPECIAL INSTRUCTIONS

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	3	NO. OF REFERRALS		2111 - PER DIEM	
NO. OF TECS CHECKS	1	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: 02/09/2018
ATF Industry Operations Investigator (b)(6) conducted this inspection. The scope of the inspection was Dealer of firearms, DE. There were no special instructions. Investigator (b)(6) started the inspection on 12-20-17 and ended the onsite inspection on 1-4-2018.
Viols WC with WL and Recall

12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)			
DEC 2017	32.00		
JAN 2018	21.00		
ATF OFFICER'S SUBTOTAL	53.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	53.00		

13. REVIEW AND ROUTING	
REVIEW COMMENTS AND RECOMMENDATION The licensee failed to have a customer complete an ATF Form 4473 and a background check on an individual purchaser. The licensee caught his own mistake and had the purchaser come back in and complete the paperwork and background check. All three violations were related to this one incident. A warning letter and recall is recommended. Viols WL ONLY and Recall Inspection	
<input checked="" type="checkbox"/> REVIEWED <input checked="" type="checkbox"/> CONCUR <input checked="" type="checkbox"/> SEE COMMENTS <input type="checkbox"/> FINAL DISPOSITION	
SIGNATURE AND TITLE (b)(6) Area Supervisor	REVIEW DATE 01/18/2018

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13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Cypress Creek Outfitters LLC
1-62-04658
Lead IO (b)(6)
Onsite end date: 1/4/18

I concur with the findings of this investigation and the A/S recommendation.

Viols WL ONLY and Recall Inspection

☒ REVIEWED

☐ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) Acting Director, Industry Operations

REVIEW DATE

03/06/2018

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

Report of Violations

Amended

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 Cypress Creek Outfitters LLC	Street Address 10294 Hwy 412 W	City Linden	State TN	Zip Code 37096-	County Perry	Page 1 of 2 Pages
License/Permit/Registry Number <i>(If any)</i> 162135019F04658	Expiration Date 6/1/2019	Date(s) or Period of Inspection 12/20/2017 through 01/04/2018				

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:**
Failure to record the sale or other disposition of firearms in the Acquisition & Disposition Record not later than 7 days following the date of such transaction ^{(b)(3) - 112 Public Law} occasion, the
(b)(3) - 112 Public Law 55 125 Stat 552
- Citation:** 27 CFR 478.125(e)
- Date Corrections to be Made:**
(If not corrected immediately)
- Corrective Action to be Taken:** The licensee will record the disposition of all firearms in the Acquisition & Disposition Record in the timeframe required by regulations.
(If not corrected immediately)
- Number: 2**
- Nature of Violation:**
Failure to record the transaction on a firearms transaction record, ATF F 4473, when selling or otherwise disposing a firearm to any person other than another licensee. ^{(b)(3) - 112 Public Law} occasion, the licensee failed to complete an ATF F 4473 when transferring a firearm to a non-licensee.
- Citation:** 27 CFR 478.124(a)
- Date Corrections to be Made:**
(If not corrected immediately)
- Corrective Action to be Taken:** The licensee will ensure that he completes a Form 4473 when transferring a firearm.
(If not corrected immediately)

Report of Violations

Amended

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 Cypress Creek Outfitters LLC	Street Address 10294 Hwy 412 W	City Linden	State TN	Zip Code 37096-	County Perry	Page 2 of 2 Pages
License/Permit/Registry Number (If any) 162135019F04658	Expiration Date 6/1/2019	Date(s) or Period of Inspection 12/20/2017 through 01/04/2018				

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:

Failure to complete a background check through the Tennessee Instant Check System (TICS) before transferring a firearm to any other unlicensed person. On one occasion, the licensee transferred a firearm to an individual and failed to complete a background check.

Citation: 27 CFR 478.102(a)(1)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee will ensure that the required background check is completed before transferring a firearm to an unlicensed person.

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

Date

2/9/18

Date

2-9-18

(b)(6)

TOI



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

776055(b)(6)
5370

March 7, 2018

WARNING LETTER

Cypress Creek Outfitters LLC
10294 Hwy 412W
Linden, TN 37096

Re: Federal Firearms License Number: 1-62-135-01-9F-04658

Dear Mr. Spence:

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 10294 Hwy 412W Linden, TN on 12/20/17 through 1/4/18, 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.

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

Cypress Creek Outfitters LLC
1-62-04658

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
[Area Office Name] Area Office

Attachment

FIREARMS INSPECTION REPORT

Name: Cypress Creek Outfitters LLC
Trade Name:

UI#: 776055-2018-0102-B1B
FFL#: 1-62-135-01-9F-04658

Address: 10294 Hwy 412 West
Linden TN 37096 Perry Co.

1 - Introduction

Inspection Profile:

ATF Industry Operations Investigator (b)(6) conducted this inspection. Investigator Dupree interviewed Jeff Spence ((b)(6)), Responsible Person during the inspection. The scope of the inspection was Dealer of firearms, DE. There were no special instructions. Investigator (b)(6) started the inspection on 12-20-17 and ended the onsite inspection on 1-4-2018. No other Federal, State or local agencies were involved in the investigation. Advanced notice of the inspection was not given.

Business Profile:

The licensee operates a small retail gun and accessories shop with an outdoor range. The licensee is also a Special Occupancy Tax (SOT) payer and deals in National Firearms Act (NFA) firearms. In the last year, the licensee acquired (b)(4) firearms and disposed of (b)(4) (b)(4) firearms. There has not been any gun show sales. There are no other businesses on the premises. The licensed premises is a commercial building located in rural Perry County. There is no off-site storage. The licensee's does not have a website. The email is cypresscreek@atds.net. The license has been held since 2010 and is it appropriate for the business conducted. The business hours for the licensee is Wednesday thru Friday 12pm to 5pm and Saturday 10am to 2 pm.

Ownership and Control:

This business is owned 100% by Jeff Spence, and is operated as a single member LLC (see **Filing Information and UI# 776055-2010-0148 for Articles of Organization**). There is no evidence of hidden ownership and no responsible persons need to be added. No changes need to be made in FLS.

Variance:

No variances are in place and no variances were requested

2 - Recommendation

Violations Warning Conference with Warning Letter and Recall Inspection.

3 - Inspection History

FIREARMS INSPECTION REPORT

Name: Cypress Creek Outfitters LLC
Trade Name:

UI#: 776055-2018-0102-B1B
FFL#: 1-62-135-01-9F-04658

This is the first inspection since the licensee's application inspection in 2010.

Date of Inspection: 5-4-2010
Type of Inspection: Application Inspection
UI#: 776055-2010-0148
Inspection Results: Approve Application
Cited Violations: None

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

The licensee had one hundred and one (101) firearms in inventory. There were (b)(3) - 112 Public Law 55 125 Stat 552 open entries. The licensee had acquired (b)(4) (b)(4) firearms and disposed of (b)(4) firearms in the last year. These numbers reflect the total acquisitions and dispositions for the GCA, NFA and Gunsmith firearms combined. The licensee had (b)(3) - 112 firearm, which was not logged out (see **Exhibit # 1 lines 1&2, Worksheet 1 and Report of Violations 1**). The licensee stated he had special ordered a Remington 700 for (b)(6). Mr. (b)(6) had also purchased a silencer for the rifle separately. Mr. Spence stated he must have been distracted and talking about the silencer transfer when he gave the rifle to (b)(6). When the open entry was disclosed, Mr. Spence called (b)(6) and asked him to bring the rifle to the shop and complete an ATF Form 4473. Mr. (b)(6) came to the shop completed the form and passed the TIC's check. Mr. Spence had also transferred a silencer for the rifle to (b)(6) on a different day from the rifle and had completed an ATF Form 4473 for the silencer transaction. Mr. Spence was not sure of the date when he transferred the rifle. The licensee maintains six paper A&D records for the dealing of firearms, one paper A&D record for the Gunsmithing activities and on paper record for NFA firearms. Five firearms were traced through the licensee's required records from acquisition to disposition with no discrepancies found. The A&D Record is in the proper format. No theft or loss reports were submitted during the inspection period or because of the investigation. The licensee stated the standard operating procedure for entering and logging out firearms was to complete the entries as soon the firearm is received or as soon as the sale is complete. Mr. Spence stated he keeps each days 4473's together until they are logged out that day. He also stated that is why he did not log out the rifle because he did not do a form.

5 - ATF Forms 4473 – NICS & Other Dispositions

The licensee had completed (b)(6) ATF Forms 4473 in the last year and all were reviewed. The licensee failed to complete a ATF Form 4473 and do a TIC's check for the transfer of the same rifle to (b)(6) (see **Report of Violations #2 and #3, Worksheet 2, 4473 Exhibit #2**). No transfers to sales to law enforcement officers utilizing agency letterhead in lieu of a Form's 4473 were disclosed

FIREARMS INSPECTION REPORT

Name: Cypress Creek Outfitters LLC
Trade Name:

UI#: 776055-2018-0102-B1B
FFL#: 1-62-135-01-9F-04658

during the inspection period. No trafficking issues were disclosed. Twenty (20) TICs transactions were compared to the 4473 transaction numbers and no discrepancies were disclosed. Transfers to other Federal Firearms Licensees were conducted properly. The licensee stated his standard operating procedure for completing the 4473 form was to review all forms and place them in the correct order for storage.

6 - Multiple Sales

Violent Crime Analysis Branch FFL Master Query listed one multiple sales reported during the inspection period. No unreported multiple sales were disclosed.

7 - Suspicious/Prohibited Purchasers

No potential traffickers or illegal firearms were identified during the inspection.

8 - Trace Activity

The licensee did not have a firearm trace during the inspection period. A secondary market analysis was not conducted.

9 - NFA/Importer/Collector/Manufacturer

Cypress Creek is licensed to deal in NFA firearms. A full inventory of NFA firearms was conducted and compared to the NFA Records Search results and no discrepancies were disclosed. The licensee's SOT status was verified.

10 - Referrals

No referrals were generated because of this inspection.

11 - Other

The licensee complies with the Youth Handgun Safety Act by having the poster in plain sight and distributing pamphlets. Gunlocks were supplied to purchasers of firearms or available for individual sale.

12 - Closing Actions

The investigator conducted a closing conference with Jeff Spence on January 4, 2018. The investigator reviewed the ATF Forms 4473 to ensure it could be completed properly. The A&D Record was also discussed in detail. The discussion concluded with a review of the 'Acknowledgment of Federal Firearms Regulations' with Mr. Spence. Investigator (b)(6) answered his questions and he signed the

FIREARMS INSPECTION REPORT

Name: Cypress Creek Outfitters LLC
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acknowledgement; a copy was provided to him (see **Exhibit #3 Signed Acknowledgement**).

A report of violations was prepared and reviewed with Jeff Spence. Mr. Spence signed the report of violations and a copy was given to him.

IOI (b)(6) provided the licensee with the following ATF Forms and Publications either in hard copy or CD Rom:

- ATF P 5300.11 – Curios or Relics;
- ATF F 3310.11 – Theft/Loss Report;
- ATF F 4473 – Firearms Transaction Record;
- ATF Form 3310.4 – Report of Multiple Handgun Sales;
- ATF I 5300.23 A – Gun Show Guidelines;
- TICS FFL Guidelines;
- TN TICS Open Letter;
- TN Pawnbrokers laws;
- TICS Related Phone Numbers and Information;
- Starting and Operating a Business in Tennessee;
- Shotguns with Pistol grip;
- Sales to Law Enforcement Officers;
- ATF P 5300.4 Firearms Regulations Reference Guide;
- ATF P 5300.15 Federal Firearms Licensee Quick Reference and Best Practices;
- ATF F 1370.2 Order Form;
- Open Letter Military Orders;
- Open Letter to C&R Licensees;
- NFA silencer-FAQ's;
- Marking Requirements MFG;
- ATF Form 5300.11-Annual Firearms Manufacturing and Exportation Report;
- Internet Sales Brief for FFL's;
- ATF P 5310.1 Gun Free School Zone;
- Child Safety Lock Act of 2005;
- ATF 5330.16 Antique Firearms;
- ATF-Ruling 2008-2 Computerized Records as Required Records;
- ATF P 3312.10- National Tracing Center Information;
- ATF P 3317.2 – Safety and Security Information;
- ATF P 5300.18 – Sales to Residents/Non-resident Aliens;
- Youth Handgun Safety Act Poster and Notices;
- ATF F 5300.38 – Reporting change of Address;
- ATF P 5300.5 – Compliance with State Law; and
- ATF P 3312.8 – Personal Firearms.

FIREARMS INSPECTION REPORT

Name: Cypress Creek Outfitters LLC
Trade Name:

UI#: 776055-2018-0102-B1B
FFL#: 1-62-135-01-9F-04658

13 - Violations

1. 27 CFR §478.125(e)

Failure to record the sale or other disposition of firearms in the Acquisition & Disposition Record not later than 7 days following the date of such transaction. On [REDACTED] occasion, the licensee failed to record any disposition information in A&D book 5 on [REDACTED] for the transfer of a rifle.

Corrective Action

The licensee will record the disposition of all firearms in the Acquisition & Disposition Record in the timeframe required by regulations.

Licensee's Response

The licensee stated that since he did not have a form he did not realize he had not logged it out.

2. 27 CFR §478.124(a)

Failure to record the transaction on a firearms transaction record, ATF F 4473, when selling or otherwise disposing a firearm to any person other than another licensee. On [REDACTED] occasion, the licensee failed to complete an ATF F 4473 when transferring a firearm to a non-licensee.

Corrective Action

The licensee will ensure that he completes a Form 4473 when transferring a firearm.

Licensee's Response

Mr. Spence stated he must have been distracted and transferred the firearm without doing a 4473.

3. 27 CFR §478.102 (a)(1)

Failure to complete a background check through the Tennessee Instant Check System (TICS) before transferring a firearm to any other unlicensed person. On one occasion, the licensee transferred a firearm to an individual and failed to complete a background check.

Corrective Action

The licensee will ensure that the required background check is completed before transferring a firearm to an unlicensed person.

Licensee's Response

The licensee stated he must have been distracted during the transaction and transferred the firearm without doing a background check.

FIREARMS INSPECTION REPORT

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Trade Name:

UI#: 776055-2018-0102-B1B
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1/12/2018

X (b)(6)

(b)(6)

Industry Operations Investigator

Signed by: ATF

Index of Worksheets and Exhibits

Worksheet 1

Worksheet 2 (2016)

Exhibits

1. A&D pages
2. ATF Form 4473
3. Signed Acknowledgement of Federal Firearms Regulations.