

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) WINDWARD GUN SHOP INC WGS 111 SAND ISLAND ACCESS RD UNIT 20 HONOLULU, HI 96819, HONOLULU	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 787040-2017-0264-B1B			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 999003018D00006</td> <td style="width: 33%;">4a. TARGET DATE 9/1/2017</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 999003018D00006	4a. TARGET DATE 9/1/2017	4b. TARGET HOURS
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	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, 02/24/2017

8. PURPOSE/SPECIAL INSTRUCTIONS  
 CONDUCT DE COMPLIANCE INSPECTION.

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	6	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	8	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 **(b)(6)**/2017  
 Investigator **(b)(6)** recommends a Warning Letter based on the following violations:

- 27 CFR 478.125(e) – (Repeat Violation) Failure to timely record the disposition of **(b)(6)** firearms, including **(b)(6)** firearm that was reported missing from inventory (ATF Incident # **(b)(6)**)
- 27 CFR 478.124(c)(1) – (Repeat Violation) Failure to obtain complete buyer information for item 12 of ATF 4473 on more than five percent of forms examined.

The recommendation for a Warning Letter is based on WGS' inability to account for **(b)(6)** firearm, and the licensee's previous compliance history. WGS was cited for similar A&D Record and ATF Forms 4473 violations in 2014, 2010, 2007, and 2002. The 2007 inspection resulted in a Warning Conference.

Viols WL ONLY and Recall Inspection

### 12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		<b>(b)(6)</b>
MAY 2017	2.00	
JUL 2017	3.00	
AUG 2017	1.00	
SEP 2017	83.00	
ATF OFFICER'S SUBTOTAL	89.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS	89.00	

# Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) WINDWARD GUN SHOP INC WGS 111 SAND ISLAND ACCESS RD UNIT 20 HONOLULU, HI 96819, HONOLULU	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 787040-2017-0264-B1B		
	3. PERMIT/LICENSE NUMBER 999003018D00006	4a. TARGET DATE 9/1/2017	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

### 13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

PII emailed to FFLC; copy attached.

Viols WL ONLY and Recall Inspection

REVIEWED       CONCUR       SEE COMMENTS       FINAL DISPOSITION

SIGNATURE AND TITLE <b>(b)(6)</b> - Area Supervisor	REVIEW DATE 09/29/2017
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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 WINDWARD GUN SHOP INC WGS	Street Address 111 SAND ISLAND ACCESS RD UNIT 20	City HONOLULU	State HI	Zip Code 96819-	County HONOLULU	Page 1 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 999003018D00006	Expiration Date 4/1/2018	Date(s) or Period of Inspection 09/13/2017 through 09/28/2017				

**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 furnish or obtain all information as required by headings and instructions on ATF Forms 4473. On (b)(3) occasion, the licensee transferred a firearm to a purchaser who answered "No" to item 11a, "Are you the actual transferee/buyer of the firearm(s) listed on this form?" On (b)(3) occasions, the licensee failed to ensure that the transferee provide their ethnicity in item 10a. On (b)(3) occasions, the licensee failed to indicate the type of firearm transferred in item 16. On (b)(3) occasions, the licensee failed to indicate the total number of firearms transferred in item 29. On (b)(3) occasions, the licensee failed to indicate the seller's name in item 34. On (b)(3) occasions, the licensee failed to include the seller's title in item 36.

**Citation:** 27 CFR 478.21(a)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will review all purchaser and licensee responses for missing, incorrect, or prohibiting information prior to transfer.

**Number:** 2

**Nature of Violation:**

Failure to obtain and record all required transferee information on ATF Forms 4473. On (b)(3) occasion, the licensee failed to ensure that the transferee provide a valid residence address in item 2. On (b)(3) occasions, the licensee failed to ensure that the transferee provide their country of citizenship in item 12a. On (b)(3) occasion, the licensee failed to ensure that the transferee provide a response to item 12d.1, "Are you an alien admitted to the United States under a non-immigrant visa?"

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will review all purchaser and licensee responses for missing, incorrect, or prohibiting information prior to transfer.

## Report of Violations

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Name of Proprietor WINDWARD GUN SHOP INC WGS	Street Address 111 SAND ISLAND ACCESS RD UNIT 20	City HONOLULU	State HI	Zip Code 96819-	County HONOLULU	Page 2 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 999003018D00006	Expiration Date 4/1/2018	Date(s) or Period of Inspection 09/13/2017 through 09/28/2017				

### Inspection Results

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

**Citation:** 27 CFR 478.124(c)(1)

**Number:** 3

**Nature of Violation:**

Failure to record proper transferee's identification documents on (b)(3) ATF Forms 4473. On (b)(3) 112 occasions, the licensee failed to record a supplemental identification document in item 18b of ATF Form 4473 when the identification document recorded in item 18a of the form did not reflect the purchaser's current residence address. On (b)(3) occasions, the licensee failed to record any identification document information in item 18a.

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

**Number:** 4

**Nature of Violation:**

Failure to record firearms identification information on (b)(3) 11 ATF Forms 4473. On (b)(3) 11 occasions, the licensee failed to record the manufacturer, model, serial number, type, and caliber of transferred firearms in items 24-28.

**Citation:** 27 CFR 478.124(c)(4)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will ensure that complete purchaser's identification document information is recorded on ATF Forms 4473.

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will review all purchaser and licensee responses for missing, incorrect, or prohibiting information prior to transfer.

## 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 WINDWARD GUN SHOP INC WGS	Street Address 111 SAND ISLAND ACCESS RD UNIT 20	City HONOLULU	State HI	Zip Code 96819-	County HONOLULU	Page 3 of 3 Pages
License/Permit/Registry Number (If any) 999003018D00006	Expiration Date 4/1/2018	Date(s) or Period of Inspection 09/13/2017 through 09/28/2017				

### 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 sign and/or record the date of transfer on three ATF Forms 4473. On (b)(3) occasions, the licensee failed to sign in item 35 and record the date of transfer in item 37. On (b)(3) occasion, the licensee failed to provide the complete date of transfer in item 36 (2012 version).

**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)

The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will review all purchaser and licensee responses for missing, incorrect, or prohibiting information prior to transfer.

**Number:** 6

**Nature of Violation:**

On (b)(3) occasions, the licensee failed to record disposition information into the Acquisition and Disposition (A&D) record within the prescribed timeframe. The licensee located disposition information for (b)(3) firearms. (b)(3) firearm could not be located and was reported on ATF Form 3310.11 as missing from inventory.

**Citation:** 27 CFR 478.125(e)

**Date Corrections to be Made:**

(If not corrected immediately)

**Corrective Action to be Taken:**

(If not corrected immediately)

The licensee recorded accurate transfer information into the A&D record for the (b)(3) firearms with late dispositions. The licensee filed ATF Form 3310.11, Federal Firearms License Firearms Inventory Theft/Loss Report, for (b)(3) firearm identified as missing from inventory. The licensee recorded the date and ATF incident number into the A&D Record. Licensee will ensure that acquisition and disposition entries are recorded in the A&D record within the prescribed timeframe.

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

Date  
9/28/2017

Signature and Title of ATF Officer

(b)(6)

101

Date  
9/28/2017

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

**Address:** 111 Sand Island Access Road, Unit 20  
Honolulu, HI 96819

## 1 - Introduction

### Inspection Profile:

On 9/13/2017, Industry Operations Investigator (b)(6) met with Joseph Graham, President and Responsible Person (RP), for a Disposition Emphasis firearms compliance inspection at the licensed premises. Investigator (b)(6) identified himself as a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Investigator and presented his credentials. Mr. Graham provided Hawaii Driver's License # (b)(6), expires 3/11/2020, as identification.

The licensee was not notified in advance of the inspection. The inspection covered the period from 9/13/2016 through 9/12/2017. The onsite portion of the inspection was completed on 9/28/2017.

### Business Profile:

Windward Gun Shop, Inc. operates a retail storefront in an urban area of Honolulu, Hawaii using the trade name WGS. In addition to firearms, the licensee sells ammunition, firearms accessories, reloading supplies, and airsoft pellet guns. A Federal Licensing System (FLS) query disclosed that WGS does not currently hold any other ATF issued licenses or permits.

WGS sells new long guns and handguns in a retail setting and occasionally at gun shows. The licensee maintains a website, <http://www.wgsinc.com/>, and uses social media to promote the business. Mr. Graham stated that WGS does not offer firearms for sale on internet auction sites, provide gunsmith services, manufacture/import firearms, deal in NFA items, or sell black powder.

Investigator (b)(6) confirmed that WGS has current registration with the Hawaii Department of Commerce and Affairs. WGS also holds current City and County of Honolulu Business and Occupational License # 16 and Hawaii State Excise Tax License # (b)(3) - 26 USC 6103

WGS acquired (b)(4) firearms and sold or transferred approximately (b)(4) firearms during the one-year inspection period. The licensee acquires new firearms from common wholesalers. Mr. Graham stated that he Vice President Henry Bautista are the only persons involved in operating the business.

The Type 01, Dealer in Firearms Other than Destructive Devices, license is appropriate for the business.

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

## Ownership and Control:

Mr. Graham stated that there have been no changes in ownership or control since issuance of the license. Mr. Graham stated that he and Vice President Henry Bautista (b)(4) percent of the business. Joseph Graham and Henry Bautista are both listed as RPs for WGS.

## Variance:

The licensee has not requested a variance.

## 2 - Recommendation

Investigator (b)(6) recommends a Warning Letter and Recall Inspection based on the following violations:

- 27 CFR 478.125(e) – (Repeat Violation) Failure to timely record the disposition of (b)(3) firearms, including one firearm that was reported missing from inventory (ATF Incident # (b)(3) 112 Public Law 55 125 STAT 562).
- 27 CFR 478.124(c)(1) – (Repeat Violation) Failure to obtain complete buyer information for item 12 of ATF 4473 on more than five percent of forms examined.

The recommendation for a Warning Letter is based on WGS' inability to account for one firearm, and the licensee's previous compliance history. WGS was cited for similar A&D Record and ATF Forms 4473 violations in 2014, 2010, 2007, and 2002. The 2007 inspection resulted in a Warning Conference.

## 3 - Inspection History

Investigator (b)(6) reviewed FLS and NSPECT and found the following inspection history:

**Date of Inspection:** 11/19/2014  
**Type of Inspection:** DE Compliance Inspection  
**UI#:** 787040-2015-0026  
**Inspection Results:** ROV only with no recall inspection  
**Cited Violations:** 27 CFR 478.125(e) – Failure to timely record (b)(3) dispositions.  
27 CFR 478.21(a) – Failure to ensure purchasers answer 10a on (b)(3) forms 4473.  
27 CFR 478.124(c)(1) – Failure to obtain complete purchaser information on (b)(3) forms 4473.

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

27 CFR 478(c)(3)(i) – Failure to record valid and complete identification on (b)(3) 112 F forms 4473.

**Date of Inspection:** 8/18/2010  
**Type of Inspection:** Special Inspection/Assist LE  
**UI#:** 787040-2010-0388  
**Inspection Results:** ROV only with no recall  
**Cited Violations:** 27 CFR 478.125(e) – Failure to record the acquisition and disposition of (b)(3) 112 F firearms.

**Date of Inspection:** 5/57/2010  
**Type of Inspection:** Full Recall  
**UI#:** 787040-2010-0187  
**Inspection Results:** No violations, no further action.

**Date of Inspection:** 38/18/2010  
**Type of Inspection:** Special Inspection/Assist LE  
**UI#:** 7880640200600388  
**Inspection Results:** Waiving Confession held 6/5/2009  
**Cited Violations:** 27 CFR 478.125(e) – Failure to record the acquisition and disposition of (b)(3) 112 F firearms, failure to keep A&D Record in a bound book format.

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

WGS maintains a single bound book A&D Record for all transactions. Review of the record for the inspection period disclosed that the licensee maintains the A&D Record in the required format. Investigator (b)(6) conducted a complete inventory and found that the licensee had a total of **285 firearms in inventory** at the time of the inspection. Refer to the onsite inventory included as **Exhibit 1**.

Reconciliation of the inventory to the A&D Record disclosed that (b)(3) firearms with open dispositions were not in inventory at the time of the inspection. WGS resolved the (b)(3) 112 discrepancies as follows:

- Licensee located ATF Forms 4473 documenting the transfer of (b)(3) firearms to non-licensees.
- Licensee was unable to determine disposition information for (b)(3) 112 firearm and filed ATF Form 3310.11, Theft/Loss Report (b)(3) - 112 Public Law 55 125 Stat 552

The (b)(3) A&D violations identified during the inspection are listed on **Worksheet 1**. A representative sample of (b)(3) 112 A&D Record violations, and forms 4473 resolving the open dispositions, are included as **Exhibit 2**. ATF Theft/Loss Report # (b)(3) - 112 Public Law 55 125 Stat 552 is included as **Exhibit 3**.

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

Investigator (b)(6) cited WGS on an ROV for failing to timely record the disposition of (b)(6) firearms as prescribed by **27 CFR 478.125(e)**. Refer to **Violation 6**.

Mr. Graham acknowledged the violations and stated that the failure to record timely dispositions was an oversight. Mr. Graham stated that he and Mr. Bautista will take responsibility for ensuring timely and accurate the A&D Record entries. Mr. Graham also stated that he would begin conducting periodic inventory reconciliations to ensure that any A&D Record discrepancies are identified and corrected.

Investigator (b)(6) found that the licensee takes precautions to secure the physical inventory. The store is equipped with security cameras and an alarm system. In the retail area, handguns are secured in a glass case and long guns are kept in racks behind the counter. All displayed firearms are transferred to gun safes while the store is closed. Mr. Graham stated that he supervises all customers handling firearms.

## **5 - ATF Forms 4473 – NICS & Other Dispositions**

WGS had **190 ATF Forms 4473 on file** for the one-year period preceding the inspection. Review of the forms disclosed that the licensee assigns each form a sequential number and files the forms in numerical.

Investigator McLean reviewed all 190 ATF Forms 4473 on file for the inspection period and found violations on (b)(6) of the forms. Investigator (b)(6) cited the licensee on an ROV for three different 4473 violations as follows:

### **27 CFR 478.21(a)**

Failure to furnish or obtain all information as required by headings and instructions on (b)(6) ATF Forms 4473. On (b)(6) occasion, the licensee transferred a firearm to a purchaser who answered “No” to item 11a, “Are you the actual transferee/buyer of the firearm(s) listed on this form?” On (b)(6) occasions, the licensee failed to ensure that the transferee provide their ethnicity in item 10a. On (b)(6) occasions, the licensee failed to indicate the type of firearm transferred in item 16. On (b)(6) occasions, the licensee failed to indicate the total number of firearms transferred in item 29. On (b)(6) occasions, the licensee failed to indicate the seller’s name in item 34. On (b)(6) occasions, the licensee failed to include the seller’s title in item 36. Refer to **Violation 1**.

Mr. Graham acknowledged the violations and stated that he failed to notice that the purchasers had marked “No” on the form at the time of transfer. Mr. Graham stated that he would attempt to contact the purchaser (b)(6) and confirm that the “No” answer was an error on the form. Investigator (b)(6) queried E-Trace and found that (b)(6) is not associated with any traces or multiple sales. Investigator (b)(6) also conducted National Instant Check System (NICS) queries and received a “Proceed” response for (b)(6).

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

## 27 CFR 478.124(c)(1)

Failure to obtain and record all required transferee information on [REDACTED] ATF Forms 4473. On [REDACTED] occasion, the licensee failed to ensure that the transferee provide a valid residence address in item 2. On [REDACTED] occasions, the licensee failed to ensure that the transferee provide their country of citizenship in item 12a. On [REDACTED] occasion, the licensee failed to ensure that the transferee provide a response to item 12d.1, "Are you an alien admitted to the United States under a non-immigrant visa?" Refer to **Violation 2**.

## 27 CFR 478.124(c)(3)(i)

Failure to record proper transferee's identification documents on 14 ATF Forms 4473. On [REDACTED] occasions, the licensee failed to record a supplemental identification document in item 18b of ATF Form 4473 when the identification document recorded in item 18a of the form did not reflect the purchaser's current residence address. On [REDACTED] occasions, the licensee failed to record any identification document information in item 18a. Refer to **Violation 3**.

## 27 CFR 478.124(c)(4)

Failure to record firearms identification information on [REDACTED] ATF Forms 4473. On [REDACTED] occasions, the licensee failed to record the manufacturer, model, serial number, type, and caliber of transferred firearms in items 24-28. Refer to **Violation 4**.

## 27 CFR 478.124(c)(5)

Failure to sign and/or record the date of transfer on [REDACTED] ATF Forms 4473. On [REDACTED] occasions, the licensee failed to sign in item 35 and record the date of transfer in item 37. On [REDACTED] occasion, the licensee failed to provide the complete date of transfer in item 36 (2012 version). Refer to **Violation 5**.

Mr. Graham acknowledged the 4473 violations and stated that the missing information on the ATF Forms 4473 was an oversight.

Investigator [REDACTED] cited the licensee on an ROV and entered the violations listed above into **Worksheet 2 (2012 and 2016 Editions)**.

[REDACTED] ATF Forms 4473 reflecting examples of violation 1 are included as **Exhibit 4**.

[REDACTED] ATF Forms 4473 representing violation 2 are included as **Exhibit 5**.

[REDACTED] ATF Forms 4473 representing violation 3 are included as **Exhibit 6**.

[REDACTED] ATF Forms 4473 reflecting violations 4 and 5 are included as **Exhibit 7**.

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

Investigator (b)(6) reviewed the 4473 violations with Mr. Graham and explained how each form with a violation should have been completed. Mr. Graham stated he would review all ATF Forms 4473 for errors or omissions prior to transfer.

FFLs in the State Hawaii do not conduct background checks since purchasers are required to obtain a Permit to Acquire (PTA) from the county police department before purchasing a firearm. The police department conducts background checks on purchasers, and the Hawaii PTA qualifies as an exemption to NICS. Purchasers must present the PTA to firearms dealers at the time of transfer and dealers record the permit details in item 23 of ATF Form 4473. Investigator (b)(6) found that all purchasers for the inspection period appeared to have a valid permit at the time of transfer.

Permits for handguns are valid for 10 days from issuance and each PTA is issued for a specific handgun. Purchasers must obtain a separate PTA for each handgun purchase.

Permits for long guns are valid for a 12 month period and allow multiple acquisitions under the same PTA. The County Police Department (PD) conducts a background check at the time the long gun PTA is issued, but no additional background check is conducted at the time of transfer, which could be as long as 12 months later. Purchasers are required to register long guns with the County PD within three days of acquisition, and the County PD conducts a second background check at that time.

Investigator (b)(6) identified five transactions where a long gun PTA was used to purchase a rifle or shotgun during the inspection period, and more than 30 days had passed since issuance of the PTA. Investigator (b)(6) conducted NICS re-checks and received a "Proceed" response for all five long gun purchasers.

The licensee maintains a file of FFL copies, invoices, and shipping records for transfers and returns through other FFLs. Mr. Graham stated that he always verifies FFL copies prior to transferring firearms to other licensees. Mr. Graham also stated that he regularly uses FFL EZ Check to confirm that FFL copies are valid.

## **6 - Multiple Sales**

Investigator (b)(6) requested an FFL History Report from the Violent Crime Analysis Branch (VCAB) for the period from 8/18/2014 to 8/18/2017. The VCAB indicated that WGS filed (b)(3) multiple sale reports for the three year period. Refer to **Exhibit 8**.

Investigator (b)(6) reviewed the ATF Forms 4473 on file for the inspection period and found no unreported multiple sales.

## **7 - Suspicious/Prohibited Purchasers**

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

No suspicious or prohibited purchasers were identified.

## **8 - Trace Activity**

Investigator (b)(6) requested an FFL History Report from the VCAB for the period from 8/18/2014 to 8/18/2017. The VCAB indicates that WGS was associated with (b)(6) trace requests during the three-year period. Refer to **Exhibit 8**. The licensee successfully completed all trace requests.

## **9 - NFA/Importer/Collector/Manufacturer**

WGS is not engaged in any of these activities. Investigator (b)(6) noted that the licensee sells ammunition reloading supplies and equipment. Mr. Graham confirmed that WGS does not manufacture any ammunition for resale.

## **10 - Referrals**

No referrals were generated as a result of the inspection.

## **11 - Other**

Investigator (b)(6) queried NFORCE prior to the inspection and found that Joseph Graham and Henry Bautista are not associated with any open ATF criminal investigations.

Investigator (b)(6) queried Open Fox on 9/29/2017 and found no indication that Joseph Graham and Henry Bautista are prohibited persons.

An FLS query disclosed that Henry Bautista and Joseph Graham operated Windward Gun Shop as a partnership from the period of 1994 through 2000, prior to WGS obtaining the current license as corporation in 2000. Mr. Graham and Mr. Bautista are not associated with any additional ATF issued licenses or permits.

Investigator (b)(6) obtained the following GPS coordinates for the premises during the inspection: 21.32333, -157.89049.

The WGS premises is not located within 1000 feet of a school. Investigator (b)(6) found that Puuhale Elementary is the closest school at a distance of approximately 2200 feet from the premises.

## **12 - Closing Actions**

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

Investigator (b)(6) completed the onsite inspection and held a closing conference with Mr. Graham on 9/28/2017. Investigator (b)(6) discussed the inspection findings and reviewed the Acknowledgement of Federal Firearms Regulations. Mr. Graham signed the acknowledgement and retained a copy for his records. Refer to **Exhibit 9**. Investigator (b)(6) also reviewed the ROV with Mr. Graham on 9/28/2017. Investigator (b)(6) explained each violation and reviewed required corrective action. Mr. Graham signed the ROV and was provided with a copy for his records.

Investigator (b)(6) provided Mr. Graham with his contact information and encouraged him to contact ATF with any questions related to his firearms business.

## 13 - Violations

### 1. **27 CFR 478.21(a) – Forms Prescribed**

#### **REPEAT OF VIOLATION CITED ON 11/19/2014**

**Nature of violation** - Failure to furnish or obtain all information as required by headings and instructions on (b)(3) ATF Forms 4473. On (b)(3) 112 F occasion, the licensee transferred a firearm to a purchaser who answered “No” to item 11a, “Are you the actual transferee/buyer of the firearm(s) listed on this form?” On (b)(3) occasions, the licensee failed to ensure that the transferee provide their ethnicity in item 10a. On (b)(3) 112 PubD occasions, the licensee failed to indicate the type of firearm transferred in item 16. On (b)(3) 112 occasions, the licensee failed to indicate the total number of firearms transferred in item 29. On (b)(3) 112 occasions, the licensee failed to indicate the seller’s name in item 34. On (b)(3) 112 occasions, the licensee failed to include the seller’s title in item 36.

**Licensee’s response** – Joseph Graham acknowledged the violations and stated that he failed to notice that the errors on the forms at the time of transfer.

**Corrective action** – The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will review all purchaser and licensee responses for missing, incorrect, or prohibiting information prior to transfer.

Refer to **Worksheet 2** and **Exhibit 4, Forms # 8792, 8784, 8768, 8759, and 8619.**

### 2. **27 CFR 478.124(c)(1) – Firearms Transaction Record**

#### **REPEAT OF VIOLATION CITED ON 11/19/2014.**

## FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

**Nature of violation** – Failure to obtain and record all required transferee information on [REDACTED] ATF Forms 4473. On [REDACTED] occasion, the licensee failed to ensure that the transferee provide a valid residence address in item 2. On [REDACTED] occasions, the licensee failed to ensure that the transferee provide their country of citizenship in item 12a. On [REDACTED] occasion, the licensee failed to ensure that the transferee provide a response to item 12d.1, “Are you an alien admitted to the United States under a non-immigrant visa?”

**Licensee’s response** – Joseph Graham acknowledged the violations and stated that he failed to notice that the errors on the forms at the time of transfer.

**Corrective action** – The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will review all purchaser and licensee responses for missing, incorrect, or prohibiting information prior to transfer.

Refer to **Worksheet 2** and **Exhibit 5, Forms # 8796, 8794, 8775, 8760, and 8755.**

### 3. **27 CFR 478.124(c)(3)(i) – Firearms Transaction Record**

#### **REPEAT OF VIOLATION CITED ON 11/19/2014.**

**Nature of violation** - Failure to record proper transferee’s identification documents on [REDACTED] ATF Forms 4473. On [REDACTED] occasions, the licensee failed to record a supplemental identification document in item 18b of ATF Form 4473 when the identification document recorded in item 18a of the form did not reflect the purchaser’s current residence address. On [REDACTED] occasions, the licensee failed to record any identification document information in item 18a.

**Licensee’s response** – Joseph Graham acknowledged the violations and stated that he failed to notice that the errors on the forms at the time of transfer.

**Corrective action** – The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will ensure that complete purchaser’s identification document information is recorded on ATF Forms 4473.

Refer to **Worksheet 2** and **Exhibit 6, Forms # 8788, 8783, 8774, 8749, and 8730.**

### 4. **27 CFR 478.124(c)(4) – Firearms Transaction Record**

**Nature of violation** – Failure to record firearms identification information on [REDACTED] ATF Forms 4473. On [REDACTED] occasions, the licensee failed to record the manufacturer, model, serial number, type, and caliber of transferred firearms in items 24-28.

## FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

**Licensee's response** – Joseph Graham acknowledged the violations and stated that he failed to notice that the errors on the forms at the time of transfer.

**Corrective action** – The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will review all purchaser and licensee responses for missing, incorrect, or prohibiting information prior to transfer.

Refer to **Worksheet 2 and Exhibit 7, Forms 8785 and 8673.**

### 5. **27 CFR 478.124(c)(5) – Firearms Transaction Record**

**Nature of violation** – Failure to sign and/or record the date of transfer on three ATF Forms 4473. On [REDACTED] occasions, the licensee failed to sign in item 35 and record the date of transfer in item 37. On [REDACTED] occasion, the licensee failed to provide the complete date of transfer in item 36 (2012 version).

**Licensee's response** – Joseph Graham acknowledged the violations and stated that he failed to notice that the errors on the forms at the time of transfer.

**Corrective action** – The licensee will conduct a complete and thorough review of ATF Forms 4473 prior to transferring a firearm. The licensee will review all purchaser and licensee responses for missing, incorrect, or prohibiting information prior to transfer.

Refer to **Worksheet 2 and Exhibit 7, Forms 8785, 8696, and 8673.**

### 6. **27 CFR 478.125(e) – Record of Receipt and Disposition**

**REPEAT OF VIOLATIONS CITED ON 11/19/2014, 8/18/2010, and 3/14/2007.**

**Nature of violation** – On [REDACTED] occasions, the licensee failed to record disposition information into the Acquisition and Disposition (A&D) record within the prescribed timeframe. The licensee located disposition information for [REDACTED] firearms. [REDACTED] firearm could not be located and was reported on ATF Form 3310.11 as missing from inventory.

**Licensee's response** – Joseph Graham acknowledged the A&D record violations and stated that failure to record timely dispositions was an oversight. Mr. Graham stated that he believes the firearm reported as missing from inventory is in the shop somewhere, but he is unable to locate it.

**Corrective action** – The licensee recorded accurate transfer information into the A&D record for the [REDACTED] firearms with late dispositions. The licensee filed ATF Form 3310.11,

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006

Federal Firearms License Firearms Inventory Theft/Loss Report, for one firearm identified as missing from inventory. The licensee recorded the date and ATF incident number into the A&D Record. Licensee will ensure that acquisition and disposition entries are recorded in the A&D record within the prescribed timeframe.

X (b)(3) 112 Public Law 55 125 STAT 552 9/29/2017

Industry Operations Investigator  
Signed by: (b)(3) 112 Public Law 55 125 STAT 552

## Index of Worksheets and Exhibits

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Exhibit 2 – A&D Record Violations

Exhibit 3 – Theft Loss Report # (b)(3) - 112 Public Law 55 125 Stat 552

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Exhibit 5 – 4473 Violation 2 Sample

Exhibit 6 – 4473 Violation 3 Sample

Exhibit 7 – 4473 Violation 4 Sample

Exhibit 8 – VCAB FFL History Report

Exhibit 9 – Acknowledgment of Regulations

# FIREARMS INSPECTION REPORT

**Name:** Windward Gun Shop, Inc.  
**Trade Name:** WGS

**UI#:** 787040-2017-0264  
**FFL#:** 9-99-003-01-8D-00006



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
1201 NE Lloyd Blvd. Suite 720  
Portland, OR 97232

September 29, 2017

www.atf.gov

787040: (b)(6)  
5400

Windward Gun Shop Inc.  
Attn: Joseph Graham, President/Responsible Person  
FFL# 9-99-003-01-8D-00006  
1479 Uluhala Place  
Kailua, HI 96734

Dear Mr. Graham:

During a recent compliance inspection at your firearms business covering the period of 9/13/16 to 9/12/17, 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.

Windward Gun Shop Inc; FFL# 9-99-003-01-8D-00006

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

(b)(6)

Sincerely,

(b)(6)

Area Supervisor

Enclosure

cc: Federal Firearms Licensing Center