

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Gunsport of Colorado Inc 1707 14th St. Boulder, CO 80302, Boulder	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 788070-2018-0026-B1B 3. PERMIT/LICENSE NUMBER 4a. TARGET DATE 4b. TARGET HOURS 584013011D13551 12/29/2017 40 5. REQUESTED BY (SIGNATURE, TITLE AND DATE)
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6. ATF OFFICER(S) ASSIGNED (b)(6) - Assigned Investigator (b)(6) - Assigned Investigator (b)(6) - Lead Investigator	7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6), Area Supervisor, 10/02/2017
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8. PURPOSE/SPECIAL INSTRUCTIONS DE: (01) Gunsport of Colorado Inc. Conduct a Disposition Emphasis (DE) compliance inspection. 100% inventory verification and 12 months ATF Forms 4473 review is required.	9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC
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NO. OF VIOLATIONS	2	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.	

11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 04/29/2018 Viols WC with WL and Recall	12. TIME ACCOUNTING DATA
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ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)		
MAR 2018	9.00		
ATF OFFICER'S SUBTOTAL	9.00	ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)		
MAR 2018	26.00		
ATF OFFICER'S SUBTOTAL	26.00	ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)		
FEB 2018	2.00		
MAR 2018	32.00		
APR 2018	36.00		
ATF OFFICER'S SUBTOTAL	70.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	105.00		

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	3. PERMIT/LICENSE NUMBER 584013011D13551	4a. TARGET DATE 12/29/2017	4b. TARGET HOURS 40
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

The licensee was cited for only (b)(3) violations - 27 CFR 478.125(e) for failing to record the disposition of firearms in the FFL's A&D record on (b)(3) occasions (equating to only 1.6% of the FFL's dispositions for the year) and resulting (b)(3) missing firearm; and 27 CFR 478.129(b) for failing to retain ATF Forms 4473 on (b)(3) occasions. The violation for failing to retain GCA records for approved transaction warrants revocation per ATF O 5370.1C. However, this violation was cited based on the statements of the FFL and can not be substantiated otherwise. The violation of 27 CFR 478.125(e) for missing (b)(3) firearm warrants a warning letter only per ATF O 5370.1C. Therefore, a warning letter without recall is recommended.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☐ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) - Area Supervisor

REVIEW DATE

05/09/2018

REVIEW COMMENTS AND RECOMMENDATION

On May 17, 2018, notification was received from ATF HQ an alternate recommendation to issue a warning letter verses holding a warning conference in lieu of revocation was approved. The Area Office may proceed with issuing the warning letter to include completing final processing of this case.

Previously, an alternate recommendation to issue a warning letter verses holding a warning conference in lieu of revocation is recommended. A recall inspection is not recommended. The last compliance inspection was in 2009, where a warning letter was issued. (Prior to this, an inspection was conducted in 2007, also resulting in a warning letter.) Note the license was issued in 1984.

For this inspection, the licensee failed to retain (b)(3) ATF forms 4473 for transferred firearms, for the 20 year retention period. (The transfers occurred in (b)(3) - 112 Public Law 55-125.) The responsible person (RP) stated the whereabouts of the forms was unknown. The other violation cited was for the failure to maintain the acquisition and disposition record (A&D Record) in (b)(3) instances, where one firearm was missing after reconciliation. This equaled a 1.6% error rate for the dispositions. (There were (b)(3) instances where the disposition of firearms was not recorded.) The RP indicated this was an error.

This licensee is a large volume dealer, with over (b)(4) firearms transfers during the inspection period. The failure to retain required Gun Control Act records for transferred firearms rises to the revocation level as noted in ATF Order 5370.1C. This violation is not a repeat violation and given the missing ATF Forms 4473s were outside the inspection period due to the need to reconcile the A&D Record going back for the entire licensed history, an alternate recommendation is requested. This violation and the requirement to maintain the A&D Record was explained to the RP during the closing conference. It is not believed a warning conference is needed to explain this again in person. Issuing a warning letter verses holding a warning conference in lieu of revocation will be sufficient to document the licensee's obligations, to express the importance of maintaining all the records for traceability purposes and ensure the licensee's compliance with the regulations.

Viols WL ONLY and No Recall Inspection

☐ REVIEWED

☐ CONCUR

☒ SEE COMMENTS

☐ FINAL DISPOSITION

SIGNATURE AND TITLE

PWBROWN - Director, Industry Operations

REVIEW DATE

05/09/2018

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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 Gunsport of Colorado Inc	Street Address 1707 14th St.	City Boulder	State CO	Zip Code 80302-	County Boulder	Page 1 of 1 Pages
License/Permit/Registry Number (If any) 584013018D13551		Expiration Date 4/1/2021	Date(s) or Period of Inspection 03/21/2018 through 04/25/2018			

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 record the disposition of a firearm in the A&D record book (b)(3) - 11 instances. Specifically, the licensee transferred firearms without recording its disposition (b)(3) - 112 instances, and was also missing a firearm (b)(3) - 112 instance.

Citation: 27 CFR 478.125(e)

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

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

04/17/2018

Licensee is to record the disposition of firearms in the A&D record book and maintain accountability of their firearms for all future transactions. The violation was corrected on April 17, 2018.

Number: 2

Nature of Violation:
Failure to retain ATF Forms 4473 for a period of not less than 20 years after the date of sale in four instances. Specifically, the licensee completed (b)(3) - 112 ATF Forms 4473 in 2011 (b)(3) - 112 and ATF Form 4473 in 2013, but failed to retain the forms as required.

Citation: 27 CFR 478.129(b)

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

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

Licensee shall retain each ATF Form 4473 for a period of not less than 20 years after the date of sale for all future transactions. The violation cannot be corrected.

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

Date

Signature and Title of ATF Officer

Date

For Official Use Only

August 2020 Production

524

ATF E-Form 5030.5

Revised April 2005

FIREARMS INSPECTION REPORT

Name: Gunsport of Colorado Inc.
Trade Name:

UI#: 788070-2018-0026 B1B
FFL#: 5-84-013-01-1D-13551

Address: 1707 14th Street
Boulder, Colorado 80302 Boulder

1 - Introduction

Inspection Profile:

On March 21, 2018, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Investigator (b)(6) conducted an unannounced disposition emphasis inspection of Gunsport of Colorado Inc. Investigator (b)(6), Investigator (b)(6), Investigative Analyst (b)(6) and Investigative Analyst (b)(6) assisted with the inspection. The inspection was conducted at the licensed premises, which is located at 1707 14th Street, Boulder, Colorado. The purpose of the inspection was to examine the licensee's conduct of business and verify compliance with Federal laws and regulations. The inspection covered the period from March 21, 2017 through March 21, 2018. The responsible person interviewed during the inspection was Ross Shackleton, Managing Member. Mr. Shackleton was identified by Colorado driver's license number (b)(6). The onsite portion of this inspection concluded on April 25, 2018.

Business Profile:

Gunsport of Colorado Inc holds a Type 01 Federal Firearms License (Dealer of Firearms), which they use to engage in the retail sales of firearms. The licensee also provides gunsmithing services and assists with private party transfers.

Gunsport of Colorado Inc operates their business out of a store front, which is located in a commercial area in Boulder, Colorado. Investigator (b)(6) verified via the Boulder County Assessor's website that (b)(6) and (b)(6) are the owners of the property. Investigator (b)(6) further verified that all parties stipulates to the business activities conducted by the licensee.

During the inspection period, the licensee acquired approximately (b)(4) firearms and disposed approximately (b)(4) firearms. The licensee had 1,056 firearms in inventory on the date of the inspection. Approximately, (b)(4) percent of the firearms acquired and sold were handguns and (b)(4) percent were long guns. Additionally, (b)(4) percent of the licensee's inventory were secondary market firearms. Gunsport of Colorado Inc uses (b)(4) as their primary distributor.

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Name: Gunsport of Colorado Inc.
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Gunsport of Colorado Inc does not conduct business at gun shows, nor do they conduct any other business at the licensed premises. The licensee is engaged, however, in the online retail sales of firearms via their company website, www.gunsport.us. The licensee does not possess any additional ATF licenses and/or permits.

Investigator (b)(6) verified that Gunsport of Colorado Inc is properly registered with the Colorado Secretary of State, possesses a valid state sales tax license and is in compliance with all zoning regulations.

Gunsport of Colorado Inc does not utilize any offsite storage.

Gunsport of Colorado Inc has held their current FFL since June of 1984. The Type 01 FFL is appropriate for the type of business activities conducted by the licensee.

Ownership and Control:

In October of 2011, Ross Shackleton became the majority shareholder of the corporation. Investigator (b)(6) verified that the Federal Firearms Licensing Center was informed about the change.

No evidence of hidden ownership was discovered during the inspection.

Variance:

No variance is held by the licensee and no request for a variance was made at the time of the inspection.

2 - Recommendation

Violations, Warning Conference with Warning Letter and Recall.

According to the Federal Firearms Administrative Action Policy and Procedures, the discovered violation warrants a revocation – the licensee failed to retain the required Gun Control Act (GCA) records for transferred firearms. However, the licensee is a large volume dealer that transferred over (b)(4) firearms during the inspection period, and the transactions involving the missing GCA records occurred outside the scope of the inspection. Therefore, Investigator (b)(6) recommends that the administrative action be amended to a Warning Conference with Warning Letter and Recall.

FIREARMS INSPECTION REPORT

Name: Gunsport of Colorado Inc.
Trade Name:

UI#: 788070-2018-0026 B1B
FFL#: 5-84-013-01-1D-13551

3 - Inspection History

Date of Inspection: May 5, 2009
Type of Inspection: Full Scope Recall Inspection
UI#: 788020-2009-0238
Inspection Results: Violations, Warning Letter Only and No Recall Inspection. The Acknowledgement was signed on May 5, 2009 and the Warning Letter was sent on November 5, 2009.

Cited Violations: **27 CFR 478.21(a)**
Failure to record the number of firearms transferred in item 30a (b)(3) - 112 Public ATF Form 4473.

27 CFR 478.124(c)(1)
Failure to obtain all of the transferee's required information on (b)(3) - 112 Public ATF Forms 4473.

27 CFR 478.124(c)(3)(i)
Failure to obtain and record the transferee's required identification document (b)(3) - 112 Public ATF Form 4473.

27 CFR 478.124(c)(3)(ii)
Failure to record documentation establishing that a transferee, who is an alien legally in the U.S., has resided in the State in which the licensee's business premise is located for 90 days continuously on (b)(3) ATF Forms 4473.

27 CFR 478.124(c)(3)(iv)
Failure to record the response provided by CBI (b)(3) - 112 Public ATF Forms 4473.

27 CFR 478.126a
Failure to complete and submit ATF Form 3310.4 in (b)(3) - 112 Public instance.

Date of Inspection: May 24, 2007
Type of Inspection: Disposition Emphasis Non VCIT
UI#: 785035-2007-0359
Inspection Results: Violations, Warning Letter Only and Recall Inspection. Acknowledgement was signed on May 24, 2007 and the Warning Letter was sent on July 20, 2007.

Cited Violation: **27 CFR 478.125(a)**
Failure to obtain approval from the DIO prior to the

FIREARMS INSPECTION REPORT

Name: Gunsport of Colorado Inc.
Trade Name:

UI#: 788070-2018-0026 B1B
FFL#: 5-84-013-01-1D-13551

employment of alternate records in (b)(3) - 112 instance.

27 CFR 478.21(a)

Failure to ensure the purchaser was the actual buyer of the firearm by answering "no" to question 11a (b)(3) - 112 Public instances.

27 CFR 478.126a

Failure to complete and submit ATF Form 3310.4 in (b)(3) - 112 instance.

27 CFR 478.39a

Failure to report the theft/loss of a firearm in (b)(3) - 112 instance.

27 CFR.125(e)

Failure to record the disposition of a firearm in (b)(3) - 112 instances.

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

Investigator (b)(6) reviewed the licensee's A&D record book and verified that it was in the proper format. A full inventory was also conducted by cross-referencing the licensee's A&D record book with the physical inventory – there were 1,056 firearms and (b)(3) - 112 Public open dispositions. Investigator (b)(6) examined the discrepancies – i.e., reviewed invoices involving FFL transfers and ATF Forms 4473 for firearm sales – and discovered that the licensee transferred firearms without recording its disposition in the A&D record book (b)(3) - 112 Public instances. Specifically, the licensee transferred firearms without recording its disposition in (b)(3) instances, and was also missing a firearm in (b)(3) - 112 instance. Thus, the licensee was cited for 27 CFR 478.125(e) – **See Violation 1, Report of Violations, Worksheet 1 and Exhibit 1.**

No firearm theft/loss reports were submitted during the inspection period; however, a report was submitted on April 17, 2018 concerning (b)(3) - 112 Public Law 55 125 Stat 552 – **See Exhibit 2.** Investigator (b)(6) queried 10 secondary market firearms from the licensee's A&D records, which resulted in no hits. No evidence was discovered indicating any signs of trafficking. No illegal firearms or firearms with obliterated serial numbers were discovered during the inspection.

Investigator (b)(6) discussed internal control options with the licensee. The licensee stated that upon acquiring and/or disposing a firearm, they will immediately enter the required information in the A&D record book for all future transactions.

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Name: Gunsport of Colorado Inc.
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5 - ATF Forms 4473 – NICS & Other Dispositions

Gunsport of Colorado Inc had a total of (b)(4) ATF Forms 4473 on file for the last 12 months. The forms were filed in chronological order and 18 denials occurred during the inspection period. Investigator (b)(6) reviewed the ATF Forms 4473 executed during the inspection period and found no discrepancies.

Investigator (b)(6) compared 30 CBI transaction numbers with the ATF Forms 4473 and found no discrepancies. However, during the reconciliation process, and after reviewing invoices which revealed that firearms were disposed to nonlicensees, Investigator (b)(6) discovered that the licensee failed to retain (b)(3) - 112 ATF Forms 4473 for a period of not less than 20 years after the date of sale. Specifically, the licensee completed (b)(3) - 112 ATF Forms 4473 in 2011 and (b)(3) - 112 ATF Form 4473 in 2013, but failed to retain the forms as required. Thus, the licensee was cited for 27 CFR 478.129(b) – **See Violation 2, Report of Violations, Worksheet 2 and Exhibit 3.**

The licensee transferred several firearms to other licensees during the inspection period and properly entered the information in their A&D records. No firearms were transferred to law enforcement officers during the inspection period; however, the licensee exhibited understanding of how to handle such procedure. No trafficking issues were identified from reviewing the ATF Forms 4473.

Investigator (b)(6) discussed internal control options with the licensee. The licensee stated that they will ensure the ATF Forms 4473 that are obtained in the course of transferring custody of a firearm are properly retained for all future transactions.

6 - Multiple Sales

The Violent Crime Analysis Branch (VCAB) firearm trace history reported that the licensee was associated with (b)(6) multiple sale transactions in the past 12 months. Investigator (b)(6) review of the completed ATF Forms 4473 did not disclose any unreported multiple handgun sales.

7 - Suspicious/Prohibited Purchasers

Investigator (b)(6) reviewed the licensee's A&D record book for possible firearm trafficking patterns. The records revealed no suspicious/prohibited purchasers.

Investigator (b)(6) conducted a criminal history check on Ross Shackleton, which resulted in no hits. An NFORCE query was also conducted on Mr. Shackleton to ensure he was not the subject of a criminal investigation.

No additional criminal history checks were conducted for this inspection.

FIREARMS INSPECTION REPORT

Name: Gunsport of Colorado Inc.
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FFL#: 5-84-013-01-1D-13551

8 - Trace Activity

The Violent Crime Analysis Branch (VCAB) firearm trace history reported [REDACTED] successful and [REDACTED] unsuccessful trace requests for the licensee in the past 12 months. Investigator (b)(6) identified the ATF Forms 4473 pertaining to the unsuccessful traces – (b)(3) - 112 Public Law 55 125 Stat 552 – and sent a copy of the forms to the National Tracing Center – **See Exhibit 4.**

Investigator (b)(6) conducted a computerized criminal history check on 10 secondary market firearms from the licensee's A&D record book, which resulted in no hits.

9 - NFA/Importer/Collector/Manufacturer

The licensee is not a collector, an importer/manufacture or a special occupational taxpayer – the licensee is a dealer of firearms. No violations were discovered during the inspection.

10 - Referrals

No referrals were made as a result of this inspection.

11 - Other

No other notable findings were identified as a result of this inspection.

12 - Closing Actions

On April 25, 2018, Investigator (b)(6) conducted a closing conference with Mr. Shackleton. Mr. Shackleton was informed of the assessed violations and was counseled on the corrective actions. Mr. Shackleton signed the Report of Violations and received a copy for his records – **See Report of Violations.**

Investigator (b)(6) reviewed and discussed the Acknowledgement of Federal Firearms Regulations with Mr. Shackleton. The acknowledgement was signed and dated by Mr. Shackleton – **See Exhibit 5.**

At the time of the closing, Mr. Shackleton was provided a copy of the Open Letter to FFLs in reference to disposition of firearms inventory following surrender, revocation or expiration of the license.

FIREARMS INSPECTION REPORT

Name: Gunsport of Colorado Inc.
Trade Name:

UI#: 788070-2018-0026 B1B
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13- Violations

1. 27 CFR 478.125(e)

“Repeat of Violation Cited on May 24, 2007.”

Nature of Violation: Failure to record the disposition of a firearm in the A&D record book in (b)(3) instances. Specifically, the licensee transferred firearms without recording its disposition (b)(3) instances, and was also missing a firearm (b)(3) instance.

Response of Licensee: Licensee stated that it was an error on their part. The licensee further stated that they don't know what happened to the missing firearm.

Corrective Action: Licensee is to record the disposition of firearms in the A&D record book and maintain accountability of their firearms for all future transactions. The violation was corrected on April 17, 2018.

See Violation 1, Report of Violations, Worksheet 1 and Exhibit 1.

2. 27 CFR 478.129(b)

Nature of Violation: Failure to retain ATF Forms 4473 for a period of not less than 20 years after the date of sale (b)(3) instances. Specifically, the licensee completed (b)(3) ATF Forms 4473 in 2011 and (b)(3) ATF Form 4473 in 2013, but failed to retain the forms as required.

Response of Licensee: Licensee stated that he does not know where the forms are, but is certain the forms were completed prior to transferring the firearms.

Corrective Action: Licensee shall retain each ATF Form 4473 for a period of not less than 20 years after the date of sale for all future transactions. The violation cannot be corrected.

See Violation 2, Report of Violations, Worksheet 2 and Exhibit 3.

X

(b)(6)

Industry Operations Investigator

FIREARMS INSPECTION REPORT

Name: Gunsport of Colorado Inc.
Trade Name:

UI#: 788070-2018-0026 B1B
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Index of Worksheets and Exhibits

Firearms Worksheet

Exhibit 1 – A&D Record Book and ATF Forms 4473 in support of CFR 478.125(e) violation

Exhibit 2 – Federal Firearms Licensee Firearms Inventory Theft/Loss Report

Exhibit 3 – A&D Record Book in support of CFR 478.129(b) violation

Exhibit 4 – ATF Forms 4473 in response to the NTC trace request

Exhibit 5 – Acknowledgement of Federal Firearms Regulations Form



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Denver Field Division

May 17, 2018

www.atf.gov

788070(b)(6)
5370

WARNING LETTER

Mr. Ross Shackleton
Gunsport of Colorado Inc
1707 14th St
Boulder, CO 80302

Re: Federal Firearms License Number: 5-84-013-01-1D-13551

Dear Mr. Shackleton:

As a result of a recent compliance inspection conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) at your firearms business located at 1707 14th St, Boulder CO 80302 on March 21, 2018 through April 25, 2018, you were cited for violations of 27 Code of Federal Regulations, Part 478. The violations were discussed with you during the inspection. A copy of the Report of Violations, ATF Form 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you by ATF Industry Operations Investigator (b)(6) (b)(6). You indicated that you understood the requirements of the firearms laws and regulations as a licensee. You further indicated that corrective actions would be taken to eliminate future violations.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing 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

Mr. Ross Shackleton
Federal Firearms License Number: 5-84-013-01-1D-13551

business. 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 conditional upon compliance with Federal laws and regulations. Because the violations cited in this most recent inspection were fully explained to you and you stated you understood your compliance responsibilities as a licensee, 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 Industry Operations Investigator (b)(6) at (b)(6).

Sincerely,

(b)(6)

Area Supervisor

cc: Federal Firearms Licensing Center
Denver VI Area Office

Attachment