

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Gearheart, Charles James Trigger Happy Guns & Ammo 155 Church Street Lakeview, OH 43331, Logan		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 773015-2017-0615-B1B		
		3. PERMIT/LICENSE NUMBER 431091010H03408	4a. TARGET DATE 9/30/2017	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, 07/13/2017				
8. PURPOSE/SPECIAL INSTRUCTIONS Conduct Firearms Disposition Emphasis Inspection. Refer to IOI Manual, Chapter C – Firearms Inspections and FY 17 Domain Assessment. Conduct 100% inventory and ATF Form 4473 review unless authorized in advanced by Area Supervisor and DIO.				
9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)
NO. OF VIOLATIONS	7	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	2	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: 07/25/2017 ALTERNATE RECOMMENDATION. Licensee was cited for seven (7) violations of the Gun Control Act, including transferring an "other" firearm, specifically a stripped lower receiver, to a Texas resident. Though this merits a warning conference, licensee claims he had called the local field office and asked about the transaction prior to conducting. Licensee claims he was told only that the recipient had to be 21 or above and no comment was made about transfers only occurring to in-state residents only. Though no evidence can be shown this is accurate, it is surmised licensee actually did call someone and that shows an effort to comply with regulations. That said, violations should incur a recall inspection to ensure compliance within one (1) to two (2) years. Further, licensee apparently is not currently in compliance with zoning requirements; a conditional use permit is required for any home occupations. Recommend FFL not be renewed until zoning requirements met. Viols WL ONLY and Recall Inspection				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)		
JUL 2017		15.00		
ATF OFFICER'S SUBTOTAL		15.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS		15.00		

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	3. PERMIT/LICENSE NUMBER 431091010H03408	4a. TARGET DATE 9/30/2017	4b. TARGET HOURS
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13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Agree with IOIs recommendation of alternate from Warning Conference to Warning Letter and Recall within three years of onsite end date. This was licensee's first inspection since issuance of FFL in 2011. Licensee transferred a lower receiver to a Texas resident. Licensee claims he called the local field office (Columbus or FO in Texas unknown) and was told only the recipient had to be 21 or above and was not told about transfers only occurring to in-state residents only.

Viols WL ONLY and Recall Inspection

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☐ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) - Area Supervisor

REVIEW DATE

08/02/2017

REVIEW COMMENTS AND RECOMMENDATION

Viols WL ONLY and Recall Inspection

☒ REVIEWED

☒ CONCUR

☐ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

JALEDoux - Director Industry Operations

REVIEW DATE

08/02/2017

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

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 Gearheart, Charles James Trigger Happy Guns & Ammo	Street Address 155 Church Street	City Lakeview	State OH	Zip Code 43331-	County Logan	Page 1 of 5 Pages
License/Permit/Registry Number <i>(If any)</i> 431091010H03408		Expiration Date 8/1/2020	Date(s) or Period of Inspection 07/18/2017 through 07/24/2017			

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:
Failure to ensure 10 (3) 112 Public ATF Forms 4473 were accurately completed. Specifically, licensee failed to ensure gun show/qualifying event information is completed properly in Section B, Item 17 (2016 ed.) on 10 (3) 112 Public forms.

Citation: 27 CFR 478.21(a)

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken: Licensee should ensure ATF Forms 4473 are completed as prescribed by regulation and by form instructions.
(If not corrected immediately)

Report of Violations

Instructions

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Name of Proprietor Gearheart, Charles James Trigger Happy Guns & Ammo	Street Address 155 Church Street	City Lakeview	State OH	Zip Code 43331-	County Logan	Page 2 of 5 Pages
License/Permit/Registry Number <i>(If any)</i> 431091010H03408	Expiration Date 8/1/2020	Date(s) or Period of Inspection 07/18/2017 through 07/24/2017				

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:

Failure to ensure transferee completed Section A of ATF Form 4473 properly on (b)(3) 112 Public L forms. Specifically, licensee failed to ensure transferee:

- a) Entered county information in Item 2 on (b)(3) 112 Pub form;
- b) Entered complete information in Item 3 on (b)(3) 112 Pub form;
- c) Answered Item 12.a (2016 ed.) on (b)(3) 112 Pub form;
- d) Answered Item 12.b (2016 ed.) on (b)(3) 112 Public forms;
- e) Answered Item 12.c (2016 ed.) on (b)(3) 112 Public forms;
- f) Answered Item 12.d.1 (2016 ed.) on (b)(3) 112 Public L forms.

Citation: 27 CFR 478.124(c)(1)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Prior to making an over-the-counter transfer of a firearm to a non-licensee, the licensee shall every time thoroughly review an ATF Form 4473 to ensure transferee has completed the form correctly.

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

Report of Violations

Instructions

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Name of Proprietor Gearheart, Charles James Trigger Happy Guns & Ammo	Street Address 155 Church Street	City Lakeview	State OH	Zip Code 43331-	County Logan	Page 3 of 5 Pages
License/Permit/Registry Number (If any) 431091010H03408	Expiration Date 8/1/2020	Date(s) or Period of Inspection 07/18/2017 through 07/24/2017				

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:
Failure to accurately record identification document (ID) information in Section B of ATF Form 4473 on (b)(3)(1)(2)(F)(b) form. Specifically, licensee failed to accurately record ID expiration date in Item 20a (2012 ed.) on (b)(3)(1)(2)(F)(b) form.

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

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken:
(If not corrected immediately)

Licensee shall ensure a valid identification document is obtained and recorded properly on ATF Form 4473 in Section B. If address on primary identification does not match address, supplemental government-issued identification is required and must be recorded in Item 20b.

Number: 4

Nature of Violation:
Failure to completely/accurately record NICS information in Section B of ATF Form 4473 on (b)(3)(1)(2)(F)(b) forms. Specifically, licensee failed to:

a) Accurately record NICS contact date in Item 21a (2012 ed.) / Item 19.a (2016 ed.) or (b)(3)(1)(2)(F)(b) forms;

b) Record follow up NICS response after receiving an initial "delay" response in Item 21d (2012 ed.) / Item 19.d (2016 ed.) on (b)(3)(1)(2)(F)(b) forms.

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)

Licensee shall ensure that for all transactions with non-licensees NICS will be contacted prior to making the transfer and all NICS information is recorded properly on ATF Form 4473.

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ATF E-Form 5030 5
Revised April 2005

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.

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License/Permit/Registry Number <i>(If any)</i> 431091010H03408	Expiration Date 8/1/2020	Date(s) or Period of Inspection 07/18/2017 through 07/24/2017				

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:

Failure to properly certify transfer of firearm in Section D of ATF Form 4473 on (b)(3) 112 Pub forms. Specifically, licensee failed to accurately enter date in Item 36 (2012 ed.) / Item 37 (2016 ed.) on (b)(3) 112 Pub forms.

Citation: 27 CFR 478.124(c)(5)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Licensee shall fix dates. Licensee shall, with the transfer of every firearm, complete the ATF Form 4473 by signing and recording the correct date in Section D.

Number: 6

Nature of Violation:

Failure to stop transfer of a stripped lower receiver to an individual who resides outside of the State of Ohio in (b)(3) 112 Pub instance. (b)(3) 112 Public Law 55 125 STAT 552

Citation: 27 CFR 478.99(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Licensee shall ensure no transfers of firearms (other than long guns) shall occur to out-of-state residents. Licensee shall ensure that no transfers of long guns shall occur to out-of-state residents wherein the state law does not allow the transfer.

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Violations

Instructions

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Name of Proprietor Gearheart, Charles James Trigger Happy Guns & Ammo	Street Address 155 Church Street	City Lakeview	State OH	Zip Code 43331-	County Logan	Page 5 of 5 Pages
License/Permit/Registry Number <i>(If any)</i> 431091010H03408		Expiration Date 8/1/2020	Date(s) or Period of Inspection 07/18/2017 through 07/24/2017			

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:
Failure to maintain an accurate acquisition and disposition (A&D) record in

01831112 Public

 instances.
Specifically, licensee failed to record

01831112 Public

 firearms as dispositions prior to inspection.

Citation: 27 CFR 478.125(e)

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken:
(If not corrected immediately)

Untimely dispositions reconciled during period of inspection. Licensee is to ensure A&D record is filled in accurately and within regulations. All acquisitions must be recorded by the next business day and all dispositions must be recorded within seven (7) days of disposition.

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

Date

Signature and Title of ATF Officer

Date

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March 2020 Document Production

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ATF E-Form 5030 5
Revised April 2005

FIREARMS INSPECTION REPORT

Name: Gearheart, Charles James
Trade Name: Trigger Happy Guns & Ammo

UI#: 773015-2017-0615 B1B
FFL#: 4-31-091-01-0H-03408

Address: 155 Church Street
Lakeview, OH 43331 (Logan County)

1 - Introduction

Inspection Profile:

On July 18, 2017 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator (IOI) (b)(6) attempted to conduct a compliance inspection on federal firearms licensee (FFL) Charles James Gearheart doing business as (dba) Trigger Happy Guns & Ammo. IOI (b)(6) arrived during business hours and disclosed no one was at the premises; he left contact information and instructions to call him. Later that evening Charles Gearheart called IOI (b)(6) and disclosed (b)(6) he had to take a full time job, meaning he was not at the premises during his old business hours. IOI (b)(6) arranged to return on July 20, 2017 at a later time to accommodate Gearheart.

The inspection scope covered July 20, 2016 through July 20, 2017. Inspection period covered July 18-24, 2017. IOI (b)(6) interviewed Charles "Jim" Gearheart, owner, whose identity was verified via State of Ohio driver's license. Advanced notification was not initially provided. No other agencies collaborated on this inspection.

Business Profile:

Trigger Happy Guns & Ammo is a small gun store located at a detached building from Gearheart's single-family residence in suburban Lakeview, Ohio. The licensee primarily conducts retail sales and dealer transfers of firearms for customers. Suppliers include (b)(4). At the time of the inspection, 24 firearms were in inventory (13 handguns, seven long guns, four receivers). Over the course of the past 12 months licensee acquired (b)(4) firearms and disposed of (b)(4) firearms (approximately (b)(4) handguns, (b)(4) long guns, (b)(4) receivers). Licensee attends a gun show in Lima, Ohio each year; outside of that, all transactions occur at premises. Licensee has held FFL since 2011. Licensee does not sell firearms via Internet. According to (b)(6), Lakeview Fiscal Officer and Zoning Inspector, a conditional use permit is required which Gearheart does not possess. According to 2011 qualification inspection, IOI (b)(6) contacted (b)(6) at the Lakeview office and confirmed that there were no requirements from zoning. (b)(6) confirmed (b)(6) used to be with the office, but stated this was not the case. IOI (b)(6) passed (b)(6)'s information to Gearheart and instructed him to acquire this permit immediately. There is no offsite storage.

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Ownership and Control:

The business entity is a sole proprietorship. Responsible persons include Charles Gearheart, owner, and Shane Gearheart, assistant manager. IOI (b)(6) detected no signs of hidden ownership. The Federal Licensing System (FLS) requires an update to business hours:

- Monday through Friday 4:00 pm – 9:00 pm
- Saturday 2:00 pm – 10:00 pm
- Sunday 8:00 am – 8:00 pm

Variance:

Licensee holds no variances and requested none.

2 - Recommendation

Recommend warning letter and recall inspection in lieu of warning conference. Licensee was cited for seven (7) violations of the Gun Control Act, including transferring an “other” firearm, specifically a stripped lower receiver, to a Texas resident. Though this merits a warning conference, licensee claims he had called the local field office and asked about the transaction prior to conducting. Licensee claims he was told only that the recipient had to be 21 or above and no comment was made about transfers only occurring to in-state residents only. Though no evidence can be shown this is accurate, it is surmised licensee actually did call someone and that shows an effort to comply with regulations. That said violations should incur a recall inspection to ensure compliance within one (1) to two (2) years.

Further, licensee apparently is not currently in compliance with zoning requirements; a conditional use permit is required for any home occupations. Recommend FFL not be renewed until zoning requirements met.

3 - Inspection History

Date of Inspection:	July 7, 2011
Type of Inspection:	Qualification Inspection
UI#:	773015-2011-0577 B1B
Inspection Results:	License issued.

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

A&D record is in bound book format with one (1) book maintained. Open dispositions totaled (b)(3) entries. A full inventory was conducted of 24 firearms with (b)(3) 112 Public Law 5 discrepancies: licensee had not logged (b)(3) 112 Public Law 5 receivers as disposed. These

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discrepancies were reconciled immediately.

According to Gearheart, all firearms are generally logged in and out the same day as each acquisition or disposition. Inventories are usually conducted weekly.

There have been (b)(3)-(b)(7)(F) traces for this FFL since previous inspection through July 14, 2017 with (b)(3)-(b)(7)(F) in the past 12 months. There have been zero thefts/losses within the same time period.

Reference Section 13 (Violations) of this report (Violation #7) for further information.

Reference Report of Violations #7 for further information.

Reference Worksheet #1 for further information.

5 - ATF Forms 4473 – NICS & Other Dispositions

IOI (b)(6) reviewed all ATF Forms 4473 on hand within the past 12 months, totaling (b)(3)-(b)(7)(F) forms. Out of the (b)(3)-(b)(7)(F) rms reviewed, IOI (b)(6) disclosed (b)(3)-(b)(7)(F) forms with violations.

These violations included:

- Not completing form as prescribed by instructions;
- Not ensuring transferee accurately/completely fills out form in Section A;
- Not completing identification document (ID) information in Section B;
- Not accurately/completely record National Instant Criminal Background Check System (NICS) information in Section B of form;
- Not properly certifying transfer in Section D of form;
- Transferring an “other” firearm, specifically a receiver, to an out-of-state resident.

A NICS audit log check disclosed one (1) NICS response for this FFL within the scope of this inspection (a proceed) with zero discrepancies.

Gearheart disclosed that ATF Forms 4473 are reviewed at least once prior to filing. Forms were being filed by A&D book log number, but will now be filed chronologically going forward.

Reference Section 13 (Violations) of this report (Violations #1-6) for further information.

Reference Report of Violations #1-6 for further information.

Reference Worksheets #2 for further information.

Reference Exhibits #1-6 for further information.

6 - Multiple Sales

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Trade Name: Trigger Happy Guns & Ammo

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The Violent Crime Analysis Bureau (VCAB) disclosed [REDACTED] reported multiple handgun sales for the FFL within the inspection scope. IOI (b)(6) disclosed zero unreported multiple handgun sales. All multiple sales are disclosed via customer recognition.

7 - Suspicious/Prohibited Purchasers

Prior to inspection, IOI (b)(6) examined all traces for short times-to-crime (TTC). Analysis of traces disclosed (b)(3) - 112 Public Law 55 125 Stat 552 [REDACTED] (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) [REDACTED]. IOI (b)(6) examined A&D record for any further acquisitions by [REDACTED] and disclosed no further purchases were made by [REDACTED] from FFL.

8 - Trace Activity

There have been [REDACTED] traces for this FFL since previous inspection through July 14, 2017 with [REDACTED] in the past 12 months.

9 - NFA/Importer/Collector/Manufacturer

Charles James Gearheart does not deal National Firearms Act (NFA) weapons; he does not import, collect or manufacture firearms.

10 - Referrals

No referrals generated.

11 - Other

FFL posted at premises. FFL has Youth Handgun Safety notices on hand for distribution; he has gun locks for distribution as well. IOI (b)(6) reminded Gearheart to have Youth Handgun Safety Act poster posted.

On July 13, 2017 IOI (b)(6) determined no conflicts existed to conduct this inspection:

- N-Force disclosed no active or pending ATF Criminal Enforcement (CE) investigations into FFL;
- Columbus I Field Office and Columbus II Crime Gun Intelligence Center (CGIC) disclosed no potential ATF CE investigations into FFL;
- National Crime Information Center (NCIC) and Ohio Law Enforcement Gateway (OHLEG) queries of Charles and Shane Gearheart disclosed no prohibiting criteria;

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- FLS disclosed no further FFLs held by Charles or Shane Gearheart.

12 - Closing Actions

IOI (b)(6) held closing conference on July 24, 2017 with Charles Gearheart. Gearheart signed and reviewed Report of Violations and Acknowledgement of Federal Firearms Regulations. IOI (b)(6) answered all questions and provided contact information.

Reference Exhibit #7 for further information.

Due to potential issue with zoning, Gearheart disclosed that if he cannot obtain the proper permit he may have to move his FFL. IOI (b)(6) did cover proper amended application procedure, including submission of ATF Form 5300.38.

13 - Violations

1. **27 CFR 478.21(a)**

Nature of violation:

Failure to ensure (b)(3)(1)(2) ATF Forms 4473 were accurately completed. Specifically, licensee failed to ensure gun show/qualifying event information is completed properly in Section B, Item 17 (2016 ed.) on (b)(3)(1)(2) forms.

Licensee's response:

Gearheart acknowledged the violation and had no questions.

Corrective action:

Licensee should ensure ATF Forms 4473 are completed as prescribed by regulation and by form instructions.

Reference Report of Violations #1 for further information.

Reference Worksheets #2 for further information.

Reference Exhibit #1 for further information.

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

Nature of violation:

Failure to ensure transferee completed Section A of ATF Form 4473 properly on (b)(3)(1)(2) forms. Specifically, licensee failed to ensure transferee:

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UI#: 773015-2017-0615 B1B
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- a) Entered county information in Item 2 on (b)(3) 112 Public Law 55 form;
- b) Entered complete information in Item 3 on (b)(3) 112 Public Law 55 form;
- c) Answered Item 12.a (2016 ed.) on (b)(3) 112 Public Law 55 form;
- d) Answered Item 12.b (2016 ed.) on (b)(3) 112 Public Law 55 forms;
- e) Answered Item 12.c (2016 ed.) on (b)(3) 112 Public Law 55 forms;
- f) Answered Item 12.d.1 (2016 ed.) on (b)(3) 112 Public Law 55 forms.

Licensee's response:

Gearheart acknowledged the violation and had no questions.

Corrective action:

Prior to making an over-the-counter transfer of a firearm to a non-licensee, the licensee shall every time thoroughly review an ATF Form 4473 to ensure transferee has completed the form correctly.

Reference Report of Violations #2 for further information.

Reference Worksheets #2 for further information.

Reference Exhibit #2 for further information.

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

Nature of violation:

Failure to accurately record identification document (ID) information in Section B of ATF Form 4473 on (b)(3) 112 Public Law 55 form. (b)(3) 112 Public Law 55 125 STAT 552

Licensee's response:

Gearheart acknowledged the violation and had no questions.

Corrective action:

Licensee shall ensure a valid identification document is obtained and recorded properly on ATF Form 4473 in Section B. If address on primary identification does not match

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address, supplemental government-issued identification is required and must be recorded in Item 20b.

Reference Report of Violations #3 for further information.

Reference Worksheets #2 for further information.

Reference Exhibit #3 for further information.

4. **27 CFR 478.124(c)(3)(iv)**

Nature of violation:

Failure to completely/accurately record NICS information in Section B of ATF Form 4473 on (b)(3) 112 Public Law 55 forms. Specifically, licensee failed to:

a) Accurately record NICS contact date in Item 21a (2012 ed.) / Item 19.a (2016 ed.) on (b)(3) 112 Public Law 55 forms;

b) Record follow up NICS response after receiving an initial "delay" response in Item 21d (2012 ed.) / Item 19.d (2016 ed.) on (b)(3) 112 Public Law 55 forms.

Licensee's response:

Gearheart acknowledged the violation and had no questions. He stated he was unaware of requirement to complete Item 21d/19.d for any instances where NICS provided no resolution after a delay.

Corrective action:

Licensee shall ensure that for all transactions with non-licensees NICS will be contacted prior to making the transfer and all NICS information is recorded properly on ATF Form 4473.

Reference Report of Violations #4 for further information.

Reference Worksheets #2 for further information.

Reference Exhibit #4 for further information.

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

Nature of violation:

Failure to properly certify transfer of firearm in Section D of ATF Form 4473 on (b)(3) 112 Public Law 55 forms. Specifically, licensee failed to accurately enter date in Item 36 (2012 ed.) / Item 37 (2016 ed.) on (b)(3) 112 Public Law 55 forms.

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Licensee's response:

Gearheart acknowledged the violation and had no questions. He mentioned he usually filled in Item 36/37 during initial transaction and did not think about it being the actual date of transfer.

Corrective action:

Licensee shall fix dates. Licensee shall, with the transfer of every firearm, complete the ATF Form 4473 by signing and recording the correct date in Section D.

Reference Report of Violations #5 for further information.

Reference Worksheets #2 for further information.

Reference Exhibit #5 for further information.

6. **27 CFR 478.99(a)**

Nature of violation:

Failure to stop transfer of a stripped lower receiver to an individual who resides outside of the State of Ohio in (b)(3) 112 Public Law 55 125 STAT 552 instance. (b)(3) 112 Public Law 55 125 STAT 552

Licensee's response:

Gearheart stated he called the Columbus Satellite Office about this transaction and was told receiver sales were legal "as long as the buyer was 21 and over." He claims he was not told anything about transfers being to in-state residents only.

Corrective action:

Licensee shall ensure no transfers of firearms (other than long guns) shall occur to out-of-state residents. Licensee shall ensure that no transfers of long guns shall occur to out-of-state residents wherein the state law does not allow the transfer.

Reference Report of Violations #6 for further information.

Reference Worksheets #2 for further information.

Reference Exhibit #6 for further information.

7. **27 CFR 478.125(e)**

Nature of violation:

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Failure to maintain an accurate acquisition and disposition (A&D) record in (b)(3) 112 Public Law 5 instances. Specifically, licensee failed to record (b)(3) 112 Public Law 5 firearms as dispositions prior to inspection.

Licensee's response:

Gearheart acknowledged the violation and had no questions. He had no idea why had not logged these firearms out of the book; (b)(3) 112 Public La of which were to his son.

Corrective action:

Untimely dispositions reconciled during period of inspection. Licensee is to ensure A&D record is filled in accurately and within regulations. All acquisitions must be recorded by the next business day and all dispositions must be recorded within seven (7) days of disposition.

Reference Report of Violations #7 for further information.
Reference Worksheet #1 for further information.

X

(b)(6)

Industry Operations Investigator

FIREARMS INSPECTION REPORT

Name: Gearheart, Charles James
Trade Name: Trigger Happy Guns & Ammo

UI#: 773015-2017-0615 B1B
FFL#: 4-31-091-01-0H-03408

Index of Worksheets and Exhibits

Informational Page Worksheet

Worksheet #1 – Inventory, A&D

Worksheet #2 – 4473 (2012 edition)

Worksheet #2 – 4473 (2016 edition)

Other Statistics Worksheet

Exhibit #1 – Copies of ATF Forms 4473 in support of Violation #1

Exhibit #2 – Copies of ATF Forms 4473 in support of Violation #2

Exhibit #3 – Copy of ATF Form 4473 in support of Violation #3

Exhibit #4 – Copies of ATF Forms 4473 in support of Violation #4

Exhibit #5 – Copies of ATF Forms 4473 in support of Violation #5

Exhibit #6 – Copy of ATF Form 4473 in support of Violation #6

Exhibit #7 – Acknowledgement of Federal Firearms Regulations



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives
550 Main Street, Room 8-507
Cincinnati, OH 45202

AUG 02 2017

www.atf.gov

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Charles James Gearheart
Trigger Happy Guns & Ammo
155 Church Street
Lakeview, OH 43331

4-31-091-01-0H-03408

Dear Mr. Gearheart:

During a recent compliance inspection at your firearms business covering the period of July 20, 2016, through July 20, 2017, you were cited for violations of 27 Code of Federal Regulations, Part 478. A copy of the Report of Violations, Form 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigator. 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.

Charles James Gearheart

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

Sincerely,

(b)(6)

Area Supervisor

Enclosure

cc: National Licensing Center
Cincinnati II (IO) Field Office
Correspondence File