

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Open Range Inc. 6401 Cross Keys Blvd Crestwood, KY 40014, Oldham	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 775045-2018-0050-B1B		
	3. PERMIT/LICENSE NUMBER 461185010K02101	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
conduct inspection in conjunction with this dealers Type 06 FFL 4-61-05661

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	88	NO. OF TECS HITS	3	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: 01/03/2018

The current inspection disclosed nine violations of the Gun Control Act which warrant a recommendation of Warning Conference due to the licensee failing to conduct a background check (NICS check) or obtain a valid state (b)(3) - 112 Public Law 55 instances. Recommend Warning Conference. Recall requested. No referrals were submitted.

Viols WC with WL and Recall

12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)	
DEC 2017	30.00		
JAN 2018	14.00		
ATF OFFICER'S SUBTOTAL	44.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	44.00		

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Open Range Inc. 6401 Cross Keys Blvd Crestwood, KY 40014, Oldham	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 775045-2018-0050-B1B		
	3. PERMIT/LICENSE NUMBER 461185010K02101	4a. TARGET DATE	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

FFL compliance inspection conducted from 12/5/2017 thru 12/14/2017. This is the FFL's fourth compliance inspection since obtaining an FFL in 2005. FFL was cited for 9 violations.

One violation is related to (b)(3) instances of A & D errors. 358 firearms in inventory. (b)(4) firearms acquired and (b)(4) disposed during period of review. Overall, A & D error rate is 0.1%.

Seven violations are related to ATF Forms 4473. 887 forms reviewed. Overall, Forms 4473 error rate is 1%.

One violation rises to the level of warning conference. 27 CFR 478.102(a): (b)(3) instances of failure to conduct a NICS background check or obtain valid state permits. Specifically (b)(3) NFA transfers were conducted where the NFA forms were submitted prior to ATF 41 F, Final Rule 7/13/2016, and the FFL did not conduct a NICS check or obtain a qualifying permit for the person who picked up the NFA weapons. Also (b)(3) separate instances of non-NFA transfers where the FFL accepted a non-qualifying LEOSA permit and an invalid CCDW in lieu of a NICS background check.

Both the IOI and A/S recommend WC, WL and Recall Inspection. PII sent to the DIO on 1/12/2018 for WC approval.

Initially recommended WC. After discussion with DIO, changed to WL & recall inspection. WL mailed on 1/22/2018. PII sent to the FFCL on same date.

Viols WL ONLY and Recall Inspection

☒ REVIEWED ☐ CONCUR ☒ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 01/12/2018
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REVIEW COMMENTS AND RECOMMENDATION

This is the FFL's fourth compliance inspection since obtaining an FFL in 2005. Previous inspections resulted in:

2013: No violations, No further action, 2010: No violations, No further action, 2007: ROV only, 2006: No violations, No further action.

The current inspection yielded 9 violations.

One violation is related to (b)(3) instances of A & D errors. Overall, A & D error rate is 0.1%.

Seven violations are related to ATF Forms 4473. 887 forms reviewed. Overall, Forms 4473 error rate is 1%.

The licensee failed to conduct a NICS background check or obtain valid state permits in (b)(3) instances. (b)(3) NFA transfers were conducted where the NFA forms were submitted prior to ATF 41 F, Final Rule 7/13/2016, and the FFL did not conduct a NICS check or obtain a qualifying permit for the person who picked up the NFA weapons. (b)(3) separate instances of non-NFA transfers where the FFL accepted a non-qualifying LEOSA permit and an invalid CCDW in lieu of a NICS background check. None of the individuals were prohibited.

The lead IOI and AS recommend WC, WL and Recall Inspection.

Viols WL ONLY and Recall Inspection

☐ REVIEWED ☐ CONCUR ☐ SEE COMMENTS ☒ FINAL DISPOSITION

SIGNATURE AND TITLE APROGERS - DIO	REVIEW DATE 01/17/2018
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ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

Report of Violations

Instructions

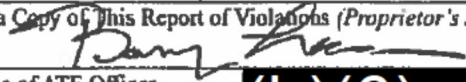
Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach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

Name of Proprietor Open Range, Inc.	Street Address 6401 Cross Keys Blvd.	City Crestwood	State Ky.	ZIP Code 40114	County Oldham	Page 1 of 3 Pages
License/Permit/Registry Number (if any) 4-61-185-01-OK-02101		Expiration Date 10-1-2020	Date(s) or Period of Inspection 12-5-17 to 12-14-17			

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	27 CFR 478.125(e)	Failure to properly maintain the acquisition and disposition record instances. (b)(3) - 112 Public L Licensee recorded an incorrect firearm serial number in the A & D record in (b)(3) - 112 Public L instance. Licensee recorded a duplicate entry (b)(3) - 112 Public L instance.	The licensee was instructed to begin maintaining the A & D record accurately and in a timely manner. Licensee was instructed to make the appropriate corrections to the A & D record, which they did.	immediately
2	27CFR478.21(a)	Failure to obtain a properly completed ATF F4473. 887 forms were examined. Errors were found (b)(3) - 112 Public L instances on three forms. The following was found: (b)(3) - 112 Public L instance, Item 22 (2016 edition) was blank. (b)(3) - 112 Public L instance, Item 23 (2016 edition) was blank. (b)(3) - 112 Public L instances, Item 33 (2016 edition) was blank.	Licensee was instructed to examine all ATF F4473s completed by purchasers to ensure that all required information is fully complete and correct. Licensee was instructed to properly complete ATF F4473s.	immediately
3	27CFR478.124(c)(1)	Failure to obtain a properly completed ATF F4473 (b)(3) - 112 Public L out of 887 forms examined. A total (b)(3) - 112 Public L instances were found to be either missing, incomplete or incorrect. The following was found: (b)(3) - 112 Public L instance, Item 17 (2012 edition) was incorrect. (b)(3) - 112 Public L instance, Item 11d (2016 edition) was blank. (b)(3) - 112 Public L instances, Item 15 (2016 edition) was incorrect.	Licensee was instructed to examine all ATF F4473s completed by purchasers to ensure that all required information is fully complete and correct.	immediately

I Have Received a Copy of This Report of Violations (Proprietor's signature and title)  CEO/PRESIDENT		Date 12/14/17
Signature and Title of ATF Officer (b)(6) IOI		Date 12-14-17

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 Open Range, Inc.	Street Address 6401 Cross Keys Blvd.	City Crestwood	State Ky.	ZIP Code 40114	County Oldham	Page <u>2</u> of <u>3</u> Pages
License/Permit/Registry Number (if any) 4-61-185-01-0K-02101		Expiration Date 10-1-2020	Date(s) or Period of Inspection 12-5-17 to 12-14-17			

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)
4	27CFR478.124(c)(3)(i)	After the transferee has executed the ATF F4473, the licensee shall verify the identity of the transferee by examining the identification document. The licensee failed to receive a valid identification or failed to record id information (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instances (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instance, Item 18a (2016 edition) was blank. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) stances, Item 18a (2016 edition) was incorrect.	The licensee must verify the identity of the transferee by examining the identification document and record all transferee's identification information on the ATF F4473.	immediately
5	27CFR478.124(c)(3)(iii)	Failure to properly complete ATF F4473s. 887 forms were examined. Errors were found (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instance, Item 18c (2016 edition) was incorrect (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)	Licensee was instructed to properly complete ATF F4473s.	immediately
6	27CFR478.124(c)(3)(iv)	Failure to properly complete ATF F4473s. 887 forms were examined. Errors were found (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instance, Item 19a (2016 edition) was blank. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) stances, Item 19b (2016 edition) was blank or incorrect. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) stance, Item 19c (2016 edition) was blank.	Licensee was instructed to properly complete ATF F4473s.	immediately

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 Open Range, Inc.	Street Address 6401 Cross Keys Blvd.	City Crestwood	State Ky.	ZIP Code 40114	County Oldham	Page 3 of 3 Pages
License/Permit/Registry Number (if any) 4-61-185-01-0K-02101		Expiration Date 10-1-2020	Date(s) or Period of Inspection 12-5-17 to 12-14-17			

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)
7	27CFR478.124(e)(5)	Failure to properly complete ATF F4473s. 887 forms were examined. Errors were found in [REDACTED] instances. The following was found: In one instance, Item 37 (2016 edition) was incorrect.	Licensee was instructed to properly complete ATF F4473s.	immediately
8	27CFR478.102(a)	The licensee failed to conduct a background check (NICS check) or obtain a valid state permit in 10 instances in violation of 27CFR478.102(a). In two of the 10 instances, the licensee completed an ATF F 4473 but accepted a non-qualifying state permit as a substitute for the NICS check [REDACTED] (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) In eight of the 10 instances, the licensee transferred a NFA weapon to a trust and failed to conduct a background check on the individual who picked up the NFA weapon on behalf of the trust. All of the NFA Form 4s were filled out and sent to the NFA Branch prior to 7-13-16. No background check was done at the NFA Branch in these instances. [REDACTED] (b)(3) - 112 Public Law 55 125 Stat 552, (b)(3) - 26 USC 6103, (b)(6)	The licensee was instructed to conduct a NICS check or obtain valid alternative permit for any firearms transferred/sold. The licensee was instructed that prior to 7-13-16, if he transferred a NFA weapon to a trust, he was required to conduct a background check on the individual who picked up the NFA weapon on behalf of the trust. The licensee was instructed that after 7-13-16, if he transferred a NFA weapon to a trust, he must require responsible persons of the trust to complete ATF F 5320.23 (NFA RP Questionnaire) and require the responsible persons to submit photographs/fingerprints to the NFA Branch along with the appropriate NFA Form.	immediately
9	27CFR478.129(b)	Failure to retain an ATF F 4473 [REDACTED] instance. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)	The licensee was instructed to maintain approved ATF F 4473s for 20 years and denied/cancelled ATF F 4473s for five years.	immediately



U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives

600 Dr. Martin Luther King Jr. Place, Suite 500
Louisville, Kentucky 40202

January 22, 2018

www.atf.gov

775045 (b)(6)
5300

**CERTIFIED MAIL/
RETURN RECEIPT REQUESTED**

Mr. Barry Laws
Open Range, Inc.,
6401 Cross Keys Blvd.
Crestwood, Ky. 40014

Re: FFL# 4-61-185-01-0K-02101

Dear Mr. Laws:

During a recent compliance inspection at your firearms business covering the period of December 5, 2017 to December 14, 2017, you were cited for violations of 27 Code of Federal Regulations, Part 478. A copy of the ATF Form 5030.5, Report of Violations, issued at the time of the inspection is enclosed.

The violations were fully explained to you by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator (IOI) (b)(6). You indicated that you understood the requirements of the firearms laws and regulations. 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 effort 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 ensure that criminals do not gain access to firearms. 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 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.

Should you have any questions regarding this matter, please contact IOI (b)(6) or myself at (b)(6)

Sincerely yours,

(b)(6)

Area Supervisor
Louisville II Field Office

Enclosure

cc: Federal Firearms Licensing Center
Director, Industry Operations
File

FIREARMS INSPECTION REPORT

Name: Open Range, Inc.
Trade Name:

UI#: 775045-2018-0050-B1B
FFL#: 4-61-185-01-0K-02101

Address: 6401 Cross Keys Blvd.
Crestwood, Ky. 40014 Oldham County

1 - Introduction

Inspection Profile:

On December 5, 2017, ATF IOI (b)(6) visited the business premise of Open Range, Inc. for the purpose of conducting a Disposition Emphasis Compliance Inspection on the Type 01 Federal Firearms License # 4-61-185-01-0K-02101 with an expiration date of October 1, 2020 (UI # 775045-2018-0050-B1B) and conducting a Compliance Inspection on the Type 06 Federal Firearms License # 4-61-185-06-0C-05661 with an expiration date of March 1, 2020 (UI # 775045-2018-0049-B1B). The business is a corporation in which Barry Laws is listed as CEO/responsible person, Cynthis Laws is listed as treasurer/responsible person, Brendan Montgomery is listed as a responsible person, Matthew Noyes is listed as a responsible person and Joy Sobiech is listed as a responsible person. Barry Laws was interviewed and the on-site inspection began. Barry Laws' identity was verified by Kentucky driver's license # (b)(6). The inspection period is December 5, 2016 to present. Advance notice was not provided.

Business Profile:

Open Range, Inc. primarily conducts retail sales of firearms at the premise and ammunition manufacturing/sales. Barry Laws stated they reload ammunition used on their gun range located at the premise. Mr. Laws stated they clean the cartridges and reload them for sale. Mr. Laws stated they conduct limited gunsmithing activity, limited internet sales and limited consignment sales. Open Range, Inc. is also a Class 3 NFA dealer. Mr. Laws stated they do not conduct gun show sales or pawn transactions. The business premise is located in a commercial building at 6401 Cross Keys Blvd., Crestwood, Ky. 40014. This is an urban setting. A Type 01 FFL and Type 06 FFL are the appropriate licenses for the type of business activity conducted. The licensee currently maintains 358 firearm in inventory. This FFL acquired (b)(4) firearms during the previous year. Handguns account for (b)(4) of the business and long guns account for (b)(4) of the business. Used firearms account for (b)(4) of the business and new firearms account for (b)(4) of the business. The licensee's primary suppliers for new firearms are (b)(4). Hours of operation are currently listed as Monday to Saturday 9 am to 9 pm and Sunday 12 am to 7 pm.

FIREARMS INSPECTION REPORT

Name: Open Range, Inc.
Trade Name:

UI#: 775045-2018-0050-B1B
FFL#: 4-61-185-01-0K-02101

Ownership and Control:

As previously stated, the business is a corporation in which Barry Laws is listed as CEO/responsible person and Cynthia Laws is listed as treasurer/responsible person. Barry Laws stated he owns (b)(4) of the business and Cynthia Laws owns (b)(4) of the business. The KY Secretary of State lists this corporation as active and in good standing. **(See Exhibit 1- Corporate Information)** No changes in ownership/control reported. No hidden ownership is suspected.

Variance:

No variance requests were submitted as a result of this inspection.

2 - Recommendation

The current inspection disclosed nine violations of the Gun Control Act which warrant a recommendation of Warning Conference due to the licensee failing to conduct a background check (NICS check) or obtain a valid state permit (b)(4) instances. Recommend Warning Conference. Recall requested. No referrals were submitted.

3 - Inspection History

Date of Inspection: 8/14/2013 to 8/16/2013
Type of Inspection: Compliance Inspection
UI#: 775045-2013-0342-B1B
Inspection Results: No violations; No further action; Referral made

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

The licensee maintains a computerized A & D record which is in the correct format. This computerized A & D record appears to be compliant with ATF Ruling 2016-1. The licensee stated they have been conducting an inventory for comparison to the A & D record. There was no tag system set up which would reference a particular firearm in the physical inventory with the A & D records. This did not pose a problem during inventory due to the licensee's ability to print a sorted inventory list for comparison to the physical inventory. The licensee stated the acquisitions and dispositions are typically entered into the bound book at the time of the transaction. The licensee's procedures with regards to the inventory and A & D record are adequate as there were only two errors disclosed during the current inspection. The error rate for failing to timely and/or correctly record acquisitions is .1%. The error rate for failing to timely and/or correctly record dispositions is .1%.

FIREARMS INSPECTION REPORT

Name: Open Range, Inc.
Trade Name:

UI#: 775045-2018-0050-B1B
FFL#: 4-61-185-01-0K-02101

At the time of the inspection, there were 358 firearms in physical inventory and there were (b)(3) - 112 firearms on hand according to the licensee's A & D records. A 100% inventory was conducted on the firearms. (b)(3) - 112 discrepancies were disclosed at that time.

26 firearms located on commercial invoices were compared to the A & D record. No discrepancies disclosed.

(b)(3) - ATF F 4473s during the inspection period were compared to the A & D record. No discrepancies disclosed.

After the final reconciliation, the following violations of 27 CFR 478.125(e) regarding the inventory and A & D record were reported on the Report of Violations: Licensee recorded an incorrect firearm serial number in the A & D record in (b)(3) - 112 instance. Licensee recorded a duplicate entry in one instance. (See **Exhibit 2- A & D Violation Photos, Violations, Report of Violations, Worksheet 2 - Inventory and A & D Review Worksheet**)

5 - ATF Forms 4473 – NICS & Other Dispositions

Each salesclerk is responsible for the proper completion of ATF Forms 4473 at the time of the transaction. The licensee verifies the ID of the purchaser, enters the licensee information and signs the form. There were (b)(3) - 112 errors disclosed during the current inspection which were related to the identification section. There were (b)(3) - 112 errors related to the certification section. The licensee currently maintains their ATF F 4473s in chronological order. The licensee maintains the denials separately. There are instances where a firearm is shipped to a licensee outside the business on behalf of a customer. In these instances, the licensee obtains a certified copy of the recipient dealer's FFL and a file copy is maintained. Overall, the error rate for proper completion of the ATF F 4473 was 2.9% during the inspection period. The licensee's procedures with regards to the ATF F 4473 need to show improvement.

The inspection period was December 5, 2016 to present. There were (b)(3) - 112 ATF F 4473s during the inspection period. (b)(3) - 112 ATF F 4473s were reviewed. There were deficiencies noted (b)(3) - 112 forms. The following violations were disclosed:

Failure to obtain a properly completed ATF F4473. (b)(3) - 112 forms were examined. Errors were found in (b)(3) - 112 instances on (b)(3) - 112 forms. The following was found: In (b)(3) - 112 instance, Item 22 (2016 edition) was blank. In (b)(3) - 112 instance, Item 23 (2016 edition) was blank. In (b)(3) - 112 instances, Item 33 (2016 edition) was blank. (See **Exhibit 3-Photos of ATF F 4473 Errors for Violation of 27CFR478.21(a), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet**)

FIREARMS INSPECTION REPORT

Name: Open Range, Inc.
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FFL#: 4-61-185-01-0K-02101

Failure to obtain a properly completed ATF F4473 in (b)(3) - 112 Public Law 55 125 Stat 552 forms examined. A total of (b)(3) - 112 P instances were found to be either missing, incomplete or incorrect. The following was found: In (b)(3) - 11 instance, Item 17 (2012 edition) was incorrect. In (b)(3) - 11 instance, Item 11d (2016 edition) was blank. In (b)(3) - 11 instances, Item 15 (2016 edition) was incorrect. **(See Exhibit 4- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(1), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)**

After the transferee has executed the ATF F4473, the licensee shall verify the identity of the transferee by examining the identification document. The licensee failed to receive a valid identification or failed to record id information in (b)(3) - 112 P instances on (b)(3) - 112 P forms. In (b)(3) - 112 P instance, Item 18a (2016 edition) was blank. In (b)(3) - 112 P instances, Item 18a (2016 edition) was incorrect. **(See Exhibit 5- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(3)(i), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)**

Failure to properly complete ATF F4473s. (b)(3) - 11 forms were examined. Errors were found in (b)(3) - 112 P instance on (b)(3) - 112 P form. The following was found: In (b)(3) - 11 instance, Item 18c (2016 edition) was incorrect. In this instance, the licensee transferred a pistol to a (b)(3) - 112 Public Law 55 125 Stat 552 completed an ATF F 4473 indicating he was a non-immigrant alien who fell within the exceptions. The licensee obtained a copy of (b)(6) and incorrectly recorded this form as the exception in Item 18c of the ATF F 4473 (2016 edition). **(See Exhibit 6- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(3)(iii), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)**

Failure to properly complete ATF F4473s. (b)(3) - 112 Public Law 55 125 Stat 552 were examined. Errors were found in (b)(3) - 112 P instances on (b)(3) - 112 P forms. The following was found: In (b)(3) - 112 P instance, Item 19a (2016 edition) was blank. In (b)(3) - 112 P instances, Item 19b (2016 edition) was blank or incorrect. In (b)(3) - 11 instance, Item 19c (2016 edition) was blank. **(See Exhibit 7- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(3)(iv), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)**

Failure to properly complete ATF F4473s. (b)(3) - 112 P forms were examined. Errors were found in (b)(3) - 112 P instance on (b)(3) - 112 P form. The following was found: In (b)(3) - 112 P instance, Item 37 (2016 edition) was incorrect. **(See Exhibit 8- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(5), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)**

The licensee failed to conduct a background check (NICS check) or obtain a valid state permit (b)(3) - 112 P instances in violation of 27CFR478.102(a). (b)(3) - 112 Public Law 55 125 Stat 552 instances, the

FIREARMS INSPECTION REPORT

Name: Open Range, Inc.
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licensee completed an ATF F 4473 but accepted a non-qualifying state permit as a substitute for the NICS check. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)
In (b)(3) - 112 Public Law 55 125 Stat 552 instances, the licensee transferred a NFA weapon to a trust and failed to conduct a background check on the individual who picked up the NFA weapon on behalf of the trust. All of the NFA Form 4s were filled out and sent to the NFA Branch prior to 7-13-16. No background check was done at the NFA Branch in these instances. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

(See Exhibit 9- Photos of ATF F 4473 Errors for Violation of 27CFR478.102(a), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

Transaction approval numbers were acquired from NICS. 43 NTN's for approved/open transactions and two denials were compared to the ATF F 4473s. (b)(3) - 112 P discrepancies were disclosed. The licensee incorrectly recorded the same approval number on separate forms. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

The licensee was cited for a violation of 27CFR478.124(c)(3)(iv). The licensee failed to maintain a denied form for (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6). The licensee was cited for a violation of 27CFR478.129(b). (See Exhibit 7- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(3)(iv), Exhibit 10- NICS Query, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

Overall, there were deficiencies noted on (b)(3) - 112 Public Law 55 125 Stat 552 forms reviewed which is an error rate of 2.9%. There were (b)(3) - 112 P errors related to the certification section (.9% error rate). The licensee failed to record any identification in (b)(3) - 112 P instance (.1% error rate). The licensee failed to record valid and complete identification (b)(3) - 112 P instances (.5% error rate). The licensee accepted a non-qualifying state permit as a substitute for the NICS check in (b)(3) - 112 P instances. The licensee failed to conduct a NICS check or obtain an alternative permit in (b)(3) - 112 P instances. The licensee was missing an ATF F 4473 in (b)(3) - 112 P instance. Violations of 27 CFR §§ 478.21(a), 478.124(c)(1), 478.124(c)(3)(i), 478.124(c)(3)(iii), 478.124(c)(3)(iv), 478.124(c)(5), 478.102(a) and 478.129(b) were cited on the Report of Violations. (See Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

6 - Multiple Sales

The licensee reported (b)(3) - 112 P multiple sale transactions during the past year according to the report acquired from the Violent Crime Analysis Branch. A review of the ATF F 4473s during the previous year disclosed no unreported multiple handgun sales. (See Exhibit 11- VCAB Query)

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7 - Suspicious/Prohibited Purchasers

The ATF F 4473s during the inspection period were reviewed to determine if any trafficking patterns were present. Ten individuals were identified as having unusual purchases or purchase patterns, and additional checks were conducted (LEAD, NCIC and Accurant). No referrals were made as a result of these additional checks.

8 - Trace Activity

Prior to conducting the inspection, the Firearms Trace History of the licensee was requested from the Violent Crime Analysis Branch for the previous year. The VCAB Query indicated the licensee was associated with (b)(3)-(b)(7) trace requests, including (b)(3)-(b)(7) duplicates. All trace attempts were successful. (See Exhibit 11- VCAB Query)

A secondary market analysis was conducted. 10 used firearms were randomly chosen from the A & D record. These firearms were run through NCIC and LEAD. There were no firearms associated with the secondary market analysis which had been reported stolen according to NCIC. There were no firearms associated with the secondary market analysis which had been traced after the firearm was acquired by the FFL.

9 - NFA/Importer/Collector/Manufacturer

No Importer or Collector operations conducted.

Open Range, Inc. currently holds a 2018 Tax Stamp as a NFA Firearms Dealer. This Tax Stamp expires 6-30-18. (See Exhibit 12- 2018 Tax Stamp) IOI (b)(6) obtained a list of NFA weapons registered to Open Range, Inc. from the NFA Branch. (See Exhibit 13- NFA List) This list was compared to the NFA weapons currently in inventory. No NFA discrepancies were disclosed.

Open Range, Inc. holds a Type 06 FFL as a Manufacturer of Ammunition. Barry Laws stated they reload ammunition used on their gun range located at the premise. Mr. Laws stated they clean the cartridges and reload them for sale. Mr. Laws estimated he reloads (b)(4) rounds of ammunition each year. (See Exhibit 14- Ammunition Reloader)
Open Range, Inc. holds the required DDTC permit. (See Exhibit 15- DDTC Permit)
Open Range, Inc. pays excise tax to TTB on a quarterly basis.

10 - Referrals

No referrals.

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11 - Other

No other information.

12 - Closing Actions

On December 14, 2017, IO (b)(6) attended a closing conference at the licensed premises. Barry Laws and Joy Sobiech were present. A review of the regulatory requirements was conducted. An Acknowledgement of Federal Firearms Regulations was signed by Barry Laws. **(See Exhibit 16-Acknowledgement of Federal Firearms Regulations)**

A Report of Violations (ATF F 5030.5) was issued on December 14, 2017 by IO (b)(6) (b)(6) and reviewed. Barry Laws and Joy Sobiech were present. (b)(6) with FFL Guard also participated via teleconference. Barry Laws signed the Report of Violations. **(See Report of Violations)**

13 - Violations

1. 27 CFR 478.125(e) – Firearms Receipt and Disposition by Dealers

Failure to properly maintain the acquisition and disposition record (b)(5)-112 Pub instance.

Licensee recorded an incorrect firearm serial number in the A & D record in (b)(5)-112 instance. Licensee recorded a duplicate entry (b)(5)-112 Pub instance.

Barry Laws stated the A & D record errors were unintentional mistakes. Mr. Laws stated they would be vigilant in reviewing the A & D record in the future to ensure accuracy.

The licensee was instructed to begin maintaining the A & D record accurately and in a timely manner. Licensee was instructed to make the appropriate corrections to the A & D record, which they did.

(See Exhibit 2- A & D Violation Photos, Violations, Report of Violations, Worksheet 2 - Inventory and A & D Review Worksheet)

2. 27 CFR 478.21(a) – Forms Prescribed

Failure to obtain a properly completed ATF F4473. (b)(5)-112 forms were examined. Errors were found in (b)(5)-112 instances on (b)(5)-112 Pub forms. The following was found:

(b)(5)-112 Pub instance, Item 22 (2016 edition) was blank.

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In [REDACTED] instance, Item 23 (2016 edition) was blank.

In [REDACTED] instances, Item 33 (2016 edition) was blank.

Barry Laws stated the ATF F 4473 errors were unintentional mistakes. Mr. Laws stated they would be vigilant in reviewing the ATF F 4473s in the future to ensure accuracy.

Licensee was instructed to examine all ATF F4473s completed by purchasers to ensure that all required information is fully complete and correct. Licensee was instructed to properly complete ATF F4473s.

(See Exhibit 3-Photos of ATF F 4473 Errors for Violation of 27CFR478.21(a), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

3. 27 CFR 478.124(c)(1) – Firearms Transaction Record

Failure to obtain a properly completed ATF F4473 in [REDACTED] forms examined. A total of eight instances were found to be either missing, incomplete or incorrect. The following was found:

In [REDACTED] instance, Item 17 (2012 edition) was incorrect.

In [REDACTED] instance, Item 11d (2016 edition) was blank. NCIC did not indicate this individual was prohibited.

In [REDACTED] instances, Item 15 (2016 edition) was incorrect.

Barry Laws stated the ATF F 4473 errors were unintentional mistakes. Mr. Laws stated they would be vigilant in reviewing the ATF F 4473s in the future to ensure accuracy.

Licensee was instructed to examine all ATF F4473s completed by purchasers to ensure that all required information is fully complete and correct.

(See Exhibit 4- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(1), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

4. 27CFR478.124(c)(3)(i) – Firearms Transaction Record

After the transferee has executed the ATF F4473, the licensee shall verify the identity of the transferee by examining the identification document. The licensee failed to receive a valid identification or failed to record id information in four instances on [REDACTED] forms.

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In [REDACTED] instance, Item 18a (2016 edition) was blank.

In [REDACTED] instances, Item 18a (2016 edition) was incorrect.

Barry Laws stated the ATF F 4473 errors were unintentional mistakes. Mr. Laws stated they would be vigilant in reviewing the ATF F 4473s in the future to ensure accuracy.

The licensee must verify the identity of the transferee by examining the identification document and record all transferee's identification information on the ATF F4473.

(See Exhibit 5- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(3)(i), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

5. 27CFR478.124(c)(3)(iii) – Firearms Transaction Record

Failure to properly complete ATF F4473s [REDACTED] forms were examined. Errors were found in [REDACTED] instance [REDACTED] form. The following was found:

[REDACTED] instance, Item 18c (2016 edition) was incorrect. [REDACTED] (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

[REDACTED] IOI (b)(6) contacted KY Fish/Wildlife and determined that (b)(6) had a valid hunting license at the time of purchase which qualifies as an exception to the non-immigrant alien prohibition. NCIC did not indicate this individual was prohibited.

Barry Laws stated the ATF F 4473 errors were unintentional mistakes. Mr. Laws stated they would be vigilant in reviewing the ATF F 4473s in the future to ensure accuracy.

Licensee was instructed to properly complete ATF F4473s. IOI (b)(6) informed the licensee that a non-immigrant alien must meet one of the exceptions listed in the instructions of the ATF F 4473. The exception must be recorded in Item 18c of the ATF F 4473 (2016 edition) and the licensee must attach a copy to the ATF F 4473.

(See Exhibit 6- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(3)(iii), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

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6. 27CFR478.124(c)(3)(iv) – Firearms Transaction Record

Failure to properly complete ATF F4473s. [REDACTED] forms were examined. Errors were found [REDACTED] instances [REDACTED] forms. The following was found:

In [REDACTED] instance, Item 19a (2016 edition) was blank.

In [REDACTED] instances, Item 19b (2016 edition) was blank or incorrect. The licensee was able to determine via NICS that a valid NTN was issued in [REDACTED] instances. NCIC did not indicate these individuals were prohibited.

In [REDACTED] instance, Item 19c (2016 edition) was blank.

Barry Laws stated the ATF F 4473 errors were unintentional mistakes. Mr. Laws stated they would be vigilant in reviewing the ATF F 4473s in the future to ensure accuracy.

Licensee was instructed to properly complete ATF F4473s.

(See Exhibit 7- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(3)(iv), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

7. 27CFR478.124(c)(5) – Firearms Transaction Record

Failure to properly complete ATF F4473s. [REDACTED] forms were examined. Errors were found in [REDACTED] instance [REDACTED] form. The following was found:

In [REDACTED] instance, Item 37 (2016 edition) was incorrect.

Barry Laws stated the ATF F 4473 errors were unintentional mistakes. Mr. Laws stated they would be vigilant in reviewing the ATF F 4473s in the future to ensure accuracy.

Licensee was instructed to properly complete ATF F4473s.

(See Exhibit 8- Photos of ATF F 4473 Errors for Violation of 27CFR478.124(c)(5), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

8. 27CFR478.102(a)- Sales or Deliveries of Firearms on and after November 30, 1998

The licensee failed to conduct a background check (NICS check) or obtain a valid state permit [REDACTED] instances in violation of 27CFR478.102(a).

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In (b)(3) - 112 Public Law 55 125 Stat 552 instances, the licensee completed an ATF F 4473 but accepted a non-qualifying state permit as a substitute for the NICS check. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

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

. NCIC did not indicate these individuals were prohibited.

In (b)(3) - 112 Public Law 55 125 Stat 552 instances, the licensee transferred a NFA weapon to a trust and failed to conduct a background check on the individual who picked up the NFA weapon on behalf of the trust. All of the NFA Form 4s were filled out and sent to the NFA Branch prior to 7-13-16. No background check was done at the NFA Branch in these instances.

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

NCIC did not indicate these individuals were prohibited.

Barry Laws stated they did not notice (b)(6) was not yet active. Mr. Laws stated they were aware they could not accept a LEOSA permit in lieu of a background check. Mr. Laws stated they noticed (b)(6) permit was a LEOSA permit after the transfer took place and made him come back to the premise approximately 10 days later to complete another ATF F 4473/background check. Barry Laws stated they were not aware a background check was previously required on the individual who picked up the NFA weapon on behalf of a trust. It should be noted Joy Sobiech (RP) indicated Matthew Noyes (RP) attended an ATF seminar held in Louisville in 2016.

The licensee was instructed to conduct a NICS check or obtain valid alternative permit for any firearms transferred/sold. The licensee was instructed that prior to 7-13-16, if he transferred a NFA weapon to a trust, he was required to conduct a background check on the individual who picked up the NFA weapon on behalf of the trust. The licensee was instructed that after 7-13-16, if he transferred a NFA weapon to a trust, he must require responsible persons of the trust to complete ATF F 5320.23 (NFA RP Questionnaire) and require the responsible persons to submit photographs/fingerprints to the NFA Branch along with the appropriate NFA Form.

(See Exhibit 9- Photos of ATF F 4473 Errors for Violation of 27CFR478.102(a), Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

9. 27CFR478.129(b) – Record Retention

Failure to retain an ATF F 4473 (b)(3) - 112 Public instance.

The licensee failed to maintain a denied form for Wesley Higginbotham dated 7-14-17.

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Barry Laws and Joy Sobiech (RP) stated they did not know what happened to this denial. Barry Laws and Joy Sobiech (RP) stated they were aware they were required to maintain denied/cancelled ATF F 4473s.

The licensee was instructed to maintain approved ATF F 4473s for 20 years and denied/cancelled ATF F 4473s for five years.

(See Exhibit 10- NICS Query, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012/2016 Edition) Review Worksheet)

1/3/2018

x (b)(6)

Industry Operations Investigator
Signed by: (b)(6)

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