

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) DON JERRY X-PLO INC 167 Carbide Road PLATTSBURGH, NY 12901, CLINTON		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 765060-2017-0287-B1B		
		3. PERMIT/LICENSE NUMBER 614019089E01686	4a. TARGET DATE 9/29/2017	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, 09/20/2017				
8. PURPOSE/SPECIAL INSTRUCTIONS conduct de in conjunction with COA application				
9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)
NO. OF VIOLATIONS	5	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	12	NO. OF TECS HITS		2112 - P.O.A.
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR
		\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.
11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 10/06/2017 On September 12, 2017, IOI (b)(6) and A/S (b)(6) conducted an amended qualification inspection in conjunction with a cursory review of inventory and records. A Report of Violations was issued for the following: • Failure to record the disposition of two firearms in the A/D book • Failure to record the acquisition of two firearms in the A/D book. • Failure to require the purchaser to complete the ATF 4473 form when transferring a consignment firearm back to the owner on (b)(3) occasions • Failure to conduct a NICS check when transferring a consignment firearm back to the owner on (b)(3) occasions • Failure to certify the ATF 4473 forms with the actual transferor's signature and date of transfer Per the Federal Firearms Administrative Action Policy and Procedures, a Warning Letter and No Recall is recommended. Violts WL ONLY and No Recall Inspection				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)		
OCT 2017		18.00		
ATF OFFICER'S SUBTOTAL		18.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS		18.00		

Assignment and Report

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	3. PERMIT/LICENSE NUMBER 614019089E01686	4a. TARGET DATE 9/29/2017	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION
Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☒ CONCUR

☐ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) - Area Supervisor

REVIEW DATE

10/12/2017

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

Report of Violations

EXHIBIT**4**

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 Don Jerry X Plo Inc	Street Address 167 Carbide Road	City Plattsburgh	State NY	Zip Code 12901-	County Clinton	Page 1 of 4 Pages
License/Permit/Registry Number (If any) 614019089E01686		Expiration Date 5/1/2019		Date(s) or Period of Inspection 09/12/2017 through 09/13/2017		

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:

Licensee failed to require the purchaser to complete the ATF 4473 form when transferring a consignment firearm back to the owner on [REDACTED] occasions.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

A licensed importer, licensed manufacturer, or licensed dealer shall not sell or otherwise dispose, temporarily or permanently, of any firearm to any person, other than another licensee, unless the licensee records the transaction on a firearms transaction record, Form 4473; Provided, That a firearms transaction record, Form 4473, shall not be required to record the disposition made of a firearm delivered to a licensee for the sole purpose of repair or customizing when such firearm or a replacement firearm is returned to the person from whom received.

Citation: 27 CFR 478.124(a)

Report of Violations

EXHIBIT**4**

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 Don Jerry X Plo Inc	Street Address 167 Carbide Road	City Plattsburgh	State NY	Zip Code 12901-	County Clinton	Page 2 of 4 Pages
License/Permit/Registry Number <i>(If any)</i> 614019089E01686		Expiration Date 5/1/2019		Date(s) or Period of Inspection 09/12/2017 through 09/13/2017		

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:

Licensee failed to conduct a NICS check when transferring a consignment firearm back to the owner on [REDACTED] occasions.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Except as provided in paragraph (d) of this section, a licensed importer, licensed manufacturer, or licensed dealer (the licensee) shall not sell, deliver, or transfer a firearm to any other person who is not licensed under this part unless the licensee meets the following requirements:

(1) Before the completion of the transfer, the licensee has contacted NICS;

(2)

(i) NICS informs the licensee that it has no information that receipt of the firearm by the transferee would be in violation of Federal or State law and provides the licensee with a unique identification number; or

(ii) Three business days (meaning days on which State offices are open) have elapsed from the date the licensee contacted NICS and NICS has not notified the licensee that receipt of the firearm by the transferee would be in violation of law; and

(3) The licensee verifies the identity of the transferee by

Report of Violations

EXHIBIT**4**

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 Don Jerry X Plo Inc	Street Address 167 Carbide Road	City Plattsburgh	State NY	Zip Code 12901-	County Clinton	Page 3 of 4 Pages
License/Permit/Registry Number (If any) 614019089E01686		Expiration Date 5/1/2019		Date(s) or Period of Inspection 09/12/2017 through 09/13/2017		

Inspection Results

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

Citation: 27 CFR 478.102(a)

Number: 3

Nature of Violation:

The licensee failed to record the acquisition of (b)(3) P.A. firearms in the Acquisition/Disposition book.

examining the identification document presented in accordance with the provisions of § 478.124(c).

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm imported or otherwise acquired, and the date such importation or other acquisition was made.

Citation: 27 CFR 478.122(a)

Number: 4

Nature of Violation:

Licensee failed to record the disposition of two firearms in the Acquisition/Disposition book.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Each licensed importer shall maintain separate records of the sales or other dispositions made of firearms to nonlicensees. Such records shall be maintained in the form and manner as prescribed by §§ 478.124 and 478.125 in regard to firearms transaction records and records of acquisition and disposition of firearms.

Report of Violations

EXHIBIT**4****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 Don Jerry X Plo Inc	Street Address 167 Carbide Road	City Plattsburgh	State NY	Zip Code 12901-	County Clinton	Page 4 of 4 Pages
License/Permit/Registry Number (If any) 614019089E01686		Expiration Date 5/1/2019	Date(s) or Period of Inspection 09/12/2017 through 09/13/2017			

Inspection Results

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

Citation: 27 CFR 478.122(d)

Number: 5

Nature of Violation:

Licensee failed to certify the ATF Forms 4473 with the actual transferor's signature and date of transfer. Mrs. Barber signed and dated each ATF F 4473 even though she did not verify the identification of the purchaser on (b)(3) occasions. In each case, one of the front counter clerks verified the non-licensee purchaser's identity but did not certify the forms.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall sign and date the form if the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm and transfer the firearm described on the Form 4473.

Per the ATF Federal Firearms Regulations Reference Guide (Questions & Answers under Section D3) it states "The ATF Form 4473 must be signed by the person who verified the identity of the buyer".

Citation: 27 CFR 478.124(c)(5)

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

Date

9/13/17

Signature of

Date

(b)(6)

TO Investigator

9/13/17

FIREARMS INSPECTION REPORT

Name: Don Jerry X-Plo Inc.
Trade Name:

UI#: 766050-2017-0287-B1B
FFL#: 6-14-019-08-9E-01686

Address: 167 Carbide Road
Plattsburgh, NY 12901

1 - Introduction

Inspection Profile:

On September 12, 2017, Industry Operations Investigator (IOI) (b)(6) and Area Supervisor (A/S) (b)(6) conducted an amended qualification inspection in conjunction with a cursory review of the inventory and records of Don Jerry X-Plo Inc. (Don Jerry). IOI (b)(6) and A/S (b)(6) conducted the inspection at their business premises located at 167 Carbide Road, Plattsburgh, New York. IOI (b)(6) and A/S (b)(6) met with Rhonda Barber. Mrs. Barber identified herself with a New York State Driver's license.

The inspection period was January 1, 2017 to September 11, 2017.

Business Profile:

Don Jerry holds Importer of Firearms Other Than Destructive Devices license #6-14-019-08-9E-01686. Don Jerry operates their business from a commercial property which is located in a rural area of Clinton County. Don Jerry sells new and used hand guns and long guns to the public and law enforcement. Don Jerry's new business premises is located on the same property with a different address and is adjacent to their office where their explosives license is operated.

Don Jerry offers a variety of services to commercial and personal customers; i.e. commercial warehousing and transportation, personal storage, moving and outdoor equipment. Don Jerry's website details the services provided: www.x-plo.com.

Don Jerry holds the following ATF licenses:

Manufacturer of High Explosives license #6-NY-019-20-9G-00826
Importer of High Explosives license #6-NY-019-23-8H-01007

Don Jerry holds the following New York State licenses:

Dealer in Firearms license #166, expiration January 1, 2018
Gunsmith license #166, expiration January 1, 2018

FIREARMS INSPECTION REPORT

Name: Don Jerry X-Plo Inc.
Trade Name:

UI#: 766050-2017-0287-B1B
FFL#: 6-14-019-08-9E-01686

Ownership and Control:

Don Jerry is a corporation owned and operated by Rhonda Barber, President/Treasurer and her sister, Carrie Laduke, Vice-President/Secretary. Mrs. Barber and Mrs. Laduke are the only responsible persons on the license.

Variance:

Don Jerry does not have any variances nor were any requested.

2 - Recommendation

A Report of Violations was issued for the following:

- Failure to record the disposition of (b)(3) Pub firearms in the A/D book
- Failure to record the acquisition of (b)(3) Pub firearms in the A/D book.
- Failure to require the purchaser to complete the ATF 4473 form when transferring a consignment firearm back to the owner on (b)(3) occasions
- Failure to conduct a NICS check when transferring a consignment firearm back to the owner on (b)(3) occasions
- Failure to certify the ATF 4473 forms with the actual transferor's signature and date of transfer

Per the Federal Firearms Administrative Action Policy and Procedures, a Warning Letter and No Recall is recommended.

3 - Inspection History

Date of Inspection: April 8, 2013
Type of Inspection: Qualification
UI#: 765060-2013-0158
Inspection Results: Application Approved
Cited Violations: N/A

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

On September 12, 2017, IOI (b)(6) and A/S (b)(6) conducted a full examination of Don Jerry's inventory. Don Jerry had 172 long guns and 217 hand guns totaling 389 firearms in inventory. IOI (b)(6) and A/S (b)(6) compared 389 firearms to the A/D book and discovered (b)(3) Pub open entries in the A/D book. IOI (b)(6) and A/S (b)(6) discovered that (b)(3) Pub of the firearms were not recorded in the A/D book and (b)(3) Pub of the firearms were not logged out of the A/D book. Don Jerry was issued a Report of Violations for the following:

FIREARMS INSPECTION REPORT

Name: Don Jerry X-Plo Inc.
Trade Name:

UI#: 766050-2017-0287-B1B
FFL#: 6-14-019-08-9E-01686

- Failure to record the disposition of (b)(3) Pub firearms in the A/D book
- Failure to record the acquisition of (b)(3) Pub firearms in the A/D book

(See Violation #3 & 4/Inventory and A&D Review Worksheet)

5 - ATF Forms 4473 – NICS & Other Dispositions

IOI (b)(6) conducted a cursory review of the ATF 4473 forms from January 1, 2017 to September 11, 2017. IOI (b)(6) reviewed approximately (b)(3) Pub ATF 4473 forms out of (b)(3) Pub 4473 forms on file from September 16, 2016 to September 11, 2017. Don Jerry was issued a Report of Violations for the following:

- Failure to require the purchaser to complete the ATF 4473 form when transferring a consignment firearm back to the owner on (b)(3) Pub occasions,
- Failure to conduct a NICS check when transferring a consignment firearm back to the owner on (b)(3) Pub occasions
- Failure to certify the ATF 4473 form with the actual transferor's signature and date of transfer. Mrs. Barber signed and dated each ATF 4473 form even though she did not verify the identification of the purchaser on (b)(3) Pub occasions. In each case, one of the front counter clerks verified the non-licensee purchaser's identity but did not certify the forms.

(See Violation #1, 2 & 5/ATF Form 4473 Review Worksheet/Exhibit 1-copies of 4473 forms)

IOI (b)(6) conducted a criminal history query of the owners of the consignment firearms that were returned without obtaining an ATF 4473 form or conducting a NICS check. IOI (b)(6) identified the following as the consignment transactions:

(b)(6), (b)(3) Pub law 112-55 125 Stat. 552

FIREARMS INSPECTION REPORT

Name: Don Jerry X-Plo Inc.
Trade Name:

UI#: 766050-2017-0287-B1B
FFL#: 6-14-019-08-9E-01686

IOI (b)(6) discovered that (b)(6), (b)(3) Pub law 112-55 125 Stat. 552, (b)(7)(C)

Reference Exhibit 2 –
Ejustice Query

IOI (b)(6) obtained a (b)(6), (b)(3) Pub law 112-55 125 Stat. 552, (b)(7)(C)

Reference Exhibit 3 – Certificate of Disposition

6 - Multiple Sales

IOI (b)(6) did not query the Violent Crime Analysis Branch for multiple sales data since this was a cursory review in conjunction with an amended qualification inspection. During the examination of the ATF 4473 forms, IOI (b)(6) examined several Report of Multiple Sale or Other Disposition of Pistols and Revolvers forms which were attached and completed by Don Jerry. IOI (b)(6) did not identify any discrepancies.

7 - Suspicious/Prohibited Purchasers

IOI (b)(6) did not identify any suspicious/prohibited purchasers.

8 - Trace Activity

IOI (b)(6) did not query the Violent Crime Analysis Branch for trace results since this was a cursory review in conjunction with an amended qualification inspection. IOI (b)(6) did not conduct a secondary market analysis of firearms.

9 - NFA/Importer/Collector/Manufacturer

Don Jerry does not conduct NFA, collect or manufacture firearms. Don Jerry holds an Importer of Firearms Other Than Destructive Devices license, but has not imported any firearms.

10 - Referrals

IOI (b)(6) did not generate any referrals.

11 - Other

IOI (b)(6) did not obtain any additional information.

12 - Closing Actions

On September 13, 2017, IOI (b)(6) reviewed the Federal Firearms Regulations with Rhonda Barber. IOI (b)(6) explained to Mrs. Barber the importance of maintaining the Acquisition/Disposition book in the proper manner, ATF 4473 form, requirements for computerized records, importation records, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, Secure Gun Storage and Safety Device and ATF Federal Firearms Licensee Inventory Theft/Loss of firearms form. Mrs. Barber signed

FIREARMS INSPECTION REPORT

Name: Don Jerry X-Plo Inc.
Trade Name:

UI#: 766050-2017-0287-B1B
FFL#: 6-14-019-08-9E-01686

the Report of Violations and the Acknowledgement of Federal Firearms Regulations and a copy was provided. Reference Exhibit 4 & 5 – Report of Violations/Acknowledgement of Federal Firearms Regulations.

13 - Violations

1. 27 CFR 478.124(a)

Nature of Violation: Licensee failed to require the purchaser to complete the ATF 4473 form when transferring a consignment firearm back to the owner on ^{(b)(3)} occasions.

Licensee's Response: Mrs. Barber stated that she was not aware that an ATF 4473 form was required on the return of consignment firearms to the owner.

Corrective Action: A licensed importer, licensed manufacturer, or licensed dealer shall not sell or otherwise dispose, temporarily or permanently, of any firearm to any person, other than another licensee, unless the licensee records the transaction on a firearms transaction record, Form 4473: Provided, That a firearms transaction record, Form 4473, shall not be required to record the disposition made of a firearm delivered to a licensee for the sole purpose of repair or customizing when such firearm or a replacement firearm is returned to the person from whom received.

2. 27 CFR 478.102(a)

Nature of Violation: Licensee failed to conduct a NICS check when transferring a consignment firearm back to the owner on ^{(b)(3)} occasions.

Licensee's Response: Mrs. Barber stated that she was not aware that a NICS check was required on the return of consignment firearms to the owner.

Corrective Action: Except as provided in paragraph (d) of this section, a licensed importer, licensed manufacturer, or licensed dealer (the licensee) shall not sell, deliver, or transfer a firearm to any other person who is not licensed under this part unless the licensee meets the following requirements:

(1) Before the completion of the transfer, the licensee has contacted NICS;

(2)

(i) NICS informs the licensee that it has no information that receipt of the firearm by the transferee would be in violation of Federal or State law and provides the licensee with a unique identification number; or

FIREARMS INSPECTION REPORT

Name: Don Jerry X-Plo Inc.
Trade Name:

UI#: 766050-2017-0287-B1B
FFL#: 6-14-019-08-9E-01686

(ii) Three business days (meaning days on which State offices are open) have elapsed from the date the licensee contacted NICS and NICS has not notified the licensee that receipt of the firearm by the transferee would be in violation of law; and

(3) The licensee verifies the identity of the transferee by examining the identification document presented in accordance with the provisions of § 478.124(c).

3. 27 CFR 478.122(a)

Nature of Violation: The licensee failed to record the acquisition of (b)(3) Pub firearms in the Acquisition/Disposition book.

Licensee's Response: Mrs. Barber stated that she was busy and neglected to enter the firearms in the A/D book. Mrs. Barber stated that she will comply in the future.

Corrective Action: Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm imported or otherwise acquired, and the date such importation or other acquisition was made.

4. 27 CFR 478.122(d)

Nature of Violation: Licensee failed to record the disposition of (b)(3) Pub firearms in the Acquisition/Disposition book.

Licensee's Response: Mrs. Barber stated that she was busy and neglected to enter the firearms in the A/D book. Mrs. Barber stated that she will comply in the future.

Corrective Action: Each licensed importer shall maintain separate records of the sales or other dispositions made of firearms to non-licensees. Such records shall be maintained in the form and manner as prescribed by §§ 478.124 and 478.125 in regard to firearms transaction records and records of acquisition and disposition of firearms.

5. 27 CFR 478.124(c)(5)

Nature of Violation: Licensee failed to certify the ATF 4473 forms with the actual transferor's signature and date of transfer. Mrs. Barber signed and dated each ATF 4473 form even though she did not verify the identification of the purchaser on (b)(3) Pub occasions. In each case, one of the front counter clerks verified the non-licensee purchaser's identity but did not certify the forms.

FIREARMS INSPECTION REPORT

Name: Don Jerry X-Plo Inc.
Trade Name:

UI#: 766050-2017-0287-B1B
FFL#: 6-14-019-08-9E-01686

Licensee's Response: Mrs. Barber stated that she assumed since she was the responsible person she was required to sign and date the ATF 4473 form on every purchase.

Corrective Action: The licensee shall sign and date the form if the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm and transfer the firearm described on the Form 4473.

Per the ATF Federal Firearms Regulations Reference Guide (Questions & Answers under Section D3) it states "The ATF Form 4473 must be signed by the person who verified the identity of the buyer"

X

Industry Operations Investigator

Index of Worksheets and Exhibits

Exhibit 1 – Copies of ATF 4473 forms

Exhibit 2 - Ejustice Query

Exhibit 3 – Certificate of Disposition

Exhibit 4 – Report of Violations

Exhibit 5 – Acknowledgement of Federal Firearms Regulations



U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives
32 Old Slip, Suite 3500, New York, NY 10005

October 12, 2017

www.atf.gov

765060 (b)(6)
5700

Mrs. Rhonda Barber
DON JERRY X-PLO INC
167 Carbide Road
PLATTSBURGH, NY 12901

RE: 614019089E01686

Dear Mrs. Barber:

During a recent inspection at your firearms business covering the period January 1, 2017 to September 11, 2017, you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, ATF F 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigators. You 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 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 (b)(6), Area Supervisor at (b)(6).

Sincerely yours,

(b)(6)
Area Supervisor

Enclosure

c: Federal Firearms Licensing Center
New York VI (IO) Field Office