

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) TomKat Ammunition LLC TK Defense 18 Cessna Ct. Gaithersburg, MD 20879, Montgomery		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 761025-2017-0119-B1B	
		3. PERMIT/LICENSE NUMBER 852031078H12226	4a. TARGET DATE 3/30/2018
		4b. TARGET HOURS	
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)			
6. ATF OFFICER(S) ASSIGNED (b)(6) - Lead Investigator			
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6) Area Supervisor, 10/04/2016			
8. PURPOSE/SPECIAL INSTRUCTIONS Conduct follow up inspection to qualification; ensure FFL is marking firearms as required. Source indicates (b)(6) is using FFL as conduit to sell firearms.			
9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	
NO. OF VIOLATIONS	2	NO. OF REFERRALS	
NO. OF TECS CHECKS		NO. OF TECS HITS	
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES	
		\$ VALUE OF TAX DECREASES	
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS	
NO. OF CLAIMS		\$ VALUE OF CLAIMS	
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED	
10. TRAVEL EXPENSES (OPTIONAL)			
		2111 - PER DIEM	
		2112 - P.O.A.	
		2113 - COMM. AIR	
		2114 - RENTAL CAR	
		2115 - GPV EXPENSES	
		2116 - MISC.	
		TOTAL \$ FOR INSP.	
11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 12/21/2017 Viols WL ONLY and Recall Inspection			
12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)	
DEC 2017	31.00		
ATF OFFICER'S SUBTOTAL	31.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	31.00		
13. REVIEW AND ROUTING			
REVIEW COMMENTS AND RECOMMENDATION ALTERNATE RECOMMENDATION: Warning Letter and Recall in lieu of a Warning Conference. A Warning Conference is justified as the licensee failed to mark (b)(6) manufactured firearms with the proper markings. The licensee believed all of the markings could be adopted during the manufacturing process. Lead IOI (b)(6) educated the licensee regarding the parameters outlined in ATF Ruling 2013-3 and all marking requirements. It is believed future compliance can be achieved through a Warning Letter and Recall Inspection. Viols WL ONLY and Recall Inspection			
<input checked="" type="checkbox"/> REVIEWED		<input type="checkbox"/> CONCUR	
<input checked="" type="checkbox"/> SEE COMMENTS		<input type="checkbox"/> FINAL DISPOSITION	
SIGNATURE AND TITLE (b)(6) Investigator		REVIEW DATE 12/20/2017	

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) TomKat Ammunition LLC TK Defense 18 Cessna Ct. Gaithersburg, MD 20879, Montgomery	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 761025-2017-0119-B1B		
	3. PERMIT/LICENSE NUMBER 852031078H12226	4a. TARGET DATE 3/30/2018	4b. TARGET HOURS
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13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

DIO concurs with Lead IOI and Acting Area Supervisor's alternate recommendation of a warning letter and recall inspection, in lieu of a warning conference. A warning conference was merited per the Federal Firearms Administrative Action Policy and Procedures because the licensee failed to properly mark ^{(b)(6)} firearms that were manufactured.

This was the licensee's first compliance inspection and they stated that they were unaware of the marking requirements for assembled firearms. Although the ^{(b)(6)} firearms manufactured were not marked with the licensee's name, city or state, the manufacturers of the frames; ^{(b)(4)}, ^{(b)(4)} all stamped their required information. All receivers that originally had a multi-caliber designation were changed with the assembly of the firearm as the barrels were marked with a unique caliber. Furthermore, the licensee has never had to complete a trace nor has it had any thefts or losses of firearms in physical inventory.

Viols WL ONLY and Recall Inspection

☒ REVIEWED ☒ CONCUR ☒ SEE COMMENTS ☒ FINAL DISPOSITION

SIGNATURE AND TITLE MFFRONCZAK - Director of Industry Operations	REVIEW DATE 12/21/2017
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REVIEW COMMENTS AND RECOMMENDATION

Viols WL ONLY and Recall Inspection

☒ REVIEWED ☒ CONCUR ☐ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE ^{(b)(6)} - Area Supervisor	REVIEW DATE 01/03/2018
--	---------------------------

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 Tomkat Ammunition, LLC TK Defense	Street Address 18 Cessna Ct.	City Gaithersburg	State MD	Zip Code 20879-	County Montgomery	Page 1 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 852031018H12217		Expiration Date 8/1/2018		Date(s) or Period of Inspection 12/06/2016 through 12/06/2017		

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 record [REDACTED] arms not later than the close of the following business following their acquisition into the record of acquisition and disposition.

Citation: 27 CFR 478.125(e)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee has recorded these firearms into their acquisition and disposition record utilizing records on hand as a point of reference.

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 Tomkat Ammunition, LLC TK Defense	Street Address 18 Cessna Ct.	City Gaithersburg	State MD	Zip Code 20879-	County Montgomery	Page 2 of 3 Pages
License/Permit/Registry Number (If any) 852031018H12217		Expiration Date 8/1/2018	Date(s) or Period of Inspection 12/06/2016 through 12/06/2017			

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:

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Form 4473 (2012 edition), the licensee failed to ensure the transferee of the firearm complete item 17 (certification date). This occurred on (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Form 4473 (2016 edition), the licensee failed to ensure the transferee of the firearm complete item 15 (certification date). This occurred on (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Forms 4473 (2016 edition) the licensee failed to ensure the transferee of the firearm answer item 12.d.1. (Are you an alien who has been admitted to the United States under a nonimmigrant visa?). These omissions occurred on the following forms:

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

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Form 4473 (2016 edition) the licensee failed to ensure the transferee of the firearm answer item 11i (Have you ever been convicted in any court of a misdemeanor crime of domestic violence?). This occurred on (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Citation: 27 CFR 478.124(c)(1)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken: The licensee will proofread their customer's answers on the

(If not corrected immediately) ATF Forms 4473 to ensure that all items are answered.

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 Tomkat Ammunition, LLC TK Defense	Street Address 18 Cessna Ct.	City Gaithersburg	State MD	Zip Code 20879-	County Montgomery	Page 3 of 3 Pages
License/Permit/Registry Number (If any) 852031018H12217		Expiration Date 8/1/2018	Date(s) or Period of Inspection 12/06/2016 through 12/06/2017			

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:

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) firearm transactions, the licensee failed to stop the transfer of a firearm to a person who answered "no" to item 11a (Are you the actual transferee/buyer of the firearm listed on this form?) on the ATF Form 4473 (2016 edition). This occurred on the following forms:

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

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 review the answers provided by the firearm transferee on the ATF Form 4473 prior to transferring a firearm. If items/questions are left blank or are incorrect (for question 11a), the FFL will have the transferee of the firearm complete and/or correct the required items/questions. If the answer provided by the transferee to item 11a is "No" and the transferee states they are not in fact the actual buyer of the firearm, the FFL will not transfer the firearm.

Number: 4

Nature of Violation:

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Forms 4473 (2016 edition), the licensee failed to document the date NICS was contacted, the NICS transaction number and the response provided on items 19a, 19b and 19c. This occurred on the following transactions.

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

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 proofread her paperwork to ensure the results of the NICS background check are documented.

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

Katherine Convoys, member

Date 12.13.17

Signature and Title of ATF Officer

(b)(6)

E. O. I.

Date 12/13/17

FIREARMS INSPECTION REPORT

Name: Tomkat Ammunition, LLC
Trade Name: TK Defense

UI#: 761025-2018-0269
FFL#: 8-52-031-01-8H-12217

Address: 18 Cessna Ct.
Gaithersburg, MD 20879

1 - Introduction

Inspection Profile:

On December 6, 2017, Industry Operations Investigator (IOI) (b)(6) initiated an unannounced Federal Firearms Licensee (FFL) compliance inspection on Tomkat Ammunition, LLC. During the inspection, IOI (b)(6) interviewed Kathleen O'Connor (Member). The inspection covers the period of December 7, 2016 through December 7, 2017. This inspection was conducted in conjunction with TK Defense's type 07 license (see UI # 761025-2017-0119).

Business Profile:

Tomkat Ammunition, LLC has held a type 01 federal firearms license since July 24, 2015. Located in Gaithersburg, business is conducted from a leased industrial strip mall suite. The licensee sells firearms, ammunition, frames and accessories. All firearms are stored onsite. Tomkat Ammunition, LLC holds two other ATF licenses: Manufacturer of Firearms (FFL # 8-52-031-07-8H-12226) and Manufacturer of Ammunition (FFL # 8-52-031-06-8H-07725). O'Connor explained she is no longer manufacturing ammunition and will let this license expire or surrender it in the near future. She acquired the dealer of firearms license because she did not know sales of firearms could occur from her type 07 license. No other business occurs from the premise. Tomkat Ammunition, LLC does not engage in any other business on or offsite.

The licensee utilizes their license to buy and sell long and handguns. Occasional business is done at gun shows. The licensee has a website for advertising: www.tkdefenseusa.com. Sales of firearms are occasionally arranged through TK Defense's gunbroker.com account.

In the past 12 months, the licensee acquired (b)(4) firearms and disposed of (b)(4) (b)(4) of firearm sales are new guns and (b)(4) are used. (b)(4) of the business is retail with (b)(4) of these sales being at gun shows. The FFL is supplied by (b)(4) (b)(4).

The FFL holds a Maryland State Police license to deal state regulated firearms: 301-1370, exp.: 6/1/2018. The licensee holds all the requisite county permits to operate out of their business premises.

Ownership and Control:

FIREARMS INSPECTION REPORT

Name: Tomkat Ammunition, LLC
Trade Name: TK Defense

UI#: 761025-2018-0269
FFL#: 8-52-031-01-8H-12217

The license is owned Tomkat Ammunition, LLC. O'Connor is one of two original members on the articles of organization. O'Connor's business partner, (b)(6) has been deactivated on the license. IOI (b)(6) questioned O'Connor regarding this. The FFL stated (b)(6) wished to continue manufacturing ammunition while she did not as she saw no profit in it. O'Connor said it is her intention to surrender their type 06 license. (b)(6) has recently applied for his own manufacturer of ammunition license from a different location. O'Connor showed IOI (b)(6) the amendment to the articles of organization that lists her as the sole member of the LLC. IOI (b)(6) did not identify any other people with decision-making ability on the license. Responsible persons listed in the Federal Licensing System (FLS) are correctly indicated. Prior to conducting the inspection, IOI (b)(6) queried (b)(6) on the Open Fox system and found no prohibiting information. IOI (b)(6) queried the LLC on the Maryland State Department of Assessments and Taxation (SDAT) website and found it is active and in good standing. Hidden ownership was not disclosed.

Variance:

The FFL does not have a variance and did not request one.

2 - Recommendation

Violations. Warning letter only and recall inspection.

3 - Inspection History

Date of Inspection: June 11, 2015
Type of Inspection: FFL Qualification
UI#: 761025-2015-0183
Inspection Results: Application approved
Cited Violations: None

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

There were 87 firearms in inventory compared to (b)(3) - 11 open dispositions in the A&D Record. A review of 100% of the firearms to the A&D Record disclosed (b)(3) - 11 firearms had not been recorded in the A&D Record by the prescribed timeframe (violation # 1, see worksheet # 1). IOI (b)(6) reviewed the A&D record for compliance. The information is accurate and entries are being made timely. The record is handwritten and kept in the format listed in 27 CFR 478.125(e). The IOI found no trafficking issues

FIREARMS INSPECTION REPORT

Name: Tomkat Ammunition, LLC
Trade Name: TK Defense

UI#: 761025-2018-0269
FFL#: 8-52-031-01-8H-12217

related to acquisition and disposition of firearms. IOI (b)(6) traced six firearms through the records and found no discrepancies.

The inspection disclosed no thefts or losses of firearms. There have been no thefts or losses of firearms in the previous 12 months. No illegal firearms were disclosed and no obliterated serial numbers were found on any guns.

It is O'Connor's policy to typically log firearms into and out of the A&D Record immediately upon their acquisition and disposition. The FFL lists a transaction number on each ATF Form 4473. This number is listed in the disposition section of the record. O'Connor is the sole employee. IOI (b)(6) suggested creating a tagging system for firearms in inventory so that recordkeeping could be more efficient.

5 ATF Forms 4473 – NICS & Other

Dispositions

In the previous 12 months, the licensee completed (b)(3)-(1) ATF Forms 4473. (b)(3) of these were the 2012 edition and (b)(3)-(1) were the 2016 edition. The forms are filed chronologically. The IOI reviewed 100% of these forms and found the following:

On (b)(3)-(1) ATF Form 4473 (2012 edition), the licensee failed to ensure the transferee of the firearm complete item 17. On (b)(3)-(1) ATF Form 4473 (2016 edition), the licensee failed to ensure the transferee of the firearm complete item 15. On (b)(3)-(1) ATF Forms 4473 (2016 edition) the licensee failed to ensure the transferee of the firearm answer item 12.d.1. On (b)(3)-(1) ATF Form 4473 (2016 edition) the licensee failed to ensure the transferee of the firearm answer item 11i (violation # 2, see Worksheet 2 – 2012 and 2016 edition).

On (b)(3)-(1) firearm transactions, the licensee failed to stop the transfer of a firearm to a person who answered "no" to item 11a on the ATF Form 4473 (2016 edition) (violation # 3 – see Worksheet 2 – 2016 edition).

On (b)(3)-(1) ATF Forms 4473 (2016 edition), the licensee failed to document the date NICS was contacted, the NICS transaction number and the response provided on items 19a, 19b and 19c (violation # 4 – see Worksheet 2 – 2016 edition).

The licensee made no transfers of duty weapons to law enforcement officers. FFL transfers were found to be done properly.

IOI (b)(6) contacted the Maryland State Police (MSP) and National Instant Check System (NICS) for background check numbers for the licensee. MSP provided 59 numbers associated with "not disapproved" transactions. NICS provided 10 numbers

FIREARMS INSPECTION REPORT

Name: Tomkat Ammunition, LLC
Trade Name: TK Defense

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FFL#: 8-52-031-01-8H-12217

with “proceed” transactions and one with that was “denied”. IOI (b)(6) verified all 70 numbers.

O’Connor is responsible for all recordkeeping. Every transaction is designated with a number at the top of the Form 4473. This number is entered into the disposition section of the A&D Record. On some instances, the licensee will make copies of their customers’ identification. This is then attached to the Form 4473.

6 - Multiple Sales

Prior to conducting the inspection, IOI (b)(6) received the FFL’s trace history from the Violent Crime Analysis Branch (VCAB). According to the VCAB, the FFL was associated with (b)(6) multiple handgun sales involving (b)(6) firearms. IOI (b)(6) verified 100% of these. No unreported multiple handgun sales were disclosed.

7 - Suspicious/Prohibited Purchasers

IOI (b)(6) conducted background checks on every transferee associated with a violation on the certification of the Form 4473 as well as omissions on the background check section. In total, IOI (b)(6) queried nine firearm purchasers and their guns. No prohibiting information was disclosed.

8 - Trace Activity

Prior to conducting the inspection, IOI (b)(6) received the FFL’s trace history from the Violent Crime Analysis Branch (VCAB). The FFL is associated with no traces in the previous 12 months.

As no criminal activity was disclosed and the FFL has no trace history, a secondary market analysis was not conducted.

9 - NFA/Importer/Collector/Manufacturer

The licensee does not import or collect firearms.

Manufacturing is conducted under the FFL’s type 07 license.

IOI (b)(6) queried the NFA database and found the licensee does have an active Special Occupational Tax Stamp to deal in guns registered under the NFA. The licensee has seven silencers and one short barreled rifle registered to them. IOI (b)(6) found all of these items in inventory. All are correctly entered into the A&D Record. As of this inspection, the licensee has not made a transfer of firearms under the NFA to a non-licensee or any entity.

FIREARMS INSPECTION REPORT

Name: Tomkat Ammunition, LLC
Trade Name: TK Defense

UI#: 761025-2018-0269
FFL#: 8-52-031-01-8H-12217

10 - Referrals

This inspection yielded no referrals.

11 - Other

The special instructions for this inspection stated (b)(6) might be utilizing Tomkat Ammunition, LLC as a conduit to sell firearms. IOI (b)(6) spoke with Michael Fronczak (Director of Industry Operations, Baltimore Field Division) (b)(6) (Legal Counsel, Baltimore Field Division) prior to conducting the inspection. Fronczak and (b)(4), (b)(6)

(b)(6). Fronczak and (b)(6) explained to her that (b)(6) had his license revoked by ATF years ago.

IOI (b)(6) asked O'Connor about her business involvement with (b)(6). The licensee stated (b)(6) actually decided it was not in his interests to have her move to his range. O'Connor stated (b)(6) occasionally purchases firearms from her store for his firearms range but other than this, she has no involvement with him. During the inspection, IOI (b)(6) found that (b)(6) had sold no firearms to the licensee and purchased (b)(6) through the type 01 license.

IOI (b)(6) does not suspect (b)(6) is selling his inventory through Tomkat Ammunition, LLC.

12 - Closing Actions

On December 13, 2017, IOI (b)(6) reviewed the results of the inspection with the licensee. IOI (b)(6) reviewed the Report of Violations (ROV) and Acknowledgement of Federal Firearms Regulations (Exhibit # 1) with the FFL. Both IOI (b)(6) and O'Connor signed these documents. Copies of both the ROV and acknowledgement sheet were provided to the FFL for reference. IOI (b)(6) also provided a flash drive which contains all of the forms and ruling detailed on the acknowledgement sheet as well as a list of pertinent ATF contact numbers.

13 - Violations

1. 27 CFR 478.125(e)

Nature of Violation: The licensee failed to record (b)(9)-(12) firearms not later than the close of the following business following their acquisition into the record of acquisition and disposition.

FIREARMS INSPECTION REPORT

Name: Tomkat Ammunition, LLC
Trade Name: TK Defense

UI#: 761025-2018-0269
FFL#: 8-52-031-01-8H-12217

Licensee's Response: O'Connor apologized for this violations and stated this was an oversight on her part.

Corrective Action: The licensee has recorded these firearms into their acquisition and disposition record utilizing records on hand as a point of reference. IOI (b)(6) confirmed these corrections were made on December 13, 2017.

Reference Worksheet 1

2. 27 CFR 478.124(c)(1)

Nature of Violation: On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Form 4473 (2012 edition), the licensee failed to ensure the transferee of the firearm complete item 17 (certification date). This occurred on (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Form 4473 (2016 edition), the licensee failed to ensure the transferee of the firearm complete item 15 (certification date). This occurred on (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Forms 4473 (2016 edition) the licensee failed to ensure the transferee of the firearm answer item 12.d.1. (Are you an alien who has been admitted to the United States under a nonimmigrant visa?). These omissions occurred on the following forms:

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

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Form 4473 (2016 edition) the licensee failed to ensure the transferee of the firearm answer item 11i (Have you ever been convicted in any court of a misdemeanor crime of domestic violence?). This occurred on (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's Response: O'Connor stated she was not sure if customers had to complete item 12.1.1 if they are not non-immigrant aliens. She thanked IOI (b)(6) for the guidance. In regards to the other omission, the licensee expressed her regrets and stated she will proofread her customers' answers to ensure nothing is missed.

Corrective Action: The licensee will proofread their customer's answers on the ATF Forms 4473 to ensure that all items are answered.

Reference Worksheet 2 (2012 and 2016 editions)

3. 27 CFR 478.21(a)

FIREARMS INSPECTION REPORT

Name: Tomkat Ammunition, LLC
Trade Name: TK Defense

UI#: 761025-2018-0269
FFL#: 8-52-031-01-8H-12217

Nature of Violations: On (b)(3) - 112 firearm transactions, the licensee failed to stop the transfer of a firearm to a person who answered "no" to item 11a (Are you the actual transferee/buyer of the firearm listed on this form?) on the ATF Form 4473 (2016 edition). This occurred on the following forms:

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

Licensee's Response: O'Connor stated she had some confusion regarding this questions when someone was buying the firearm as a gift. She stated if a person answers "no" to item 11a in the future, she will question the customer and terminate the sale if necessary.

Corrective Action: The licensee will review the answers provided by the firearm transferee on the ATF Form 4473 prior to transferring a firearm. If items/questions are left blank or are incorrect (for question 11a), the FFL will have the transferee of the firearm complete and/or correct the required items/questions. If the answer provided by the transferee to item 11a is "No" and the transferee states they are not in fact the actual buyer of the firearm, the FFL will not transfer the firearm.

Reference Worksheet 2 – 2016 edition

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

Nature of Violation: On two ATF Forms 4473 (2016 edition), the licensee failed to document the date NICS was contacted, the NICS transaction number and the response provided on items 19a, 19b and 19c. This occurred on the following transactions.

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

Licensee's Response: O'Connor stated she knows she conducted background checks on all of her firearm purchasers and must have gotten busy and forgotten to record the information.

Corrective Action: The licensee will proofread her paperwork to ensure the results of the NICS background check are documented.

Reference Worksheet 2 – 2016 edition

FIREARMS INSPECTION REPORT

Name: Tomkat Ammunition, LLC
Trade Name: TK Defense

UI#: 761025-2018-0269
FFL#: 8-52-031-01-8H-12217

X

(b)(6)

ations Investigator

Index of Worksheets and Exhibits

Worksheet 1 Inventory and A&D Review

Worksheet 2 ATF Form 4473 Review (2012 edition)

Worksheet 2 ATF Form 4473 Review (2016 edition)

Exhibit # 1: Signed Acknowledgement of Federal Firearms Regulations.



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives
31 Hopkins Plaza, 5th Floor
Baltimore, MD 21021

December 21, 2017

www.atf.gov

761025

(b)(6)
5373

WARNING LETTER

TomKat Ammunition LLC
TK Defense
ATTN: Kathleen O'Connor
18 Cessna Court
Gaithersburg, MD 20879

Re: FFL # 8-52-031-01-8H-12217

Dear Ms. O'Connor:

During a recent compliance inspection at your firearms business covering the period of December 6, 2016 through December 6, 2017, you were cited for violations of 27 Code of Federal Regulations, Part 478. The violation was discussed with you during the inspection. A copy of the Report of Violations, Form 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you or your designated responsible person by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Industry Operations Investigator (IOI) (b)(6). You or your responsible person indicated that you understood the requirements of the firearms laws and regulations and that corrective actions would be taken to eliminate future violations.

The records you are required to maintain, and the business operations you conduct, are important to law enforcement in our continuing 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 conditional upon your compliance with Federal laws and regulations. Any future violations, either repeat or otherwise,

TomKat Ammunition LLC
TK Defense
Reference FFL# 8-52-031-01-8H-12217

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 (b)(6) Area Supervisor, a (b)(6)

Sincerely,

(b)(6)

Acting Area Supervisor
Baltimore Area Office

Enclosure: Report of Violations

cc: Federal Firearms Licensing Center
Baltimore V (IOI) Field Office