

## Assignment and Report

<b>1. OPERATING NAME AND ADDRESS</b> (INCLUDE ZIP CODE AND COUNTY) MTK Arms LLC MTK Arms 113 W 625 N Centerville, UT 84014, Davis		<b>2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)</b> 788040-2018-0049-B1B		
		<b>3. PERMIT/LICENSE NUMBER</b> 987011019F02125	<b>4a. TARGET DATE</b> 1/31/2018	<b>4b. TARGET HOURS</b>
		<b>5. REQUESTED BY (SIGNATURE, TITLE AND DATE)</b>		
<b>6. ATF OFFICER(S) ASSIGNED</b> (b)(6) - Lead Investigator				
<b>7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)</b> (b)(6), Area Supervisor, 10/31/2017				
<b>8. PURPOSE/SPECIAL INSTRUCTIONS</b> Licensee has DBA not listed in FFLC and phone tip indicated possible NFA in inventory.				
<b>9. INSPECTION RESULTS</b> <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC				
NO. OF VIOLATIONS	8	NO. OF REFERRALS		10. TRAVEL EXPENSES (OPTIONAL)
NO. OF TECS CHECKS	11	NO. OF TECS HITS		2111 - PER DIEM
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2112 - P.O.A.
		\$ VALUE OF TAX DECREASES		2113 - COMM. AIR
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2114 - RENTAL CAR
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2115 - GPV EXPENSES
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		2116 - MISC.
				TOTAL \$ FOR INSP.
<b>11. ATF OFFICER'S RECOMMENDATION</b> Submitted by (b)(6) - Industry Operations Investigator  Submitted on: 01/08/2018 Onsite start date: 12/11/2017 Onsite end date: 12/14/2017  Violations were cited during this inspection. Due to the following this inspection meets the threshold for a Warning Letter • Failure to timely and/or correctly maintain records of receipt or other acquisition on (b)(7)(E) percent or more of the licensee's total acquisitions during the inspection period, with (b)(7)(E) instances. (Licensee had (b)(3) acquisition errors, 11%) • Failure to timely and/or correctly maintain records of sales or other dispositions on (b)(7)(E) percent or more of the licensee's total dispositions during the inspection period, (b)(7)(E) instances. (Licensee had (b)(3) disposition errors, 11%) • Failure to file Reports of Multiple Sale or Other Disposition of Pistols and Revolvers (F 3310.4) when legally required and with a (b)(7)(E) instances. (Licensee failed to complete this report in (b)(3) instances involving (b)(3) pistols.) • Failure to execute a Form 4473 for: (c) The transfer of a firearm out of the business inventory to an FFL responsible person, if the transferee is not prohibited. (The licensee transferred a firearm to himself without completing an ATF Form 4473 in (b)(3) instances.)  Criminal history checks for the responsible person yielded no prohibiting hits. N-FORCE queries of MTK Arms LLC and the responsible person yielded no previous or active cases.  Violts WL ONLY and Recall Inspection				
<b>12. TIME ACCOUNTING DATA</b>				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)		
DEC 2017	52.00			
ATF OFFICER'S SUBTOTAL	52.00	ATF OFFICER'S SIGNATURE		
TOTAL HOURS	52.00			

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  MTK Arms LLC MTK Arms 113 W 625 N Centerville, UT 84014, Davis	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 788040-2018-0049-B1B		
	3. PERMIT/LICENSE NUMBER 987011019F02125	4a. TARGET DATE 1/31/2018	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

### 13. REVIEW AND ROUTING

#### REVIEW COMMENTS AND RECOMMENDATION

The following violations meet the threshold for a Warning Letter:

- Failure to timely and/or correctly maintain records of receipt or other acquisition on <sup>(b)(3)</sup> percent or more of the licensee's total acquisitions during the inspection period, with a minimum of <sup>(b)(3)</sup> instances. (Licensee had <sup>(b)(3)</sup> acquisition errors, 11%).
- Failure to timely and/or correctly maintain records of sales or other dispositions on 5 percent or more of the licensee's total dispositions during the inspection period, with a minimum of <sup>(b)(3)</sup> instances. (Licensee had <sup>(b)(3)</sup> disposition errors, 11%).
- Failure to file Reports of Multiple Sale or Other Disposition of Pistols and Revolvers (F 3310.4) when legally required and with <sup>(b)(7)(E)</sup> instances. (Licensee failed to complete this report in <sup>(b)(3)</sup> instances involving <sup>(b)(3)</sup> pistols.).
- Failure to execute a Form 4473 for: (c) The transfer of a firearm out of the business inventory to an FFL responsible person, if the transferee is not prohibited. (The licensee transferred a firearm to himself without completing an ATF Form 4473 in <sup>(b)(3)</sup> instances.)

An additional <sup>(b)(3)</sup> violations were cited.

Viols WL ONLY and Recall Inspection

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) - Area Supervisor

(b)(6)

REVIEW DATE

01/05/2018

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 MTK Arms LLC MTK Arms	Street Address 113 W 625 N	City Centerville	State UT	Zip Code 84014-	County Davis	Page 1 of 5 Pages
License/Permit/Registry Number (If any) 987011019F02125		Expiration Date 6/1/2019	Date(s) or Period of Inspection 12/11/2017 through 12/14/2017			

### 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:

The licensee failed to make sure all of the information called for in each ATF Form 4473 was furnished as required on (b)(3) 112 PUBLIC LAW 55 forms. The following errors occurred:

- On (b)(3) form block 10a. (Ethnicity) was left blank and block 10a. (Are you the actual transferee/buyer of the firearm(s) listed on this form?) the buyer marked "No".
- On (b)(3) forms block 11a. (Are you the actual transferee/buyer of the firearm(s) listed on this form?) the buyer marked "No".
- On (b)(3) forms block 16. (Type of firearm(s) to be transferred) was left blank.
- On (b)(3) form block 16. (Type of firearm(s) to be transferred) was incorrect (as it only marked one type of firearm when both a long gun and handgun were transferred).
- On (b)(3) forms block 29. (Total number of firearms) was left blank.

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 make sure that all ATF Forms 4473 are completed accurately and completely before finalizing an over-the-counter transfer of a firearm to a non-licensee.



## Report of Violations

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Name of Proprietor MTK Arms LLC MTK Arms	Street Address 113 W 625 N	City Centerville	State UT	Zip Code 84014-	County Davis	Page 2 of 5 Pages
License/Permit/Registry Number (If any) 987011019F02125		Expiration Date 6/1/2019	Date(s) or Period of Inspection 12/11/2017 through 12/14/2017			

### 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:

The licensee failed to make sure the transferee completed the ATF Form 4473 accurately and completely prior to transferring a firearm on (b)(3) 112 Page occasions. The following errors occurred:

- On (b)(3) form blocks 5. (Weight) & 6. (Sex) were left blank.
- On (b)(3) form block 10b. (Race) was left blank.
- On (b)(3) forms block 11d. (Are you a fugitive from justice?) was left blank.
- On (b)(3) form block 11g. (Have you been discharged from the Armed Forces under dishonorable conditions?) was left blank.
- On (b)(3) form block 14. (Transferee's/Buyers Signature) & block 15. (Certification Date) were left blank.
- On (b)(3) forms block 15. (Certification Date) was left blank.

Citation: 27 CFR 478.124(c)(1)

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee will make sure that all ATF Forms 4473 are completed accurately and completely before finalizing an over-the-counter transfer of a firearm to a non-licensee.

Number: 3

#### Nature of Violation:

The licensee failed to verify the identity of the transferee by examining their identification document presented and shall note on the ATF Form 4473 the type of identification used. The licensee failed to obtain a valid identification document by using an expired ID on (b)(3) form.

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

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee will make sure to obtain a valid identification document and record all of its information onto the ATF Form 4473.



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### 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:

The licensee failed to comply with all of the requirements of 478.102 on [REDACTED] instances. The requirements are: to record on the form the date on which the licensee contacted NICS as well as any response provided by the system, including the identification number provided by the system. The following errors occurred:

- On [REDACTED] form block 19a. (the date BCI was contacted) was incorrect.
- On [REDACTED] forms block 21b. (the BCI transaction number) was blank.

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

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee will make sure to record on the form the date on which the licensee contacted NICS (Utah BCI) as well as any response provided by the system, including the identification number provided by the system.

Number: 5

#### Nature of Violation:

The licensee failed to date block 37 of the ATF Form 4473 on the date he signed and transferred the firearm on [REDACTED] form.

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 make sure to sign and date all ATF Forms 4473 prior to transfer of a firearm to a non-licensee in the future.

## Report of Violations

### Instructions

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License/Permit/Registry Number (If any) 987011019F02125		Expiration Date 6/1/2019	Date(s) or Period of Inspection 12/11/2017 through 12/14/2017			

### Inspection Results

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

Number: 6

#### Nature of Violation:

The licensee failed to prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. The report shall be prepared on Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, no later than the close of the business day the day the multiple sale occurs. The licensee failed to complete and send to the ATF National Tracing Center this report on [REDACTED] separate occasions involving [REDACTED] pistols.

Citation: 27 CFR 478.126a

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee will make sure to complete the ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers by the close of business on the day the multiple sale occurs in the future.

Number: 7

#### Nature of Violation:

A licensed dealer shall not sell or otherwise dispose, temporarily or permanently any firearm to any person, other than another licensee, unless the licensee records the transaction on an ATF Form 4473.

- For [REDACTED] firearms the licensee failed to complete an ATF Form 4473 before transferring the firearm to himself even though the FFL is licensed as a Limited Liability Company (LLC).

Citation: 27 CFR 478.124(a)

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee will make sure to complete a firearms transaction record ATF Form 4473 before transferring a firearm, even to himself as a member of an LLC.

## Report of Violations

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License/Permit/Registry Number (If any) 987011019F02125		Expiration Date 6/1/2019	Date(s) or Period of Inspection 12/11/2017 through 12/14/2017			

### 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:

The licensee failed to enter into a record each receipt and disposition of firearms in a timely/accurate manner in (b)(6) instances. The purchase or other acquisition of firearms must be recorded not later than the close of the next business day following the date of such purchase or acquisition. The sale or other disposition of a firearm shall be recorded by the licensed dealer not later than 7 days following the date of such transaction.

The following errors occurred:

- The licensee failed to record (b)(6) firearms correctly into the acquisition record. These firearms were discovered to have been input without the name and address or FFL # of who they received the firearm from.
- The licensee failed to record into the acquisition record prior to the inspection (b)(6) firearms that they had inadvertently logged out.
- The licensee failed to log out (b)(6) firearms correctly from the disposition record. These firearms were discovered to have been logged out without the name and address or FFL # of who they transferred the firearm to.
- The licensee failed to log out (b)(6) firearms timely/accurately that were transferred or sold more than 7 days prior to the inspection.

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee will make sure to log all firearm purchases or acquisitions into his acquisition records timely/accurately and the licensee will make sure to log all firearm sales or transfers out of his disposition record timely/accurately.

Citation: 27 CFR 478.125(e)

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

Date

Signature and Title of ATF Officer

(b)(6)

Investigator

Date

12/14/17

For Official Use Only

ATF E-Form 5030.5  
Revised April 2005



# FIREARMS INSPECTION REPORT

**Name:** MTK Arms LLC  
**Trade Name:** MTK Arms / Gun Heaven

**UI#:** 788040-2018-0049-B1B  
**FFL#:** 9-87-011-01-9F-02125

**Address:** 113 W. 625 N.  
Centerville, UT 84014      Davis County

## 1 - Introduction

### Inspection Profile:

From December 11 through December 14, 2017 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Investigator (b)(6) assisted by Investigator (b)(6), conducted a full firearms compliance inspection at the business premise of MTK Arms LLC 113 W. 625 N. Centerville, UT 84014.

Investigators (b)(6) met with Owner, Matthew Kitterman on December 11, 2017 and verified his identity by examining his driver's license (UT DL# (b)(6)).

MTK Arms LLC (b)(6) will also be referred to as the "licensee" throughout this report.

This inspection was the result of a Denver field division phone tip that stated the FFL might be involved in NFA activity without an SOT license. This was an unannounced inspection covering the period of December 1, 2016 through December 14, 2017. The purpose of the inspection was to examine the licensee's firearm inventory and records, and verify compliance with Federal Firearms Laws and Regulations.

### Business Profile:

The Licensee has a small firearms business located in the basement of Mr. Kitterman's residence in Centerville, Utah. The licensee sells firearms at retail, and the business is comprised of 100% new firearms and zero used firearms.

Investigator (b)(6) determined Mr. Kitterman had acquired (b)(4) firearms during the last twelve months and had sold/transferred approximately (b)(4). The licensee's primary suppliers of firearms are: (b)(4). The licensee does not conduct business at gun shows or take in used firearms. The licensee does do transfers and operates a website: [www.gunheaven.com](http://www.gunheaven.com).

As a company, the licensee is currently in compliance with local zoning statutes and has properly obtained all required local, state and federal licenses

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in order to conduct business from this residential premise (**Exhibit 1**). No additional licenses are operated at this location. Licensee has held this ATF license since May 2013, when he transferred from a sole proprietor FFL # 9-87-00867. During review of this application inspection 788040-2013-0223, it was discovered that the Investigator requested that this FFL license be issued under MTK LLC by mistake. Investigator (b)(6) contacted the Federal Firearms Licensing Center (FFLC) on November 1, 2017 and requested to have the name corrected (**Exhibit 2**). The licensing examiner updated the license name to MTK Arms LLC and issued a corrected license.

Criminal history checks for the responsible person yielded no prohibiting hits. N-FORCE queries of MTK Arms LLC and the responsible person yielded no previous or active cases.

## **Ownership and Control:**

MTK Arms LLC is a limited liability company, with Matthew Kitterman as the Managing Member and only individual listed for the LLC (**Exhibit 3**). Mr. Kitterman verified that all of the information for his license is correct and that he is the only person responsible for the operation and control of the firearms business.

No evidence of hidden ownership or additional responsible persons were found during the inspection. MTK Arms LLC is currently registered with the Utah Department of Commerce (**Exhibit 4**) in good standing.

## **Variance:**

Licensee has no variances for this license, and did not request one.

## **2 - Recommendation**

Violations, Warning Letter Only and Recall Inspection

Violations were cited during this inspection. Due to the following this inspection meets the threshold for a Warning Letter:

- Failure to timely and/or correctly maintain records of receipt or other acquisition on (b)(7)(E) percent or more of the licensee's total acquisitions during the inspection period, with (b)(7)(E) instances. (Licensee had (b)(7)(E) acquisition errors, 11%)
- Failure to timely and/or correctly maintain records of sales or other dispositions on (b)(7)(E) percent or more of the licensee's total dispositions during the inspection period, with (b)(7)(E) instances. (Licensee had (b)(7)(E) disposition errors, 11%)

# FIREARMS INSPECTION REPORT

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- Failure to file Reports of Multiple Sale or Other Disposition of Pistols and Revolvers (F 3310.4) when legally required and with (b)(7)(E) instances. (Licensee failed to complete this report in (b)(3) instances involving (b)(3) pistols.)
- Failure to execute a Form 4473 for: (c) The transfer of a firearm out of the business inventory to an FFL responsible person, if the transferee is not prohibited. (The licensee transferred a firearm to himself without completing an ATF Form 4473 in (b)(3) instances.)

### 3 - Inspection History

Previous inspection history for MTK Arms LLC:

**Date of Inspection:** April 19, 2013  
**Type of Inspection:** Application Qualification Inspection  
**UI#:** 788040-2013-0223-B1B  
**Inspection Results:** Application Approved. A signed Acknowledgement of Federal Firearms Laws and Regulations was obtained during this inspection.  
**Cited Violations:** None

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

A full, 100 percent, gun to book inventory was conducted by Investigators (b)(6) (b)(4). Initially, (b)(4) firearms were found in inventory and were compared to the open entries in the A&D Record, indicating an initial discrepancy of (b)(4) firearms. However, after reconciliation, a total of (b)(4) discrepancies and (b)(3)(112) A&D Record errors were revealed. The following A&D book errors were discovered:

- The licensee failed to record (b)(3) firearms correctly into the acquisition record. These firearms were discovered to have been input without the name and address or FFL # of who they received the firearm from.
- The licensee failed to record into the acquisition record prior to the inspection (b)(4) firearms that they had inadvertently logged out.
- The licensee failed to log out (b)(3) firearms correctly from the disposition record. These firearms were discovered to have been logged out without the name and address or FFL # of who they transferred the firearm to.
- The licensee failed to log out (b)(3) firearms timely/accurately that were transferred or sold more than 7 days prior to the inspection.

The licensee was cited for violations of **27 CFR 478.125(e)** (Violation #8 and **Exhibit 5**) See Worksheet 1.



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The licensee maintains consolidated records as per ATF Ruling 2016-3. The consolidated record was examined and found to contain several mistakes. Those issues were cited under Violation #8 referenced above. The licensee was reminded of the requirement to log all firearms in and out of their A&D record timely and accurately.

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

The licensee completed [REDACTED] Proceed [REDACTED] Denied [REDACTED] ATF Forms 4473 during the period of inspection. Investigator (b)(6) reviewed all [REDACTED] of these ATF F 4473s. The licensee files Denied forms separately from the Proceed forms. Transfers to other licensees were conducted properly. Each form was examined for completeness and accuracy. [REDACTED] out of the [REDACTED] (6%) forms were in violation of the Gun Control Act (GCA) and resulted in five (5) violations. Photos of the incorrect and/or incomplete ATF Forms 4473 were obtained (**Worksheet 2, Exhibit 6, and Violations 1-5**). The licensee was cited the following ATF Form 4473 violations:

- **27 CFR 478.21(a)**

The licensee failed to make sure all of the information called for in each ATF Form 4473 was furnished as required on [REDACTED] forms. The following errors occurred:

- On [REDACTED] form block 10a. (Ethnicity) was left blank and block 11a. (Are you the actual transferee/buyer of the firearm(s) listed on this form?) the buyer marked "No".
- On [REDACTED] forms block 11a. (Are you the actual transferee/buyer of the firearm(s) listed on this form?) the buyer marked "No".
- On [REDACTED] forms block 16. (Type of firearm(s) to be transferred) was left blank.
- On [REDACTED] form block 16. (Type of firearm(s) to be transferred) was incorrect (as it only marked one type of firearm when both a long gun and handgun were transferred).
- On [REDACTED] forms block 29. (Total number of firearms) was left blank.

- **27 CFR 478.124(c)(1)**

The licensee failed to make sure the transferee completed the ATF Form 4473 accurately and completely prior to transferring a firearm on [REDACTED] occasions. The following errors occurred:

- On [REDACTED] form blocks 5. (Weight) & 6. (Sex) were left blank.
- On [REDACTED] form block 10b. (Race) was left blank.
- On [REDACTED] forms block 11d. (Are you a fugitive from justice?) was left blank.
- On [REDACTED] form block 11g. (Have you been discharged from the Armed Forces under dishonorable conditions?) was left blank.
- On [REDACTED] form block 14. (Transferee's/Buyers Signature) & block 15. (Certification Date) were left blank.
- On [REDACTED] forms block 15. (Certification Date) was left blank.

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

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The licensee failed to verify the identity of the transferee by examining their identification document presented and shall note on the ATF Form 4473 the type of identification used. The licensee failed to obtain a valid identification document by using an expired ID or (b)(3) form.

- **27 CFR 478.124(c)(3)(iv)**

The licensee failed to comply with all of the requirements of 478.102 on (b)(3) instances. The requirements are: to record on the form the date on which the licensee contacted NICS as well as any response provided by the system, including the identification number provided by the system. The following errors occurred:

- On (b)(3) form block 19a. (the date BCI was contacted) was incorrect.
- On (b)(3) forms block 21b. (the BCI transaction number) was blank.

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

The licensee failed to date block 37 of the ATF Form 4473 on the date he signed and transferred the firearm on (b)(3) form.

Investigator (b)(6) discovered that the licensee was not completing an ATF Form 4473 for himself as a responsible person (license is issued to an LLC) during May 2013 – June 2014. (**Worksheet 2, Exhibit 7, and Violation 7**). Accordingly the licensee was cited the following violation:

- **27 CFR 478.124(a)**

A licensed dealer shall not sell or otherwise dispose, temporarily or permanently any firearm to any person, other than another licensee, unless the licensee records the transaction on an ATF Form 4473. For (b)(3) Firearms, the licensee failed to complete an ATF Form 4473 before transferring the firearm to himself even though the FFL is licensed as a Limited Liability Company (LLC).

Prior to the inspection, a list of NICS requests from December 1, 2016 through November 28, 2017 was obtained from Utah Bureau of Criminal Identification (BCI). The licensee conducted 147 NICS transactions, Investigator (b)(6) compared 128 of the ATF F 4473s NICS transaction numbers to those provided by Utah BCI. No irregularities or indications of fraudulency were identified. The Concealed Firearms Permit “CFP” transaction numbers were also examined for indication of fraudulency and no discrepancies were identified.

The licensee had 2 denied transactions for the inspection period. Investigator (b)(6) compared both of the denied ATF F 4473s NICS transaction numbers to those provided by BCI. No irregularities or indications of fraudulency were identified.

## 6 - Multiple Sales

According to the VCAB email response, the licensee reported (b)(3) multiple handgun sales involving (b)(3) handguns during the inspection period. Investigator (b)(6) reviewed all



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ATF Forms 4473 for any unreported multiple handgun sales. unreported multiple handgun sales were found involving pistols. Accordingly the licensee was cited for:

## **27 CFR 478.126a – Violation #6 (Exhibit 8)**

The licensee failed to prepare a report of multiple sales on separate occasions involving pistols. The reason this is an odd number of handguns sold is due to the fact the licensee sold handguns to (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) and then the same individual purchased another handgun on 3/22/17 making it required that the licensee file multiple handgun reports involving pistols.

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

There were no suspicious/prohibited purchasers identified during the inspection.

## **8 - Trace Activity**

Investigator (b)(6) requested an FFL History report from the Violent Crime Analysis Branch (VCAB) to verify the licensee's past trace history. According to an email response, during the last 12 months the licensee was associated with firearm trace requests and all were completed successfully.

firearms from the A & D record review were queried through the Etrace and NCIC system to verify if any were stolen, traced, or suspect firearms and all showed no listings.

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

The licensee is not an SOT (NFA) licensed dealer, importer, collector or manufacturer of firearms. No irregularities were identified in any of these areas.

## **10 - Referrals**

No referrals were generated as a result of this inspection.

## **11 - Other**

MTK Arms LLC was found to be in compliance with the Youth Handgun Safety Act (poster and notice), secure gun storage/safety devices requirement and provides gunlocks on handgun transfers.

## **12 - Closing Actions**



# FIREARMS INSPECTION REPORT

**Name:** MTK Arms LLC  
**Trade Name:** MTK Arms / Gun Heaven

**UI#:** 788040-2018-0049-B1B  
**FFL#:** 9-87-011-01-9F-02125

On December 14, 2017, Investigator (b)(6) held a closing conference with Owner, Matthew Kitterman and reviewed the regulatory requirements with him. Investigator (b)(6) obtained Matthew Kitterman's signature acknowledging his FFL's responsibilities on the attached Acknowledgment of Federal Firearms Regulations form. The licensee received a copy of the Federal Firearms Regulation Acknowledgement form for his records. The signed copy was retained for the office file (**Exhibit 9**).

Investigator (b)(6) discussed with the licensee the ATF Form 5030.5, Report of Violations for eight (8) violations. The corrective actions to be taken for these violations were reviewed with the licensee. Owner, Matthew Kitterman signed the Report of Violations certifying that the violations were reviewed with him on December 14, 2017. The signed copy was retained for the office file (**Report of Violations**).

## **13 - Violations**

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

#### **Nature of Violation:**

The licensee failed to make sure all of the information called for in each ATF Form 4473 was furnished as required on (b)(3) 112 Public Law 55 125 51 forms. The following errors occurred:

- On (b)(6) form block 10a. (Ethnicity) was left blank and block 11a. (Are you the actual transferee/buyer of the firearm(s) listed on this form?) the buyer marked "No".
- On (b)(6) forms block 11a. (Are you the actual transferee/buyer of the firearm(s) listed on this form?) the buyer marked "No".
- On (b)(6) forms block 16. (Type of firearm(s) to be transferred) was left blank.
- On (b)(6) form block 16. (Type of firearm(s) to be transferred) was incorrect (as it only marked one type of firearm when both a long gun and handgun were transferred).
- On (b)(6) forms block 29. (Total number of firearms) was left blank.

#### **Licensee's Response:**

The licensee stated that the errors in completing the ATF F 4473 were due to human error and not reviewing them thoroughly.

#### **Corrective Action:**

The licensee will make sure that all ATF Forms 4473 are completed accurately and completely before finalizing an over-the-counter transfer of a firearm to a non-licensee.

**Reference Worksheet 2 – 4473 Worksheet and Exhibit 6**

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

#### **Nature of Violation:**

## FIREARMS INSPECTION REPORT

**Name:** MTK Arms LLC  
**Trade Name:** MTK Arms / Gun Heaven

**UI#:** 788040-2018-0049-B1B  
**FFL#:** 9-87-011-01-9F-02125

The licensee failed to make sure the transferee completed the ATF Form 4473 accurately and completely prior to transferring a firearm on (b)(3) 112 Public Law occasions. The following errors occurred:

- On (b)(3) form blocks 5. (Weight) & 6. (Sex) were left blank.
- On (b)(3) form block 10b. (Race) was left blank.
- On (b)(3) forms block 11d. (Are you a fugitive from justice?) was left blank.
- On (b)(3) form block 11g. (Have you been discharged from the Armed Forces under dishonorable conditions?) was left blank.
- On (b)(3) form block 14. (Transferee's/Buyers Signature) & block 15. (Certification Date) were left blank.
- On (b)(3) forms block 15. (Certification Date) was left blank.

**Licensee's Response:**

The licensee stated that the errors in completing the ATF F 4473 were due to human error and not reviewing them thoroughly.

**Corrective Action:**

The licensee will make sure that all ATF Forms 4473 are completed accurately and completely before finalizing an over-the-counter transfer of a firearm to a non-licensee.

**Reference Worksheet 2 – 4473 Worksheet and Exhibit 6**

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

**Nature of Violation:**

The licensee failed to verify the identity of the transferee by examining their identification document presented and shall note on the ATF Form 4473 the type of identification used. The licensee failed to obtain a valid identification document by using an expired ID on (b)(3) form.

**Licensee's Response:**

The licensee stated that he couldn't believe he would have accepted an expired document and thinks it is more likely that he wrote the information down incorrectly.

**Corrective Action:**

The licensee will make sure to obtain a valid identification document and record all of its information onto the ATF Form 4473.

**Reference Worksheet 2 – 4473 Worksheet and Exhibit 6**

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

**Nature of Violation:**



## FIREARMS INSPECTION REPORT

**Name:** MTK Arms LLC  
**Trade Name:** MTK Arms / Gun Heaven

**UI#:** 788040-2018-0049-B1B  
**FFL#:** 9-87-011-01-9F-02125

The licensee failed to comply with all of the requirements of 478.102 on <sup>(b)(1)</sup> instances. The requirements are: to record on the form the date on which the licensee contacted NICS as well as any response provided by the system, including the identification number provided by the system. The following errors occurred:

- On <sup>(b)(1)</sup> form block 19a. (the date BCI was contacted) was incorrect.
- On <sup>(b)(1)</sup> forms block 21b. (the BCI transaction number) was blank.

**Licensee's Response:**

The licensee stated that the errors in completing the ATF F 4473 were due to human error and trying to complete them quickly.

**Corrective Action:**

The licensee will make sure to record on the form the date on which the licensee contacted NICS (Utah BCI) as well as any response provided by the system, including the identification number provided by the system.

**Reference Worksheet 2 – 4473 Worksheet and Exhibit 6**

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

**Nature of Violation:**

The licensee failed to date block 37 of the ATF Form 4473 on the date he signed and transferred the firearm on <sup>(b)(1)</sup> form.

**Licensee's Response:**

The licensee stated that the errors in completing the ATF F 4473 were due to human error and trying to complete them quickly.

**Corrective Action:**

The licensee will make sure to sign and date all ATF Forms 4473 prior to transfer of a firearm to a non-licensee in the future.

**Reference Worksheet 2 – 4473 Worksheet and Exhibit 6**

6. **27 CFR 478.126(a)**

**Nature of Violation:**

The licensee failed to prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. The report shall be prepared on Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, no later than the close of the business day the day the multiple sale occurs. The licensee failed to



## FIREARMS INSPECTION REPORT

**Name:** MTK Arms LLC  
**Trade Name:** MTK Arms / Gun Heaven

**UI#:** 788040-2018-0049-B1B  
**FFL#:** 9-87-011-01-9F-02125

complete and send to the ATF National Tracing Center this report on [REDACTED] separate occasions involving [REDACTED] pistols.

### **Licensee's Response:**

The licensee stated that he thought the multiple sale was only if the purchaser bought 2 or more handguns on the same day, he said he was unaware that it was anytime within 5 business days.

### **Corrective Action:**

The licensee will make sure to complete the ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers by the close of business on the day the multiple sale occurs in the future.

### **Reference Worksheet 2 – 4473 Worksheet and Exhibit 8**

Investigator (b)(6) [REDACTED] verified that the licensee corrected this violation immediately.

## 7. **27 CFR 478.124(a)**

### **Nature of Violation:**

A licensed dealer shall not sell or otherwise dispose, temporarily or permanently any firearm to any person, other than another licensee, unless the licensee records the transaction on an ATF Form 4473.

- For (b)(3) [REDACTED] Firearms, the licensee failed to complete an ATF Form 4473 before transferring the firearm to himself even though the FFL is licensed as a Limited Liability Company (LLC).

### **Licensee's Response:**

The licensee stated that he switched his license from a sole proprietor to an LLC on May 7, 2013 and he did not discover that he needed to complete an ATF Form 4473 on transfers to himself until June of 2014 at which time he started to do so.

### **Corrective Action:**

The licensee will make sure to complete a firearms transaction record ATF Form 4473 before transferring a firearm, even to himself as a member of an LLC.

### **Reference Worksheet 2 – 4473 Worksheet and Exhibit 7**

## 8. **27 CFR 478.125(e)**

### **Nature of Violation:**

The licensee failed to enter into a record each receipt and disposition of firearms in a timely/accurate manner in (b)(3) [REDACTED] instances. The purchase or other acquisition of firearms must be recorded not later than the close of the next business day following the date of

# FIREARMS INSPECTION REPORT

**Name:** MTK Arms LLC  
**Trade Name:** MTK Arms / Gun Heaven

**UI#:** 788040-2018-0049-B1B  
**FFL#:** 9-87-011-01-9F-02125

such purchase or acquisition. The sale or other disposition of a firearm shall be recorded by the licensed dealer not later than 7 days following the date of such transaction.

The following errors occurred:

- The licensee failed to record (b)(3) firearms correctly into the acquisition record. These firearms were discovered to have been input without the name and address or FFL # of who they received the firearm from.
- The licensee failed to record into the acquisition record prior to the inspection (b)(3) firearms that they had inadvertently logged out.
- The licensee failed to log out (b)(3) firearms correctly from the disposition record. These firearms were discovered to have been logged out without the name and address or FFL # of who they transferred the firearm to.
- The licensee failed to log out (b)(3) firearms timely/accurately that were transferred or sold more than 7 days prior to the inspection.

## **Licensee's Response:**

The licensee stated that he just got lazy sometimes and didn't write all the required information in the acquisition and disposition record but that he would make sure to log everything completely in the future.

## **Corrective Action:**

The licensee will make sure to log all firearm purchases or acquisitions into his acquisition records timely/accurately and the licensee will make sure to log all firearm sales or transfers out of his disposition record timely/accurately.

**Investigator (b)(6) verified that the licensee corrected this violation immediately.**  
**Reference Worksheet 1 – Inventory, A&D and Exhibit 5**

**X**

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Industry Operations Investigator

## **Index of Worksheets and Exhibits**

### **Worksheets**

Worksheet 1 – Inventory, A&D Worksheet

Worksheet 2 – ATF Form 4473 Review Worksheet

### **Exhibits**

Exhibit 1 – Centerville business license for MTK Arms LLC

## **FIREARMS INSPECTION REPORT**

**Name:** MTK Arms LLC  
**Trade Name:** MTK Arms / Gun Heaven

**UI#:** 788040-2018-0049-B1B  
**FFL#:** 9-87-011-01-9F-02125

Exhibit 2 – Copy of Original Application and name change request email  
Exhibit 3 – Copy of Articles of Organization  
Exhibit 4 – State of Utah Department of Commerce entity verification  
Exhibit 5 – Copy of A&D violation 27 CFR 475.125(e) examples  
Exhibit 6 – Copy of ATF Form 4473's with violations  
Exhibit 7 – Copy of A&D book showing no Form 4473 done for personal transfers  
Exhibit 8 – Copy of ATF Forms 4473 with Multiple Sale violation  
Exhibit 9 – Acknowledgement of Federal Firearms Regulations





**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
257 E 200 S Suite 475  
Salt Lake City, UT. 84111

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[www.atf.gov](http://www.atf.gov)  
January 8, 2018

Mr. Matthew Kitterman  
MTK Arms LLC  
113 W. 625 N.  
Centerville, UT 84014  
9-87-011-01-9F-02125

Dear Mr. Kitterman,

During a recent compliance inspection of your Federal Firearms License covering the period of 12/01/2016 through 12/11/2017, you were cited for violations of 27 Code of Federal Regulations, (CFR) Part 478. Refer to the copy of the Report of Violations, Form 5030.5, issued at the time of the inspection.

All violations were fully explained to you by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Investigator (b)(6). You stated that you understood the requirements of the firearms laws and regulations. You further indicated that corrective actions would be taken to eliminate future violations. Those actions associated with the corresponding violation are as follow:

**27 CFR 478.21(a)**

**Nature of Violation:**

The licensee failed to make sure all of the information called for in each ATF Form 4473 was furnished as required on (b)(6) forms. The following errors occurred:

- On (b)(6) form block 10a. (Ethnicity) was left blank and block 11a. (Are you the actual transferee/buyer of the firearm(s) listed on this form?) the buyer marked "No".
- On (b)(6) forms block 11a. (Are you the actual transferee/buyer of the firearm(s) listed on this form?) the buyer marked "No".
- On (b)(6) forms block 16. (Type of firearm(s) to be transferred) was left blank.
- On (b)(6) form block 16. (Type of firearm(s) to be transferred) was incorrect (as it only marked one type of firearm when both a long gun and handgun were transferred).

- On [REDACTED] forms block 29. (Total number of firearms) was left blank.

**Corrective Action:**

The licensee will make sure that all ATF Forms 4473 are completed accurately and completely before finalizing an over-the-counter transfer of a firearm to a non-licensee.

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

**Nature of Violation:**

The licensee failed to make sure the transferee completed the ATF Form 4473 accurately and completely prior to transferring a firearm on [REDACTED] occasions. The following errors occurred:

- On [REDACTED] form blocks 5. (Weight) & 6. (Sex) were left blank.
- On [REDACTED] form block 10b. (Race) was left blank.
- On [REDACTED] forms block 11d. (Are you a fugitive from justice?) was left blank.
- On [REDACTED] form block 11g. (Have you been discharged from the Armed Forces under dishonorable conditions?) was left blank.
- On [REDACTED] form block 14. (Transferee's/Buyers Signature) & block 15. (Certification Date) were left blank.
- On [REDACTED] forms block 15. (Certification Date) was left blank.

**Corrective Action:**

The licensee will make sure that all ATF Forms 4473 are completed accurately and completely before finalizing an over-the-counter transfer of a firearm to a non-licensee.

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

**Nature of Violation:**

The licensee failed to verify the identity of the transferee by examining their identification document presented and shall note on the ATF Form 4473 the type of identification used. The licensee failed to obtain a valid identification document by using an expired ID on [REDACTED] form.

**Corrective Action:**

The licensee will make sure to obtain a valid identification document and record all of its information onto the ATF Form 4473.

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

**Nature of Violation:**

The licensee failed to comply with all of the requirements of 478.102 on 3 instances. The requirements are: to record on the form the date on which the licensee contacted NICS as well as any response provided by the system, including the identification number provided by the system. The following errors occurred:

- On [REDACTED] form block 19a. (the date BCI was contacted) was incorrect.
- On [REDACTED] forms block 21b. (the BCI transaction number) was blank.

**Corrective Action:**

The licensee will make sure to record on the form the date on which the licensee contacted

NICS (Utah BCI) as well as any response provided by the system, including the identification number provided by the system.

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

**Nature of Violation:**

The licensee failed to date block 37 of the ATF Form 4473 on the date he signed and transferred the firearm on [REDACTED] form.

**Corrective Action:**

The licensee will make sure to sign and date all ATF Forms 4473 prior to transfer of a firearm to a non-licensee in the future.

**27 CFR 478.126(a)**

**Nature of Violation:**

The licensee failed to prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. The report shall be prepared on Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, no later than the close of the business day the day the multiple sale occurs. The licensee failed to complete and send to the ATF National Tracing Center this report on [REDACTED] separate occasions involving [REDACTED] pistols.

**Corrective Action:**

The licensee will make sure to complete the ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers by the close of business on the day the multiple sale occurs in the future.

**27 CFR 478.124(a)**

**Nature of Violation:**

A licensed dealer shall not sell or otherwise dispose, temporarily or permanently any firearm to any person, other than another licensee, unless the licensee records the transaction on an ATF Form 4473.

- For [REDACTED] Firearms, the licensee failed to complete an ATF Form 4473 before transferring the firearm to himself even though the FFL is licensed as a Limited Liability Company (LLC).

**Corrective Action:**

The licensee will make sure to complete a firearms transaction record ATF Form 4473 before transferring a firearm, even to himself as a member of an LLC.

**27 CFR 478.125(e)**

**Nature of Violation:**

The licensee failed to enter into a record each receipt and disposition of firearms in a timely/accurate manner in [REDACTED] instances. The purchase or other acquisition of firearms must be recorded not later than the close of the next business day following the date of



such purchase or acquisition. The sale or other disposition of a firearm shall be recorded by the licensed dealer not later than 7 days following the date of such transaction.

The following errors occurred:

- The licensee failed to record (b)(3) firearms correctly into the acquisition record. These firearms were discovered to have been input without the name and address or FFL # of who they received the firearm from.
- The licensee failed to record into the acquisition record prior to the inspection (b)(3) firearms that they had inadvertently logged out.
- The licensee failed to log out (b)(3) firearms correctly from the disposition record. These firearms were discovered to have been logged out without the name and address or FFL # of who they transferred the firearm to.
- The licensee failed to log out (b)(3) firearms timely/accurately that were transferred or sold more than 7 days prior to the inspection.

**Corrective Action:**

The licensee will make sure to log all firearm purchases or acquisitions into his acquisition records timely/accurately and the licensee will make sure to log all firearm sales or transfers out of his disposition record timely/accurately.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing effort to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business. This is critical to carrying out our mission to protect the public and ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area, and we look forward to continuing to work with you in that regard.

You are reminded that retention of your Federal Firearms License is conditioned upon your compliance with Federal laws and regulations. Any future violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license.

Please ensure that future compliance is achieved.

Should you have any questions regarding this matter, please contact ATF at 801-524-7000.

Sincerely yours,

(b)(6)

Area Supervisor Salt Lake City II Field Office

Enclosure

cc: National Licensing Center  
Salt Lake City II Field Office

UNITED MAIL



0003 7945 0597

Matthew Kitterman  
TK Arms LLC  
PO Box 625 N  
Interville UT 84014



U.S. OFFICIAL MAIL  
PENALTY FOR  
PRIVATE USE \$300

PITNEY BOWES

\$ 003.810

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