

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) JAMES 410 LLC 9222 EAST INDIO PLACE TUCSON,AZ 85749, PIMA		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 785090-2018-0043-B1B	
		3. PERMIT/LICENSE NUMBER 986019018E08161	4a. TARGET DATE 6/29/2018
		4b. TARGET HOURS	
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)			
6. ATF OFFICER(S) ASSIGNED (b) (6) - Assigned Investigator (b) (6) - Lead Investigator			
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b) (6) Area Supervisor, 10/03/2017			
8. PURPOSE/SPECIAL INSTRUCTIONS RECALL INSPECTION Conduct a full RECALL SWB dealer compliance inspection. Conduct 100% inventory of firearms. Conduct a 100% review of ATF Forms 4473 completed during the inspection period. Be alert for suspicious transactions and trafficking indicators.			
9. INSPECTION RESULTS		10. TRAVEL EXPENSES (OPTIONAL)	
<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC			
NO. OF VIOLATIONS	10	NO. OF REFERRALS	1
NO. OF TECS CHECKS	19	NO. OF TECS HITS	1
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES	2111 - PER DIEM
		\$ VALUE OF TAX DECREASES	2112 - P.O.A.
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS	2113 - COMM. AIR
NO. OF CLAIMS		\$ VALUE OF CLAIMS	2114 - RENTAL CAR
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED	2115 - GPV EXPENSES
			2116 - MISC.
			TOTAL \$ FOR INSP.
11. ATF OFFICER'S RECOMMENDATION Submitted by (b) (6) Industry Operations Investigator Submitted on: 12/22/2017 Under the Administrative Action policy, the violations cited warrant a recommendation of violations and Revocation/Denial of Renewal Application. Due to the licensee's improvement in the number of violations cited since the previous inspection and the explanation provided regarding the alleged straw purchase, an alternate recommendation of Violations, Director, Industry Operations held Warning Conference in Lieu of Revocation is being made. Viols DIO (or Delegate) Held WC ILO Revocation			
12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b) (6)	
NOV 2017	25.50		
DEC 2017	17.50		
JAN 2018	5.50		
ATF OFFICER'S SUBTOTAL	48.50	ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b) (6)	
OCT 2017	8.00		
NOV 2017	56.00		
ATF OFFICER'S SUBTOTAL	64.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	112.50		

Assignment and Report

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	3. PERMIT/LICENSE NUMBER 986019018E08161	4a. TARGET DATE 6/29/2018	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Current inspection results under the Administrative Action policy warrant a recommendation of revocation. Area Supervisor is recommending an alternate of Report of Violations, Warning Letter and Recall due to all violations not being cited but rather Lead IOI elected to educate on various ATF Form 4473 violations.

Viols WL ONLY and Recall Inspection

☒ REVIEWED ☐ CONCUR ☒ SEE COMMENTS ☒ FINAL DISPOSITION

SI (b) (6)	TITLE Area Supervisor	REVIEW DATE 01/08/2018
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REVIEW COMMENTS AND RECOMMENDATION

The Southwest Border (DE) Recall Inspection initiated on October 31, 2017, resulted in ten (10) violations of Gun Control Act (GCA) being cited in connection with the inspection. However, the lead IOI, (b) (6) was unavailable to complete the inspection, to include the required closing conference. While the cited violations cited warrant revocation, the investigating IOI would be unavailable to attend an Administrative Action proceeding.

Based on this information, the DIO concurs with the Area Supervisor recommendation of Warning Letter and Recall Inspection. The Recall inspection will further ATF's attempt to bring the licensee into regulatory compliance with the CCA. Accordingly, a Warning Letter will be issued and a Recall Inspection will be staged in N-Spect upon closure of the assigning.

Viols WL ONLY and Recall Inspection

☒ REVIEWED ☐ CONCUR ☒ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE TRDOGAN - Director, Industry Operations	REVIEW DATE 01/24/2018
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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 JAMES 410 LLC	Street Address 9222 EAST INDIO PLACE	City TUCSON	State AZ	Zip Code 85749-	County PIMA	Page 1 of 8 Pages
License/Permit/Registry Number (If any) 986019018E08161	Expiration Date 5/1/2018	Date(s) or Period of Inspection 11/01/2016 through 11/01/2017				

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 the headings and instructions of ATF Form 4473.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

On all future ATF Forms 4473, ensure all required information is furnished, obtained, and/or recorded accurately as required by the regulation. The licensee was advised that if there are errors on the ATF Form 4473; per the instructions on page 3, if supporting information is available to substantiate the correction, make a copy of the page needing correction, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473. The licensee was further advised that per Section A instructions of the form, if the transferee is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. That two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.



Citation: 27 CFR 478.21(a)

Report of Violations

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Name of Proprietor JAMES 410 LLC	Street Address 9222 EAST INDIO PLACE	City TUCSON	State AZ	Zip Code 85749-	County PIMA	Page 2 of 8 Pages
License/Permit/Registry Number (If any) 986019018E08161	Expiration Date 5/1/2018	Date(s) or Period of Inspection 11/01/2016 through 11/01/2017				

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 obtain and record all required transferee information on ATF Forms 4473.



Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

On all future ATF Forms 4473, ensure all required transferee information is obtained, verified, and recorded accurately as required by the regulation. The licensee was advised that if there are errors in Section A of the ATF Form 4473; per the instructions on page 3, the licensee is to make a copy of the page needing correction, have the transferee make the corrections on the copy, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473.

Citation: 27 CFR 478.124(c)(1)

Report of Violations

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Name of Proprietor JAMES 410 LLC	Street Address 9222 EAST INDIO PLACE	City TUCSON	State AZ	Zip Code 85749-	County PIMA	Page 3 of 8 Pages
License/Permit/Registry Number (If any) 986019018E08161	Expiration Date 5/1/2018	Date(s) or Period of Inspection 11/01/2016 through 11/01/2017				

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 verify and record proper transferee's identification documents on ATF Forms 4473.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

On all future ATF Forms 4473 ensure that the transferee's identification documents are verified, obtained, and recorded accurately as required by the regulation. The licensee was advised that if there are errors on the ATF Form 4473; per the instructions on page 3, if supporting information is available to substantiate the correction, make a copy of the page needing correction, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473.

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

Report of Violations

Instructions

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Name of Proprietor JAMES 410 LLC	Street Address 9222 EAST INDIO PLACE	City TUCSON	State AZ	Zip Code 85749-	County PIMA	Page 4 of 8 Pages
License/Permit/Registry Number (If any) 986019018E08161	Expiration Date 5/1/2018	Date(s) or Period of Inspection 11/01/2016 through 11/01/2017				

Inspection Results

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

Number: 4

Nature of Violation:

Failure to verify, record, and attach the proper type of documentation showing the exception to the Nonimmigrant Alien Prohibition in this instance.

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

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

On all future ATF Forms 4473 ensure that the proper type of documentation showing the exception to the Nonimmigrant Alien Prohibition is verified, accurately recorded, and a copy is affixed to the ATF Form 4473 as required by the regulation. The licensee was advised that if there are errors on the ATF Form 4473; per the instructions on page 3, if supporting information is available to substantiate the correction, make a copy of the page needing correction, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473.

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

Report of Violations

Instructions

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Name of Proprietor JAMES 410 LLC	Street Address 9222 EAST INDIO PLACE	City TUCSON	State AZ	Zip Code 85749-	County PIMA	Page 5 of 8 Pages
License/Permit/Registry Number (If any) 986019018E08161	Expiration Date 5/1/2018	Date(s) or Period of Inspection 11/01/2016 through 11/01/2017				

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 record all required firearm identification information on ATF Form 4473.

Date Corrections to be Made: 12/12/2017

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

On all future ATF Forms 4473, ensure all required firearm identification information is obtained and recorded accurately as required by the regulation. The licensee was advised that if there are errors on the ATF Form 4473; per the instructions on page 3, if supporting information is available to substantiate the correction, make a copy of the page needing correction, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473.

Citation: 27 CFR 478.124(c)(4)

Number: 6

Nature of Violation:

Failure to record required acquisition and disposition information in an Acquisition & Disposition (A&D) Record in all instances. Specifically, in instances in which a firearm was in inventory but showed disposed of in the A&D Record. Failure to record the disposition for a firearm in the A&D Record. Failure to accurately or completely record acquisitions in the A&D Record. Failure to accurately or completely record dispositions in the A&D Record. Failure to record the acquisition for a firearm in the A&D Record. 12/13/17 (b) (6)

Date Corrections to be Made: 12/12/2017

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Always ensure that all required information for A&D Record acquisition and disposition entries is obtained, recorded and/or recorded accurately as required by the regulations.

Report of Violations

Instructions

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Name of Proprietor JAMES 410 LLC	Street Address 9222 EAST INDIO PLACE	City TUCSON	State AZ	Zip Code 85749-	County PIMA	Page 6 of 8 Pages
License/Permit/Registry Number (If any) 986019018E08161	Expiration Date 5/1/2018	Date(s) or Period of Inspection 11/01/2016 through 11/01/2017				

Inspection Results

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

Citation: 27 CFR 478.125(c)

Number: 7

Nature of Violation:

Failure to timely or correctly report the sale of two or more pistols, or revolvers, or a combination thereof, on the same day or within five consecutive business days in ^{53 Public Law 112-55 125 Stat.} instances involving firearms.

Date Corrections to be Made: 12/12/2017
(If not corrected immediately)

Corrective Action to be Taken: On all future ATF Forms 4473 in which two or more handguns are sold to the same person at one time or within five consecutive business days, the licensee will ensure that a Report of Multiple Sales or Other Disposition of Pistols and Revolvers (ATF Form 3310.4) is completed and submitted as required by the regulations.
(If not corrected immediately)

Citation: 27 CFR 478.126(a)

Report of Violations

Instructions

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Name of Proprietor JAMES 410 LLC	Street Address 9222 EAST INDIO PLACE	City TUCSON	State AZ	Zip Code 85749-	County PIMA	Page 7 of 8 Pages
License/Permit/Registry Number (If any) 986019018E08161	Expiration Date 5/1/2018	Date(s) or Period of Inspection 11/01/2016 through 11/01/2017				

Inspection Results

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

Number: 8

Nature of Violation:

Failure to retain for a period of not less than five years, an ATF Form 4473, where a licensee has initiated a NICS check for a proposed firearms transaction, but the sale, delivery, or transfer of the firearm did not take place in ^{18 USC 922} instances.

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

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

The licensee was advised that as required per the regulation, all ATF Forms 4473 where the licensee initiated a NICS check for the proposed firearms transaction, but the sale, delivery, or transfer of the firearm is not made, the licensee shall retain the ATF Form 4473 for a period of not less than five years separately from all ATF Forms 4473 that resulted in a transfer, sale, or delivery in alphabetical (by name of Transferee) or chronological (by date of Transferee's certification) order.

Citation: 27 CFR 478.129(b)

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 JAMES 410 LLC	Street Address 9222 EAST INDIO PLACE	City TUCSON	State AZ	Zip Code 85749-	County PIMA	Page 8 of 8 Pages
License/Permit/Registry Number (If any) 986019018E08161	Expiration Date 5/1/2018	Date(s) or Period of Inspection 11/01/2016 through 11/01/2017				

Inspection Results

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

Number: 9

Nature of Violation: Failure to timely or correctly report the sale of two or more semi-automatic rifles, larger than .22 caliber with the ability to accept detachable magazines, on the same day or within five consecutive business days in any instance involving firearms.

Date Corrections to be Made: 12/12/2017
(If not corrected immediately)

Corrective Action to be Taken: On all future ATF Forms 4473 in which two or more semi-automatic rifles, larger than a .22 caliber with the ability to accept detachable magazines, are sold to the same person at one time or within five consecutive business days, the licensee will ensure that a Report of Multiple Sales or Other Disposition of Certain Rifles (ATF Form 3310.12) is completed and submitted as required by the regulations.

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


Number: 10

Nature of Violation: Knowingly making false statements or representation with respect to any required information in any instance.

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

Corrective Action to be Taken: The licensee was advised that any licensed manufacturer, licensed importer, licensed dealer, or licensed collector who knowingly makes any false statement or representation with respect to any information required by the provisions of the Act or this part to be kept in the records of a person licensed under the Act or this part shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Citation: 27 CFR 478.128(c)

I Have Received a Copy of This Report of Violations (Proprietor's signature and title)  MEMBER	Date 12-11-17
Signature and Title (b) (6) INDUSTRY OPERATIONS INVESTIGATOR	Date 12/11/17

For Official Use Only

FIREARMS INSPECTION REPORT

Name: James 410 LLC
Trade Name:

UI#: 785090-2018-0043
FFL#: 9-86-019-01-8E-08161

Address: 9222 E. Indio Place
Tucson, Arizona 85749

Pima County

1 - Introduction

Inspection Profile:

On October 31, 2017, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator (IOI) (b) (6) went to the business premises of James 410 LLC to conduct an unannounced Dealer of Firearms (Type 01) Full Scope Southwest Border Disposition Emphasis Compliance Inspection.

IOI (b) (6) identified herself as an ATF Industry Operations Investigator and presented her credentials. Gary Hickey, Member/Responsible Person (identified with Arizona Driver License (b) (6)) was at the business premises; however, he stated he would be leaving in approximately 15 minutes to take his wife to a doctor appointment. IOI (b) (6) asked if there was anyone else available to assist with the inspection. Mr. Hickey stated there was no one else. IOI (b) (6) then scheduled to begin the inspection the next morning.

The period of inspection covered November 1, 2016, to November 1, 2017. The onsite start date was October 31, 2017.

IOI (b) (6) issued the Report of Violation (ROV) and conducted the closing conference on December 11, 2017, with Mr. Hickey.

Business Profile:

The licensee operates this business from his residence located in unincorporated Pima County. Business activity includes retail sales and transfers of firearms and accessories to the general public as well as friends, family and law enforcement. In addition to the firearms business, Mr. Hickey also has a general contracting and home inspection business that operates from the firearms business premises.

The licensee does not offer gunsmithing services.

The licensee does offer ammunition for sale.

The licensee has no off-site storage.

The licensee acquired approximately (b) (6) firearms and disposed of approximately (b) (6) firearms during the inspection period.

FIREARMS INSPECTION REPORT

Name: James 410 LLC
Trade Name:

UI#: 785090-2018-0043
FFL#: 9-86-019-01-8E-08161

03 Public Law 112-55 (125 Stat. 552)
percent of the firearms transfers were retail transactions.

03 Public Law 112-55 (125 Stat. 552)
Approximately of the firearms transferred are new and approximately are used. 03 Public Law 112-55 (125 Stat. 552)

03 Public Law 112-55 (125 Stat. 552)
Approximately of the firearms transferred are long guns and approximately are handguns. 03 Public Law 112-55 (125 Stat. 552)

The licensee does not utilize a website and does not conduct internet sales.

The licensee stated he uses (b) (4)

(b) (4)

The licensee does not participate in local gun shows.

The licensee utilizes the website www.james410llc.com to advertise the type of merchandise and services available, but does not sell firearms via the website.

(b) (6) Deputy Chief Zoning Inspector for Pima County, advised that the licensee has a current home occupational permit issued by Pima County.

IOI (b) (6) conducted a query of FLS for any additional current or prior ATF licenses held by the licensee, and discovered no additional firearms licenses.

The licensee has held the current FFL since April 2015.

Ownership and Control:

James 410, LLC is a domestic limited liability company in the State of Arizona. It has been organized since February 2015. Gary Wayne Hickey is the sole member of the LLC.

Mr. Hickey is the only active RP listed in FLS. No other persons were added or removed from the license at the time of the inspection. The responsible persons are correctly listed in the Federal Licensing System database.

There have been no changes to the business structure. No additional RPs were added because of this inspection. No hidden ownership was suspected.

Variance:

Licensee holds no variances at this time and did not request a variance at the time of this inspection.

FIREARMS INSPECTION REPORT

Name: James 410 LLC
Trade Name:

UI#: 785090-2018-0043
FFL#: 9-86-019-01-8E-08161

2 - Recommendation

Under the Administrative Action policy, the violations cited warrant a recommendation of violations and Revocation/Denial of Renewal Application. Due to the licensee's improvement in the number of violations cited since the previous inspection and the explanation provided regarding the alleged straw purchase, an alternate recommendation of Violations, Director, Industry Operations held Warning Conference in Lieu of Revocation is being made.

3 - Inspection History

A review of the Area Office file disclosed two previous inspections

Date of Inspection: August 8, 2016

Type of Inspection: SWB Compliance Inspection

UI#: 785090-2016-0215

Inspection Results: Violations Warning Conference with Warning Letter and Recall.

Cited Violations: **27 CFR 478.125(e):** Failure to record required acquisition and disposition information in an Acquisition and Disposition (A&D) Record in [REDACTED] instances. Specifically, failure to accurately or correctly record [REDACTED] acquisitions in the A&D Record. Failure to accurately or correctly record [REDACTED] disposition in the A&D Record.

27 CFR 478.21(a): Failure to furnish or obtain all information as required by headings and instructions of [REDACTED] ATF Forms 4473. Specifically, failure to correctly complete item 32 in [REDACTED] instances.

27 CFR 478.124(c)(1): to obtain and record all required transferee information on [REDACTED] ATF Forms 4473. Specifically, failure to complete item 1 in [REDACTED] instances, item 2 in [REDACTED] instances, item 3 in [REDACTED] instances, item 4 in [REDACTED] instance, item 5 in [REDACTED] instance, item 10b in [REDACTED] instance, item 11 in [REDACTED] instances, item 16 in [REDACTED] instance, and item 17 in [REDACTED] instance.

27 CFR 478.124(c)(3)(i): Failure to verify and record proper transferee's identification documents on [REDACTED] ATF Forms 4473. Specifically, failure to accurately and completely record all information in item 20a in [REDACTED] instances. Failure to record alternate documentation in item 20b in [REDACTED] instance.

27 CFR 478.124(c)(3)(iv): Failure to record all required NICS transaction information on [REDACTED] ATF Forms 4473. Specifically, failure to correctly or accurately complete item 21a in [REDACTED] instances, item 21c in [REDACTED] instances, and item 21d in [REDACTED] instances.

27 CFR 478.124(c)(4): Failure to record all required firearm identification information on [REDACTED] ATF Forms 4473.

FIREARMS INSPECTION REPORT

Name: James 410 LLC
Trade Name:

UI#: 785090-2018-0043
FFL#: 9-86-019-01-8E-08161

Specifically failure to correctly the serial number of a firearm in item 28 in [b3 Public Law 112-55 (125 Stat. 552)] instance. Failure to correctly identify the type of firearm in item 29 in [b3 Public Law 112-55 (125 Stat. 552)] instance.

27 CFR 478.124(c)(5): Failure to properly sign and/or date the correct date of transfer of a firearm on [b3 Public Law 112-55 (125 Stat. 552)] ATF Form 4473. Specifically, [b3 Public Law 112-55 (125 Stat. 552)]

27 CFR 478.124(a): Failure to complete and retain an ATF Form 4473 in [b3 Public Law 112-55 (125 Stat. 552)] instances. Specifically, failure to complete an ATF Form 4473 during the transfer of a firearm to a Federal Firearms Licensee (FFL) Responsible Person in [b3 Public Law 112-55 (125 Stat. 552)] instance. Failure to execute an ATF Form 4473 prior to contacting NICS in [b3 Public Law 112-55 (125 Stat. 552)] instances.

27 CFR 478.102(a): Failure to conduct a NICS check prior to the transfer of a firearm in [b3 Public Law 112-55 (125 Stat. 552)] instance. Specifically, failure to conduct a NICS check on a Federal Firearms Licensee (FFL) Responsible Person in [b3 Public Law 112-55 (125 Stat. 552)] instance.

27 CFR 478.131(a)(2): Failure to correctly and accurately record a valid state permit which qualifies as an exemption to a NICS check in [b3 Public Law 112-55 (125 Stat. 552)] instance. Specifically, the licensee accepted a permit as an exemption to a NICS check in which the permit issuance date had not yet arrived.

27 CFR 478.99(a): Transfer of a firearm, other than a rifle or a shotgun, to an unlicensed out-of-state resident in [b3 Public Law 112-55 (125 Stat. 552)] instance. Specifically, transfer of a handgun to a purchaser whom presented a California Identification Card as their identifying document.

27 CFR 478.99(c): Transfer of a firearm to a person knowing, or having reasonable cause to believe, including a "YES" answer to a prohibiting question of the ATF Form 4473, that such person is prohibited from possessing firearms in [b3 Public Law 112-55 (125 Stat. 552)] instance.

27 CFR 478.126a: Failure to timely or correctly report the sale of two or more pistols, or revolvers, or a combination thereof, on the same day or within five consecutive business days in [b3 Public Law 112-55 (125 Stat. 552)] instance involving [b3 Public Law 112-55 (125 Stat. 552)] firearms.

18 U.S.C. 923(g)(5)(A): Failure to timely or correctly report the sale of two or more certain rifles, on the same day or within five consecutive business days in [b3 Public Law 112-55 (125 Stat. 552)] instances involving [b3 Public Law 112-55 (125 Stat. 552)] firearms.

Date of Inspection:

April 16, 2015

Type of Inspection:

Onsite start and end date: April 16, 2015

Qualification Inspection

FIREARMS INSPECTION REPORT

Name: James 410 LLC
Trade Name:

UI#: 785090-2018-0043
FFL#: 9-86-019-01-8E-08161

UI#: 785090-2015-0155
Inspection Results: Application Approved. Acknowledgement of Federal Firearms Regulations was signed and dated on April 16, 2015.
Cited Violations: No Violations.

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

The licensee maintains a handwritten Acquisition & Disposition (A&D) Record book.

IOI (b) (6) conducted a 100% physical inventory of the business firearms. There were [redacted] firearms found in inventory. The firearms in inventory were matched to the corresponding entry in the A&D Record by serial number, make, model and caliber. Of the [redacted] firearms found in inventory, [redacted] firearms were recorded as disposed in the A&D Record and one firearm was not recorded in the A&D Record book.

IOI (b) (6) reviewed the A&D Record and found [redacted] open entries, with [redacted] of the open entries corresponding to a firearm in inventory. There was [redacted] open disposition with no firearm in inventory. IOI (b) (6) instructed the licensee to search for the missing firearm or produce an ATF Form 4473. Mr. Hickey was able to produce an ATF Form 4473 for the missing firearm. Additionally, Mr. Hickey failed to accurately or completely record the acquisition information for [redacted] firearms and the disposition information of [redacted] firearms. IOI (b) (6) did not cite the licensee for one open disposition with no firearm in inventory. 1/5/18

Due to the above listed discrepancies, the licensee was cited with violations of 27 CFR 478.125(e) [redacted] instances.

See Worksheet 1 – Inventory, A&D, Exhibit 1 – A&D entries with violations of 27 CFR 478.125(e) and ATF Form 5030.5, Report of Violations.

The licensee was advised of the recordkeeping requirements set forth by 27 CFR 478.125(e), of the alternate methods or procedures to the firearms acquisition and disposition recordkeeping requirements: electronic records set forth by ATF Ruling 2016-1, of the proper procedures for recording the manufacturer/importer's complete names and not condensed or abbreviated forms of the names in the A&D Record, of the proper procedures for recording the complete FFL Number (15 digits) or the FFL's complete address (number, street, city, and state) in the A&D Record, of the proper procedures for transferring firearms from one A&D Record to another, of the proper procedures for recording "combination firearms" and "pistol grip firearms" in the A&D Record, of the proper procedures for recording the different manufacturers of Hi Point which include Bee Miller Inc., Strassel Machine Inc., Haskell Manufacturing Inc., and Iberia Firearms in the A&D Record, and the proper procedures for making corrections in the A&D Record which included not utilizing white-out liquid or tape, to initial and date all corrections made, and how to void entries that were recorded in error.

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IOI (b) (6) checked 25 firearms from acquisition through dispositions and discovered no discrepancies.

There were no firearms with obliterated serial numbers or illegal firearms found during the inspection. There were no indications of trafficking issues related to the acquisition and disposition of firearms.

During the inspection, the Mr. Hickey informed IOI (b) (6) that firearm acquisitions are entered into the A&D Record as soon as firearms are acquired. He also stated dispositions are recorded in the A&D Record at the time of sale.

5 - ATF Forms 4473 - NICS & Other Dispositions

IOI (b) (6) reviewed all 42 ATF Forms 4473 on file for the inspection period. The review of these forms disclosed the following violations:

Failure to furnish or obtain all information as required by the headings and instructions of ATF Form 4473, a violation of 27 CFR 478.21(a).

See Worksheet 2 - 4473 (2016 Edition), Exhibit 2 - ATF Form 4473 with a violation of 27 CFR 478.21(a) and ATF Form 5030.5, Report of Violations.

Failure to obtain and record all required transferee information on ATF Forms 4473 a violation of 27 CFR 478.124(c)(1).

See Worksheet 2 - 4473 (2016 Edition), Exhibit 3 - ATF Form 4473 with a violation of 27 CFR 478.124(c)(1) and ATF Form 5030.5, Report of Violations.

Failure to verify and record proper transferee's identification documents on ATF Forms 4473, a violation of 27 CFR 478.124(c)(3)(i).

See Worksheet 2 - 4473 (2016 Edition), Exhibit 4 - ATF Form 4473 with a violation of 27 CFR 478.124(c)(3)(i) and ATF Form 5030.5, Report of Violations.

Failure to verify, record, and attach the proper type of documentation showing the exception to the Nonimmigrant Alien Prohibition in instance, a violation of 27 CFR 478.124(c)(3)(iii).

See Worksheet 2 - 4473 (2016 Edition), Exhibit 5 - ATF Form 4473 with a violation of 27 CFR 478.124(c)(3)(iii) and ATF Form 5030.5, Report of Violations.

Failure to record all required firearm identification information on ATF Form 4473, a violation of 27 CFR 478.124(c)(4).

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See Worksheet 2 – 4473 (2016 Edition), Exhibit 6 – ATF Form 4473 with a violation of 27 CFR 478.124(c)(4) and ATF Form 5030.5, Report of Violations.

Knowingly making false statements or representation with respect to any required information in (b) (6) instance, a violation of 27 CFR 478.128(c).

See Worksheet 2 – 4473 (2016 Edition), Exhibit 7 – ATF Form 4473 with a violation of 27 CFR 478.128(c) and ATF Form 5030.5, Report of Violations.

All ATF Forms 4473 that were correctable, were corrected by the licensee and verified by IOI (b) (6) on December 11, 2017.

IOI (b) (6) reviewed and discussed the following with the licensee: ATF Ruling 2001-5: Identification of Transferee which included the government-issued documentation that can be accepted as Alternate Documentation and ensuring that all information on the Alternate Documentation matches exactly what has been recorded in item 2. The Firearms Transaction Record: ATF Form 4473 (5300.9) which included the Important Notice to all Federal Firearms Licensees, The Notices, Instructions, and Definitions Section which included that a buyer who is unable to read and/or write, the answers (other than the signature), Section A of the ATF Form 4473 may be completed by another person, excluding the transferor/seller. That two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14. How items 3, 12a, 18a, 18b, 18c, and 25 on the ATF Form 4473 are required to be completed, how to properly record Military Identification and PCS Orders, how to properly record the model of a firearm if there is no visible information per the instructions on the ATF Form 4473 and not record a line or dash, how to properly record only U.S. Postal abbreviations for states and not cities, and the overall completion of the form which included initialing and dating corrections made by either the transferee or transferor during the transaction. The licensee was further advised that if the binding of the ATF Form 4473 comes apart they are to retain the form in a manner which ensures no pages are lost, to not mark "Denied" across the form, and to not conduct an electronic NICS background check prior to the completion of the ATF Form 4473 and unless associated with a firearms transaction and not in the anticipation of one.

The proper procedures on correcting the ATF Form 4473 which are detailed on page 3 of the form were additionally reviewed and discussed with the licensee.

There were no transfers to other licensees or law enforcement officers.

The FFL audit log verification was conducted on 27 National Instant Criminal Background Check (NICS) Transaction Number (NTN) with (b) (6) discrepancies. In (b) (6) instances the licensee failed to retain ATF Forms 4473 for denied transactions.

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For the above violation, the licensee was cited for failure to retain for a period of not less than five years, an ATF Form 4473, where a licensee has initiated a NICS check for a proposed firearms transaction, but the sale, delivery, or transfer of the firearm did not take place in [REDACTED] instances, a violation of 27 CFR 478.129(b). *FFL Audit Log 1/5/18*

See Worksheet 2 – 4473 (2016 Edition), Exhibit 8 – ~~ATF Form 4473~~ with a violation of 27 CFR 478.129(b) and ATF Form 5030.5, Report of Violations.

The licensee stated the customer is instructed to complete Section A of the ATF Form 4473. When Section A is complete, identification is obtained from the customer (usually an Arizona Driver's License). The licensee will then complete the remaining sections of the form and conduct a NICS check. Once the NICS check is completed, the firearm is transferred. At the end of the day, all ATF Forms 4473 are reviewed and filed.

6 - Multiple Sales

A query was sent to the Violent Crime Analysis Branch; the response received on October 31, 2017, returned the following results:

The licensee was associated with [REDACTED] multiple sale transactions involving [REDACTED] firearms during the inspection period. *1/5/18*

and unreported multiple handgun sale
There were [REDACTED] untimely reported multiple sales involving [REDACTED] firearms discovered during the inspection. The licensee was cited with failure to timely or correctly report the sale of two or more pistols, or revolvers, or a combination thereof, on the same day or within five consecutive business days in [REDACTED] instances involving [REDACTED] firearms, a violation of 27 CFR 478.126a. *(b)(6) 1/5/18*

See Worksheet 2 – 4473 (2012 and 2016 Edition), Exhibit 9 – ATF Form 4473 with a violation of 27 CFR 478.126a and ATF Form 5030.5, Report of Violations.

untimely unreported
There was [REDACTED] multiple sale involving two firearms. The licensee was cited with failure to timely or correctly report the sale of two or more semi-automatic rifles, larger than .22 caliber with the ability to accept detachable magazines, on the same day or within five consecutive business days in [REDACTED] instance involving [REDACTED] firearms, a violation of 18 U.S.C. 923(g)(5)(A). *(b)(6) 1/5/18*

handgun
On November 6, 2017, the multiple sale form for [REDACTED] was submitted to the National Tracing Center (NTC) to be updated in the database. *completed 1/5/18*
It was submitted on 12/13/17, (b)(6) 1/5/18

See Worksheet 2 – 4473 (2016 Edition), Exhibit 10 – ATF Form 4473 with a violation of 18 U.S.C. 923(g)(5)(A) and ATF Form 5030.5, Report of Violations.

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The Report of Multiple Sale or Other Disposition of Pistols and Revolvers and the Report of Multiple Sale or Other Disposition of Certain Rifles which included the overall completion of the forms, the time frame for the submission of the reports, and how to submit the reports via email was reviewed and discussed with the licensee.

7 - Suspicious/Prohibited Purchasers

There were 13 suspicious purchasers and no prohibited purchasers identified during the inspection. Computerized criminal history checks were conducted on the suspicious purchasers, which revealed one purchaser with possible prohibiting information.

Investigative Analyst (IA) (b)(6) conducted additional inquiries for (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

8 - Trace Activity

A query was sent to the Violent Crime Analysis Branch; the response received on October 31, 2017, returned the following results:

The licensee was associated with (b)(6) 15/18 successfully completed firearm trace requests and no unsuccessful firearms trace requests.

The ATF NTC Division: Information for Industry Members (ATF Publication 3312.10) which included a brief review of the purpose and function of the ATF NTC, what a firearms trace is, and the time frame for the submission of the requested information was reviewed and discussed with the licensee.

Secondary Market Analysis was conducted on four used firearms with negative results.

9 - NFA/Importer/Collector/Manufacturer

The licensee does not conduct business in NFA Firearms or as a manufacture, importer, or collector.

10 - Referrals

There was one referral generated by this inspection.

(b) (6), (b) (7)(C)

11 - Other

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IOI (b) (6) observed that the licensee had the Youth Handgun Safety Act poster properly displayed, and possessed a sufficient amount of pamphlets available for handgun transfers.

The licensee also maintains secure gun storage and safety devices that are available to customers for firearms that do not have secure gun storage or a safety device.

IOI (b) (6) observed the Federal Firearms License displayed.

IOI (b) (6) conducted queries of the NFORCE, TECS, Accurint and Open Fox databases on the licensee and found no prohibiting information. ATF Senior Intelligence Research Specialist (b) (6) conducted further deconfliction with negative results.

12 - Closing Actions

On December 11, 2017, a Closing Conference was conducted with Gary Wayne Hickey, Member/RP. The Federal Regulatory Requirements, which included Required Records & Reports, Conduct of Business, Licenses, Miscellaneous Provisions, State Laws & Local Ordinances, and General Questions and Answers, were discussed and reviewed with Mr. Hickey. Mr. Hickey indicated that he understood all the information by signing and dating the Acknowledgement of Federal Firearms Regulations. A signed copy of the Acknowledgement of Federal Firearms Regulations was provided to Mr. Hickey. A copy of the signed Acknowledgement is maintained in the area office file. **See Exhibit 11 – Acknowledgement of Federal Firearms Regulations.**

IOI (b) (6) provided and reviewed with the licensee, the following reference materials:

- ATF Federal Firearms Regulations Reference Guide 2014 (ATF Publication 5300.4) – Instructions on how to print and/or download. Important Information – pp.'s 7-9, 36, 40-41, 44, 47-48, 50, 65, 67, 82, 88, 133-134, 218, and 223-233.
- Firearms Transaction Record (ATF Form 4473) Notice to Federal Firearms Licensee (pp.'s 1-5) and Notices, Instructions, and Definitions on the form (pp.'s 3-6).
- A Federal Firearms Licensee Guide: Facilitating Private Sales (pp.'s 1-10).
- ATF Ruling 2001-5: Identification Documents (December 31, 2001).
- Report of Multiple Sale or Other Disposition of Pistols and Revolvers (ATF Form 3310.4).
- Q&A's for the Report of Multiple Sales or Other Disposition of Certain Rifles.
- Report of Multiple Sale or Other Disposition of Certain Rifles (ATF Form 3310.12).
- Instructions on how to report Multiple Sale Reports via email.
- Federal Firearms Licensee Firearms Inventory Theft/Loss Report (ATF Form 3310.11).

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- Federal Firearms Licensee Firearms Inventory Theft/Loss Report Continuation Sheet (ATF Form 3310.11A).
- Instructions for submitting the Federal Firearms Licensee Firearms Inventory Theft/Loss Report.
- Safety and Security Information for Federal Firearms Licensees (ATF Publication 3317.2).
- FFL Security Advisory: Crime Gun Intelligence Center-Phoenix Field Division, ATF: FFL Burglaries.
- U.S. Department of Justice Federal Bureau of Investigation Criminal Justice Information Services Division – NICS E-Check (March 2010).
- National Instant Criminal Background Check Systems (NICS) Quick Reference Guide (January 2014).
- U.S. Department of Justice – Federal Bureau of Investigation (FBI) – Criminal Justice Information Services Division: NICS Resolution Cards (August 2011).
- ATF Important Notice to FFL's and Other Participants at Gun Shows-October 2016 (ATF Information 5300.23A).
- ATF Youth Handgun Safety Act Poster (ATF Information 5300.1).
- ATF Youth Handgun Safety Act Notice-September 2017 (ATF Information 5300.2).
- Application for an Amended Federal Firearms License (ATF E-Form 5300.38).
- ATF National Tracing Center Division: Information for Industry Members (ATF Publication 3312.10).
- U.S. Department of Justice/ATF: National Tracing Center: Personal Firearms Record (ATF Publication 3312.8).
- U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives Loss Prevention for Firearms Retailers-January 2016 (ATF Publication 5380.1).
- U.S. Department of Justice/ATF-Office of Enforcement Programs and Services Firearms Programs Division: Gun Free School Zone Notice (ATF Publication 5310.1).
- ATF Disaster Preparedness for Federal Firearms Licensees (ATF Publication 3317.7).
- Important Contact Phone Numbers
- ATF Useful Links.
- U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives FFL Newsletters: February 2011, September 2011, May 2012, March 2013, and June 2017.

The licensee was advised that all reference materials provided could be ordered via the ATF internet at www.atf.gov or by contacting the ATF Distribution Center.

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The licensee was also provided with contact information for both IOI (b) (6) and the Tucson Field Office and instructed to contact either with any questions that he should have in the future.

On December 11, 2017, the Report of Violations (ROV); ATF Form 5030.5, was reviewed with Mr. Hickey. The violations and the corresponding corrective actions were discussed in detail. Mr. Hickey indicated that he understood the violations by signing and dating the ROV. Mr. Hickey was provided a copy of the ROV. A copy of the signed ROV is maintained in the area office file.

On December 11, 2017, IOI (b) (6) reviewed and verified with Mr. Hickey at the business premises, that all corrections in the A&D Record and ATF Forms 4473 had been completed.

On December 13, 2017, a revised ROV; Page 5, Violation 6, was issued to Gary Wayne Hickey via email. The ROV was revised to accurately reflect the information on the worksheet, specifically firearms in inventory that were logged out of the A&D Record and failure to record the acquisition for one firearm.

13 - Violations

1. 27 CFR 478.21(a) REPEAT OF VIOLATION CITED ON JULY 20, 2016.

Nature of violation: Failure to furnish or obtain all information as required by the headings and instructions of ATF Form 4473. Specifically, Section A of the ATF Form 4473 was completed by the Federal Firearms Licensee (FFL) and not the customer instance.

Licensee's response: On December 11, 2017, when IOI (b) (6) reviewed the ATF Form 4473 for (b) (6) and asked the licensee to explain what had occurred, Mr. Hickey stated, "Completed the form because he injured his arm. Tried to be a nice guy and help out. Known him for a while. Not a stranger. Known for 20 years." When asked by IOI (b) (6) what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "Definitely won't happen again."

Corrective action: On all future ATF Forms 4473, ensure all required information is furnished, obtained, and/or recorded accurately as required by the regulation. The licensee was advised that if there are errors on the ATF Form 4473; per the instructions on page 3, if supporting information is available to substantiate the correction, make a copy of the page needing correction, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473. The licensee was further advised that per Section A instructions of the form, if the transferee is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. That two persons (other than the

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transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.

See Worksheet 2 – 4473 (2016 Edition), Exhibit 2 – ATF Form 4473 with a violation of 27 CFR 478.21(a) and ATF Form 5030.5, Report of Violations.

2. 27 CFR 478.124(c)(1) REPEAT OF VIOLATION CITED ON ~~JULY 20~~ ^{August 8} 2016. (b)(6) 1/5/18

Nature of violation: Failure to obtain and record all required transferee information on ATF Forms 4473. Specifically, failure to correctly complete item 3 in instances. Failure to complete item 12a in instances. (b)(6) 1/5/18

Licensee's response: On December 11, 2017, when IOI (b)(6) reviewed with the licensee the ATF Forms 4473 errors and asked why these specific errors occurred. Mr. Hickey stated, "Made a mistake. Human." When asked by IOI (b)(6) what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "I hum along and go block by block to ensure information is completed. It works for me. Taking my time. Quick once over. More clear once over with Identification or Driver's License provided and CCW, if applicable. Then check at the end of the day. Will not make any more excuses other than I screwed up."

Corrective action: On all future ATF Forms 4473, ensure all required transferee information is obtained, verified, and recorded accurately as required by the regulation. The licensee was advised that if there are errors in Section A of the ATF Form 4473; per the instructions on page 3, the licensee is to make a copy of the page needing correction, have the transferee make the corrections on the copy, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473.

See Worksheet 2 – 4473 (2016 Edition), Exhibit 3 – ATF Form 4473 with a violation of 27 CFR 478.124(c)(1) and ATF Form 5030.5, Report of Violations.

3. 27 CFR 478.124(c)(3)(i) REPEAT OF VIOLATION CITED ON ~~JULY 20~~ ^{August 8} 2016. (b)(6) 1/5/18

Nature of violation: Failure to verify and record proper transferee's identification documents on ATF Forms 4473. Specifically, failure to correctly complete item 18a in instance. Failure to correctly complete item 18b in instance. (b)(6) 1/5/18

Licensee's response: On December 11, 2017, when IOI (b)(6) reviewed with the licensee the ATF Forms 4473 errors and asked why these specific errors occurred. Mr. Hickey stated, "For (b)(6) ID Cards look similar to Driver's Licenses. Marked DL instead of ID. For (b)(6) unaware that information did not belong there, that it was incorrect." When asked by IOI (b)(6) what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "Slow down even more and ensure information is correct. Make sure information appears only where required."

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Corrective action: On all future ATF Forms 4473 ensure that the transferee's identification documents are verified, obtained, and recorded accurately as required by the regulation. The licensee was advised that if there are errors on the ATF Form 4473; per the instructions on page 3, if supporting information is available to substantiate the correction, make a copy of the page needing correction, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473.

See Worksheet 2 – 4473 (2016 Edition), Exhibit 4 – ATF Form 4473 with a violation of 27 CFR 478.124(c)(3)(i) and ATF Form 5030.5, Report of Violations.

4. 27 CFR 478.124(c)(3)(iii)

Nature of violation: Failure to verify, record, and attach the proper type of documentation showing the exception to the Nonimmigrant Alien Prohibition in instance. Specifically, **b3 Public Law 112-55 (125 Stat. 552)**

Licensee's response: On December 11, 2017, when IOI **(b) (6)** reviewed with the licensee the ATF Form 4473 error and asked why this specific error occurred. Mr. Hickey stated, "Unaware that information did not belong there." When asked by IOI **(b) (6)** what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "Now know where information belongs, proper spot."

Corrective action: On all future ATF Forms 4473 ensure that the proper type of documentation showing the exception to the Nonimmigrant Alien Prohibition is verified, accurately recorded, and a copy is affixed to the ATF Form 4473 as required by the regulation. The licensee was advised that if there are errors on the ATF Form 4473; per the instructions on page 3, if supporting information is available to substantiate the correction, make a copy of the page needing correction, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473.

See Worksheet 2 – 4473 (2016 Edition), Exhibit 5 – ATF Form 4473 with a violation of 27 CFR 478.124(c)(3)(iii) and ATF Form 5030.5, Report of Violations.

5. 27 CFR 478.124(c)(4) REPEAT OF VIOLATION CITED ON ^{August 8} ~~JULY 20~~, 2016. **(b) (6)** 1/5/18

Nature of violation: Failure to record all required firearm identification information on ATF Form 4473. Specifically, failure to complete item 25 **(b) (6)** instance.

Licensee's response: On December 11, 2017, when IOI **(b) (6)** reviewed with the licensee the ATF Form 4473 error and asked why this specific error occurred. Mr. Hickey stated, "Uneducated on what needed to go there." When asked by IOI **(b) (6)**

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what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "Now I know."

Corrective action: On all future ATF Forms 4473, ensure all required firearm identification information is obtained and recorded accurately as required by the regulation. The licensee was advised that if there are errors on the ATF Form 4473; per the instructions on page 3, if supporting information is available to substantiate the correction, make a copy of the page needing correction, initial and date the correction on the copy, and attach the corrected copy to the original ATF Form 4473.

See Worksheet 2 – 4473 (2016 Edition), Exhibit 6 – ATF Form 4473 with a violation of 27 CFR 478.124(c)(4) and ATF Form 5030.5, Report of Violations.

6. 27 CFR 478.125(e) REPEAT OF VIOLATION CITED ON ~~JULY 20, 2016~~ August 8 (b) (6) 1/5/18

Nature of violation: Failure to record required acquisition and disposition information in an Acquisition & Disposition (A&D) Record in instances. Specifically, there were firearms in inventory that were logged out of the A&D Record. Failure to record the acquisition for firearm in inventory in the A&D Record prior to the inspection. Failure to record the disposition of firearm, which was determined to be a duplicate entry, in the A&D Record. Failure to accurately or correctly record the manufacture/importer and serial number for firearm in the A&D Record. Failure to accurately or correctly record the serial number for firearm in the A&D Record. Failure to accurately or completely record disposition information; date and transferee's name, for firearms in the A&D Record.

Licensee's response: On December 11, 2017, when IO (b) (6) reviewed with the licensee all of the A&D Record errors and asked why these specific errors occurred, Mr. Hickey stated, "Unaware of the errors. Did not have the control numbers there before. Put the control numbers there because I was requested to do so by previous Investigator. Not because I wanted to. For (b) (6) gun, unaware I needed to log gun back into book." When asked by IO (b) (6) what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "Make sure every gun in shop belongs to James 410. Personal guns will be tagged not for sale."

Corrective action: Always ensure that all required information for A&D Record acquisition and disposition entries is obtained, recorded and/or recorded accurately as required by the regulations.

See Worksheet 1 – Inventory, A&D, Exhibit 1 – A&D entries with violations of 27 CFR 478.125(e) and ATF Form 5030.5, Report of Violations.

7. 27 CFR 478.126a REPEAT OF VIOLATION CITED ON ~~JULY 20, 2016~~ August 8 (b) (6) 1/5/18

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Nature of violation: Failure to timely or correctly report the sale of two or more pistols, or revolvers, or a combination thereof, on the same day or within five consecutive business days in nine instances involving firearms.

Licensee's response: On December 11, 2017, when IOI (b) (6) reviewed with the licensee all of the ATF Forms 4473 in which multiple sales reports either had not been submitted and/or were not timely submitted, Mr. Hickey stated, "Under the impression, fill out form within five days from sale and mail it." When asked by IOI (b) (6) what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "File the form same day, Now that I know."

Corrective action: On all future ATF Forms 4473 in which two or more handguns are sold to the same person at one time or within five consecutive business days, the licensee will ensure that a Report of Multiple Sales or Other Disposition of Pistols and Revolvers (ATF Form 3310.4) is completed and submitted as required by the regulations.

See Worksheet 2 – 4473 (2012 and 2016 Edition), Exhibit 9 – ATF Form 4473 with a violation of 27 CFR 478.126a and ATF Form 5030.5, Report of Violations.

8. 27 CFR 478.129(b)

Nature of violation: Failure to retain for a period of not less than five years, an ATF Form 4473, where a licensee has initiated a NICS check for a proposed firearms transaction, but the sale, delivery, or transfer of the firearm did not take place in instances.

Licensee's response: On December 11, 2017, when IOI (b) (6) asked why the licensee did not retain ATF Forms 4473 for a period of not less than five years, Mr. Hickey stated, "Because running online, computer issues. Strictly NICS. Froze up, blocked, and stopped. Bailed on it. Called NICS, got NTN's." When asked by IOI (b) (6) what Mr. Hickey would implement to ensure that this similar error did not occur, Mr. Hickey stated, "Use one or the other. Have an issue with computer. Jot down NTN and cancel it out. Done with computer. Then I can just call."

Corrective action: The licensee was advised that as required per the regulation, all ATF Forms 4473 where the licensee initiated a NICS check for the proposed firearms transaction, but the sale, delivery, or transfer of the firearm is not made, the licensee shall retain the ATF Form 4473 for a period of not less than five years separately from all ATF Forms 4473 that resulted in a transfer, sale, or delivery in alphabetical (by name of Transferee) or chronological (by date of Transferee's certification) order.

See Worksheet 2 – 4473 (2016 Edition), Exhibit 8 – ~~ATF Form 4473~~ with a violation of 27 CFR 478.129(b) and ATF Form 5030.5, Report of Violations.

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9. 18 U.S.C. 923(g)(5)(A)

Nature of violation: Failure to timely or correctly report the sale of two or more semi-automatic rifles, larger than .22 caliber with the ability to accept detachable magazines, on the same day or within five consecutive business days in ^{112-55 (125 Stat. 552)} instance involving ^{112-55 (125 Stat. 552)} firearms.

Licensee's response: On December 11, 2017, when IOI ^{(b) (6)} reviewed with the licensee the ATF Form 4473 in which a multiple sales report either had not been submitted and/or was not timely submitted, Mr. Hickey stated, "Under the impression, fill out form within five days from sale and mail it." When asked by IOI ^{(b) (6)} what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "File the form same day, Now that I know."

Corrective action: On all future ATF Forms 4473 in which two or more semi-automatic rifles, larger than a .22 caliber with the ability to accept detachable magazines, are sold to the same person at one time or within five consecutive business days, the licensee will ensure that a Report of Multiple Sales or Other Disposition of Certain Rifles (ATF Form 3310.12) is completed and submitted as required by the regulations.

See Worksheet 2 – 4473 (2016 Edition), Exhibit 10 – ATF Form 4473 with a violation of 18 U.S.C. 923(g)(5)(A) and ATF Form 5030.5, Report of Violations.

10. 27 CFR 478.128(c)

Nature of violation: Knowingly making false statements or representation with respect to any required information in ^{112-55 (125 Stat. 552)} instance. The licensee knowingly conducted a straw purchase. Specifically, ^{(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)}

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

Licensee's response: On November 6, 2017, when IOI ^{(b) (6)} reviewed the ATF Forms for ^{(b) (6)} and asked the licensee to explain what had occurred, Mr. Hickey stated, ^{(b) (6)} came in to purchase guns. He was delayed and eventually, 20 days later, Denied. Ran his background check first. When

FIREARMS INSPECTION REPORT

Name: James 410 LLC
Trade Name:

UI#: 785090-2018-0043
FFL#: 9-86-019-01-8E-08161

he was delayed, his wife then said she was going to get the gun he wanted. It was a colored gun; we only had one like it. He had first dibs between the two of them and when he got delayed she got it instead, since that was the one she originally wanted anyway. On December 11, 2017, when IOI (b) (6) reviewed the ATF Forms for (b) (6) (b) (6) and asked the licensee to explain what had occurred, Mr. Hickey stated, "Both were looking at the same gun in the same color (b) (6) said he was going to get the gun. It came back a delayed. I told him (b) (6) can't do it." (b) (6) said, 'Ha! I can get it and you can wait to resolve it.' Kind of when you were kid's kind of thing. Sucks to be you. Have first dibs." When asked by IOI (b) (6) what Mr. Hickey would implement to ensure that similar errors are not made, Mr. Hickey stated, "Document. Not do this. Have customer write a statement so it doesn't look like I'm trying to pull some shenanigans."

Corrective action: The licensee was advised that any licensed manufacturer, licensed importer, licensed dealer, or licensed collector who knowingly makes any false statement or representation with respect to any information required by the provisions of the Act or this part to be kept in the records of a person licensed under the Act or this part shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

See Worksheet 2 – 4473 (2016 Edition), Exhibit 7 – ATF Form 4473 with a violation of 27 CFR 478.128(c) and ATF Form 5030.5, Report of Violations.

12/22/2017

X (b) (6)

(b) (6)

Industry Operations Investigator

Signed by: ATF

Index of Worksheets and Exhibits

Worksheets:

Worksheet 1 – Inventory, A&D

Worksheet 2 – 4473 (2012 Edition and 2016 Edition)

Exhibits:

1. A&D entries with violations of 27 CFR 478.125(e)
2. ATF Form 4473 with a violation of 27 CFR 478.21(a)
3. ATF Form 4473 with a violation of 27 CFR 478.124(c)(1)
4. ATF Form 4473 with a violation of 27 CFR 478.124(c)(3)(i)
5. ATF Form 4473 with a violation of 27 CFR 478.124(c)(3)(iii)
6. ATF Form 4473 with a violation of 27 CFR 478.124(c)(4)
7. ATF Form 4473 with a violation of 27 CFR 478.128(c)
8. ~~ATF Form 4473 with a violation of 27 CFR 478.129(b)~~ FFL Audit Log (b) (6) 1/5/18
9. ATF Form 4473 with a violation of 27 CFR 478.126a
10. ATF Form 4473 with a violation of 18 U.S.C. 923(g)(5)(A)
11. Acknowledgement of Federal Firearms Regulations



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

January 24, 2018

785090-KLB (b) (6)
5300

James 410 LLC
9222 East Indio Place
Tucson, AZ 85749

RE: FFL # 9-86-019-01-8E-08161

Dear Mr. Hickey,

During a recent inspection at your firearms business covering the period November 01, 2016, to November 01, 2017, you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, ATF F 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) Industry Operations Investigator. You indicated that you understood the requirements of the firearms laws and regulations and that corrective action would be taken to eliminate future violations.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and protect the public. It is essential that you comply with all Federal Laws and Regulations that govern your firearms business. This is critical to carrying out our mission to protect the public and to ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area. 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 Investigator (b) (6) or Area Supervisor (b) (6)

(b) (6)

Enclosure

Cc: Federal firearms Licensing Center
Tucson III Field Office