

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) ACADEMY, LTD ACADEMY SPORTS & OUTDOORS (#76) 7441 NE LOOP 820 NORTH RICHLAND HILLS, TX 76180, TARRANT		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 781080-2016-0164-B1B		
		3. PERMIT/LICENSE NUMBER 575439018C00008	4a. TARGET DATE 7/1/2016	4b. TARGET HOURS
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)				
6. ATF OFFICER(S) ASSIGNED				
(b)(6) - Lead Investigator				
(b)(6) - Assigned Investigator				
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)				
(b)(6) Area Supervisor, 11/24/2015				
8. PURPOSE/SPECIAL INSTRUCTIONS				
see email from (b)(6) - ref NICS check.				
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC				
NO. OF VIOLATIONS	7	NO. OF REFERRALS	2	10. TRAVEL EXPENSES (OPTIONAL)
NO. OF TECS CHECKS	75	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: 04/11/2016				
Violts WC with WL and Recall				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
DEC 2015 2.00				
JAN 2016 102.00				
FEB 2016 85.00				
MAR 2016 1.00				
APR 2016 2.00				
ATF OFFICER'S SUBTOTAL		192.00	ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
JAN 2016 35.00				
ATF OFFICER'S SUBTOTAL		35.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS		227.00		

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	3. PERMIT/LICENSE NUMBER 575439018C00008	4a. TARGET DATE 7/1/2016	4b. TARGET HOURS
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13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Viols WC with WL and Recall

☒ REVIEWED

☒ CONCUR

☐ SEE COMMENTS

☐ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) Area Supervisor

REVIEW DATE

03/30/2016

REVIEW COMMENTS AND RECOMMENDATION

Viols WC with WL and Recall

☒ REVIEWED

☒ CONCUR

☐ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

KRMURPHY - Director, Industry Operations

REVIEW DATE

04/07/2016

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 ACADEMY, LTD ACADEMY SPORTS & OUTDOORS (#76)	Street Address 7441 NE LOOP 820	City NORTH RICHLAND HILL	State TX	Zip Code 76180-	County TARRANT	Page 1 of 7 Pages
License/Permit/Registry Number <i>(If any)</i> 575439018C00008		Expiration Date 3/1/2018	Date(s) or Period of Inspection 01/01/2015 through 01/04/2016			

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 obtain and/or furnish all information required in each ATF Form 4473 as indicated by the headings on the form and the instructions on or pertaining to it in at least **(b)(3) - 112 Public Law** instances.

Regarding ATF Forms 4473:

(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 currently utilizes a two person ATF Form 4473 review system. In the future, to ensure the completeness and accuracy of the forms, the licensee will meticulously review the ATF Forms 4473 prior to the transfer of the firearm(s).

Report of Violations

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License/Permit/Registry Number <i>(If any)</i> 575439018C00008	Expiration Date 3/1/2018	Date(s) or Period of Inspection 01/01/2015 through 01/04/2016				

Inspection Results

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

Number: 2

Nature of Violation:

Failure to obtain a properly completed ATF Form 4473, Section A, prior to making an over-the-counter transfer of a firearm to a non-licensee, who is a resident of the State in which the licensee's premises is located on at least two forms.

Regarding ATF Forms 4473:

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee currently utilizes a two person ATF Form 4473 review system. In the future, to ensure the completeness and accuracy of the forms, the licensee will meticulously review the ATF Forms 4473 prior to the transfer of the firearm(s).

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

Report of Violations

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License/Permit/Registry Number <i>(If any)</i> 575439018C00008	Expiration Date 3/1/2018	Date(s) or Period of Inspection 01/01/2015 through 01/04/2016				

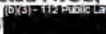
Inspection Results

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

Citation: 27 CFR 478.124(c)(1)

Number: 3

Nature of Violation:

Failure to comply with the requirements of Sec.478.102 and record on the ATF Form 4473 the date on which the licensee contacted NICS, as well as any responses or identification number provided by the system in at least ^{(b)(3) - 112 Public Law}  stances.

Regarding ATF Forms 4473:

(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 currently utilizes a two person ATF Form 4473 review system. In the future, to ensure the completeness and accuracy of the forms, the licensee will meticulously review the ATF Forms 4473 prior to the transfer of the firearm(s).

Report of Violations

Instructions

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License/Permit/Registry Number <i>(If any)</i> 575439018C00008	Expiration Date 3/1/2018	Date(s) or Period of Inspection 01/01/2015 through 01/04/2016				

Inspection Results

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

Number: 4

Nature of Violation:

Failure to sign and/or date the ATF Form 4473 when the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm in at least **(b)(3) - 112 Public Law 55** instances.

Regarding ATF Forms 4473:

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

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee currently utilizes a two person ATF Form 4473 review system. In the future, to ensure the completeness and accuracy of the forms, the licensee will meticulously review the ATF Forms 4473 prior to the transfer of the firearm(s).

Citation: 27 CFR 478.124(c)(5)

Report of Violations

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License/Permit/Registry Number (If any) 575439018C00008	Expiration Date 3/1/2018	Date(s) or Period of Inspection 01/01/2015 through 01/04/2016				

Inspection Results

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

Number: 5

Nature of Violation:

Failure to prepare and timely submit a report of multiple sales or other disposition (ATF Form 3310.4) whenever the licensee sells or otherwise disposes of, two or more pistols, or revolvers, or any combination of pistols or revolvers totaling two or more to an unlicensed person at one time or during any five consecutive business days in at least (b)(3) - 112 Public Law 55 instances.

Regarding ATF Forms 4473:

Date Corrections to be Made: 02/01/2016

(If not corrected immediately)

Corrective Action to be Taken: The licensee will submit ATF Form 3310.4 for three transactions. In the future the licensee will ensure that the ATF Form 3310.4 is submitted by the end of the business day on which the transaction occurs.

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

Report of Violations

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License/Permit/Registry Number (If any) 575439018C00008	Expiration Date 3/1/2018	Date(s) or Period of Inspection 01/01/2015 through 01/04/2016				

Inspection Results

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

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

Citation: 27 CFR 478.126a

Number: 6

Nature of Violation:

Failure to prepare and timely submit a report of multiple sales or other disposition of certain Rifles (ATF Form 3310.12) whenever the licensee sells or otherwise disposes of, two or more certain rifles, to an unlicensed person at one time or during any five consecutive business days in at least one instance.

Regarding ATF Form 4473:

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

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

Date Corrections to be Made: 02/01/2016

(If not corrected immediately)

Corrective Action to be Taken: The licensee will submit ATF Form 3310.12 for this instance. In the future, the licensee will ensure that the ATF Form 3310.12 is submitted per the regulator requirements.

(If not corrected immediately)

Report of Violations

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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: 7

Nature of Violation:

Failure to refrain from selling or otherwise disposing of (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6) firearms to a person, who the licensee knows or has reasonable cause to believe does not reside in the State in which the licensee's place of business is located, and the transfer of those (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6) firearms does not comply with the legal conditions of sale in the State of residence for the person.

Regarding the individual:

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

Citation: 18 USC 922(b)(3)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

In the future, the licensee will refrain from transferring firearms to individuals who are residents of states in which such a transfer is prohibited by that State's laws and/or regulations.

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

Date

Signature and Title of ATF Officer

Date

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

Address: 7441 NE Loop 820
North Richland Hills, Texas 76180, Tarrant County

N 32.83721° W 097.22049°

1 - Introduction

Inspection Profile:

On January 5, 2016, Industry Operations Investigators (IOIs) (b)(6) and (b)(6) commenced the onsite portion of a Southwest Border full scope compliance inspection at the listed business premises for Academy, LTD doing business as January 1, 2015 to January 4, 2016. IOI (b)(6) interviewed Christopher Kuykendall (Store Director). Mr. Kuykendall identified himself with Texas Drivers License (b)(6)

IOI (b)(6) presented her Federal ATF-issued credentials and informed Mr. Kuykendall about the nature, purpose and scope of the inspection.

IOI (b)(6) queried the responsible persons in OpenFox and did not find any prohibiting factors.

IOI (b)(6) queried NFORCE for any open investigations on the premises or the responsible persons; the query did not reveal any open investigations.

Special Instructions were to verify and collect information regarding a NICs check.

Advanced notice was not given for this inspection. On January 8, 2016, Industry Operations Intelligence Specialist (IOIS) (b)(6) assisted with the review of ATF Forms 4473. No other Federal, State, or Local agency participated with the inspection.

Business Profile:

Mr. Kuykendall stated that the business activities consist of sales of new firearms and various other sporting goods. The licensee does not currently offer gunsmith services. The licensee does not make consignment sales and does not offer a layaway program.

The licensee conducts business at a retail storefront located in an urban commercial area of North Richland Hills, Texas. The licensee has maintained a Federal Firearms license (FFL) since February 16, 2000.

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

During the inspection period, the licensee acquired approximately (b)(4) firearms and disposed of approximately (b)(4) firearms. Approximately (b)(4) percent of the firearms transferred are new and are obtained from the licensee's primary supplier which is (b)(4). Approximately (b)(4) percent of firearms transferred are used and are obtained from other FFLs for FFL transfers. The licensee does not currently transfer firearms at gun shows. The licensee does not sell firearms on the Internet; however, the licensee does maintain a website, www.academy.com.

No other businesses are located at the premises. The licensee has multiple business locations and each location holds an ATF Federal Firearms License (FFL).

IOI (b)(6) reviewed the City of North Richland Hills Code of Ordinances and did not identify any restrictions that prohibit the transfer of firearms from the premises.

The licensee does not currently utilize any off-site storage locations.

Ownership and Control:

IOI (b)(6) queried Academy, LTD through the Texas Secretary of State (TXSOS) online database. Academy, LTD is a domestic limited partnership formed on September 3, 1970 and filed under #12960410 with the TXSOS. The TXSOS currently lists the status of Academy, LTD as "In Existence." TXSOS lists Academy Managing Co., LLC. as the sole general partner. IOI (b)(6) queried the Texas Comptroller of Public Accounts online database and verified that the Texas Sales and Use Tax Permit (b)(3) - 26 USC 6103, for Academy, LTD, is currently active. Academy, LTD utilizes (b)(3) - 26 USC 6103.

Mr. Kuykendall is responsible for all decisions in regards to operations, policies, and procedures for the firearms business for this license. IOI (b)(6) did not observe or discover any indications or evidence of hidden ownership. No hidden ownership is suspected.

Mr. Kuykendall is the only responsible person for the license. The Federal Licensing System (FLS) License Registration Report lists Russell Lesikar as an additional responsible person. Mr. Kuykendall stated that Mr. Lesikar no longer works at this store. IOI (b)(6) spoke with Mylinda Jones, Sr. Manager – Compliance, with Academy, LTD regarding (b)(6). Ms. Jones stated that Academy, LTD had notified ATF to remove (b)(6) from the license on April 16, 2015. On February 3, 2016, (b)(6) Compliance Coordinator, sent an email to (b)(6), ATF Legal Instruments Examiner – Corporate Accounts, to ensure that (b)(6) received the information to remove

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

(b)(6) from the license. See **Exhibit #1**. Per the FLS License Registration Report, FLS notes to remove Mr. Lesikar as a responsible person.

Variance:

The permittee currently holds the following ATF approved variances:

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

The licensee is in compliance with the approved variance. The licensee did not request any additional variances at the time of this inspection.

2 - Recommendation

Viols WC with WL and Recall

3 - Inspection History

The Area Office file contains the following inspection history for the previous five years:

Date and Type of Inspection: February 4, 2013 - Southwest Border Compliance Inspection
UI#: 781080-2013-0139-B1B
Inspection Results: No violations cited.
Cited Violations: None

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

IOIs (b)(6) and (b)(6) conducted a full inventory. The A&D Record contained (b)(6) open entries and the licensee had 650 firearms in inventory. Every firearm in the physical inventory was compared to the A & D record and from the A & D record to the firearms with no discrepancies disclosed. The licensee did not submit any theft/loss reports during the inspection period. The licensee did not submit an inventory theft/loss report as a result of this inspection.

The A & D record was found to be in the proper format including all required information on completed entries and entries were found to be made timely in all instances. IOI (b)(6) traced 25 firearms through the licensee's required records from acquisition through disposition and did not discover any discrepancies. IOI (b)(6) did not discover any trafficking issues related to the acquisition and disposition of

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

firearms while reviewing the A&D record. The IOIs did not discover any firearms with obliterated serial numbers or any illegal firearms while conducting the inventory.

Mr. Kuykendall and the other employees of the store are responsible for recording acquisitions and dispositions in the computerized A&D record. The acquisitions are recorded in the A&D record on the day the firearm is received and dispositions are recorded on the day the firearm transaction occurs.

5 - ATF Forms 4473 – NICS & Other Dispositions

The licensee had ^{(b)(3) - 112 Pub} ATF Forms 4473 on file for this inspection period. IOIs (b)(6), and IOIS (b)(6) reviewed all of the forms and seven (7) discrepancies were noted, see **Section 6 – Multiple Sales and Section 13 – Violations**.

Transfers to other licensees were conducted properly and copies of each license were retained. The licensee did not make any sales to law enforcement officers. IOI (b)(6) reviewed the correct procedures to transfer firearms to law enforcement officers with Mr. Kuykendall.

The ATF Forms 4473 were reviewed for commonly recovered crime guns, weapons of choice, and suspicious purchasers. IOI (b)(6) identified one (1) suspicious purchaser during the review, see **Section 7 – Suspicious/Prohibited Purchasers**. No other discrepancies were noted.

No trafficking issues related to purchasers of firearms were identified. The IOIs and IOIS conducted an FFL audit log verification of 977 (916 proceeds, 19 open, 4 delay, 12, cancelled, and 26 denied) NICS transaction numbers and did not identify any discrepancies. The licensee had 26 NICS denials during the inspection period. The licensee applied the proper procedures for filing and maintaining denied transactions.

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

IOI (b)(6) discussed the instance with Store Manager (b)(6), as Mr. Kuykendall was not available. (b)(6) stated that when the licensee finds the eNICs checks were run incorrectly, the licensee initiates a new eNICs check. (b)(6) stated the licensee had contacted FBI NICs and had been instructed cross out the initial NTN and response and to record the

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

secondary NTN and response and to record the initial NTN as “cancelled.” IOI (b)(6) explained to the licensee that whenever NICs gives a response of “cancelled” that the licensee cannot transfer the firearm to the transferee and that a new ATF Form 4473 would need to be completed, as is instructed on the ATF Form 4473. IOI (b)(6) reviewed this information with Mr. Kuykendall during the closing conference. Mr. Kuykendall stated that he understood.

Mr. Kuykendall and the other employees of the store are responsible for insuring the ATF Forms 4473 are completed correctly. The store also has a form review system that consists of: a manager reviews the form prior to the firearm being transferred, the department manager reviews all forms at the end of the day, a senior team lead reviews all forms for the previous week, and the operations manager reviews all of the forms for the previous month. IOI (b)(6) reviewed the ATF Forms 4473 with Mr. Kuykendall as requested, and provided guidance for his specific questions. IOI (b)(6) also encouraged the licensee to reference the instructions for the ATF Forms 4473 for further clarification in the future.

6 – Multiple Sales

The Violent Crime Analysis Branch FFL Master Query reported that the licensee had multiple sales involving firearms for the inspection period. The IOIs and IOIS discovered unreported multiple sales involving handguns and long guns during the inspection period. IOIs (b)(6) and (b)(6) also discovered untimely submitted multiple sales involving handguns during the inspection period. A report of violations was issued for the unreported and untimely submitted multiple sales. See Section 13 – Violations 5 & 6. The licensee submitted reports of multiple sales for the unreported multiple sales on January 21 & 27, 2016. IOI (b)(6) verified that the multiple sales had been received by the National Tracing Center (NTC) on February 5, 2016. See Exhibits #7 & 8.

7 – Suspicious/Prohibited Purchasers

IOI (b)(6) did not identify any traffickers, straw purchasers, or prohibited persons during this inspection period.

IOI (b)(6) queried five (5) individuals in OpenFox and E-Trace who purchased large volumes of firearms. None of the individuals were prohibited and four of the individuals did not have any suspicious purchase history in e-Trace.

IOI (b)(6) identified one (1) individual, (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6)

IOI (b)(6) queried e-Trace and discovered that (b)(6) was

FIREARMS INSPECTION REPORT

Name: Academy, LTD. UI#: 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) FFL#: 5-75-439-01-8C-00008

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

submitted a referral regarding (b)(6), see Section 10 – Referrals.

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

See Section 10 – Referrals.

IOI (b)(6) queried two (2) additional purchasers in OpenFox:

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

No prohibiting factors were discovered. See Section 13 – Violations.

No additional e-Trace checks were conducted as a result of this inspection.

8 – Trace Activity

The Violent Crime Analysis Branch FFL Master Query reported (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6) successful traces for the inspection period. IOI (b)(6) queried 65 firearms through OpenFox which were associated with large volume purchasers. IOI (b)(6) queried three (3) firearms through OpenFox which were purchased by a resident of California. No discrepancies were noted.

9 - NFA/Importer/Collector/Manufacturer

The licensee does not import, collect or manufacture firearms and does not deal in NFA weapons.

10 - Referrals

IOI (b)(6) submitted referral 2016-0035 regarding (b)(6). IOI (b)(6) identified (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6)

See Exhibit #3.

IOI (b)(6) submitted referral 2016-0036 regarding (b)(6)

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

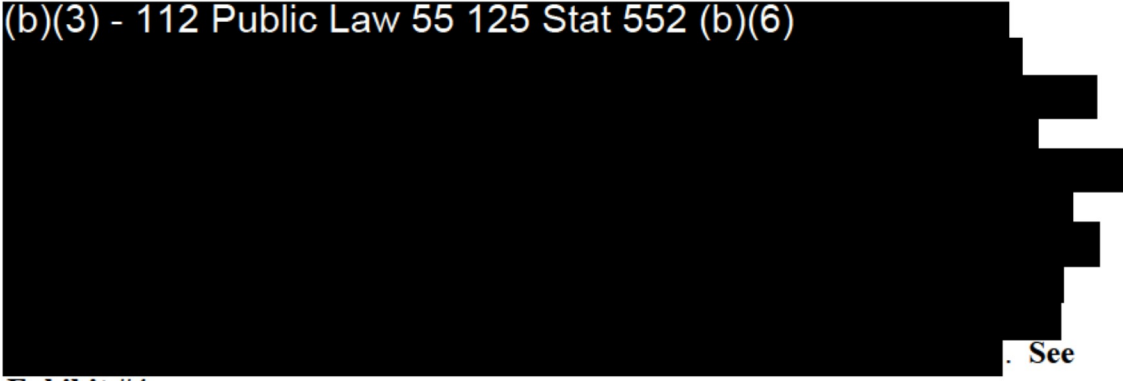


Exhibit #4.

No other referrals were submitted as a result of this inspection.

11 - Other

The licensee is in compliance with the Youth Handgun Safety Act, IOI (b)(6) observed that the poster was posted at the premises and observed that the licensee has pamphlets ready for distribution. The licensee has secure gun storage and/or safety devices on the premises for customers to purchase. Mr. Kuykendall confirmed that a child safety lock is provided when handguns are transferred. The business premises are monitored by a monitored security system and video surveillance system. Firearms are kept in locked display cases and gun safes.

12 - Closing Actions

On January 27, 2016, IOI (b)(6) conducted a closing conference with Mr. Kuykendall and Ms. Mylinda Jones, Sr. Manager – Compliance, Academy, LTD. Please note, Ms. Jones was not physically present, she was on the telephone. IOI Litzman reviewed and discussed the Acknowledgement of Federal Firearms Regulations with Mr. Kuykendall. IOI (b)(6) afforded Mr. Kuykendall the opportunity to ask questions. The Acknowledgement was signed and dated by Mr. Kuykendall. **See Exhibit 5.**

During the closing conference, IOI (b)(6) reviewed the Report of Violations (ROV) with Mr. Kuykendall and Ms. Jones. IOI (b)(6) afforded Mr. Kuykendall and Ms. Jones the opportunity to ask questions. The ROV was signed and dated by Mr. Kuykendall.

The following items were provided to and discussed with the licensee:

- List of Important ATF Telephone Numbers and Addresses
- ATF F-4473 – Firearms Transaction Record

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

- ATF F-3310.4 – Report of Multiple Sale or Other Disposition of Pistols and Revolvers
- ATF F-3310.12 – Report of Multiple Sale or Other Disposition of Certain Rifles
- ATF F-3310.11 – FFL Firearms Inventory Theft/Loss Report
- FBI Flyer – NICS FFL Website
- FBI Flyer – NICS Deny / Delay
- FBI Pamphlet – NICS E-Check
- ATF P-5310.1 – Gun Free School Zone Notice
- ATF P-5300.18 – Nonimmigrant Aliens Purchasing Firearms and Ammunition in the United States
- ATF P-5300.15 – FFL Quick Reference and Best Practices Guide
- ATF P-3317.2 – How to Report a Theft or Loss of Firearms / Safety and Security Information for Federal Firearms Licensees

IOI (b)(6) notified the licensee that the ATF P 5300.4 Federal Firearms Regulation Guide – 2014 Edition was available for download on the ATF website and that a bound printed version could be ordered from the website.

13 - Violations

1. 27 CFR 478.21(a)

Nature of Violation:

Failure to obtain and/or furnish all information required in each ATF Form 4473 as indicated by the headings on the form and the instructions on or pertaining to it in at least (b)(3) - 112 Public Law instances.

Regarding ATF Forms 4473:

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

Licensee Response:

Mr. Kuykendall and Ms. Jones stated that the errors were due to human error and were simply missed during the form review. Mr. Kuykendall and Ms. Jones stated that the employees involved with firearm sales would receive refresher training regarding the ATF Forms 4473.

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

Corrective Action:

The licensee currently utilizes a two person ATF Form 4473 review system. In the future, to ensure the completeness and accuracy of the forms, the licensee will meticulously review the ATF Forms 4473 prior to the transfer of the firearm(s).

Report of Violations #1, Worksheet #2, and Exhibit #6

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

Nature of Violation:

Failure to obtain a properly completed ATF Form 4473, Section A, prior to making an over-the-counter transfer of a firearm to a non-licensee, who is a resident of the State in which the licensee's premises is located on at least (b)(3) - 112 Public Law 55 125 Stat forms.

Regarding ATF Forms 4473:

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



FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

(b)(3) - 112 F

Licensee Response:

Mr. Kuykendall and Ms. Jones stated that the errors were due to human error and were simply missed during the form review. Mr. Kuykendall and Ms. Jones stated that the employees involved with firearm sales would receive refresher training regarding the ATF Forms 4473.

Corrective Action:

The licensee currently utilizes a two person ATF Form 4473 review system. In the future, to ensure the completeness and accuracy of the forms, the licensee will meticulously review the ATF Forms 4473 prior to the transfer of the firearm(s).

Report of Violations #2, Worksheet #2, and Exhibit #6

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

Nature of Violation:

Failure to comply with the requirements of Sec.478.102 and record on the ATF Form 4473 the date on which the licensee contacted NICS, as well as any responses or identification number provided by the system in at least (b)(3) - 112 Public instances.

Regarding ATF Forms 4473:

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

Licensee Response:

Mr. Kuykendall and Ms. Jones stated that the errors were due to human error and were simply missed during the form review. Mr. Kuykendall and Ms. Jones stated that the employees involved with firearm sales would receive refresher training regarding the ATF Forms 4473.

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

Corrective Action:

The licensee currently utilizes a two person ATF Form 4473 review system. In the future, to ensure the completeness and accuracy of the forms, the licensee will meticulously review the ATF Forms 4473 prior to the transfer of the firearm(s).

Report of Violations #2, Worksheet #2, and Exhibit #6

4. **27 CFR 478.124(c)(5)**

Nature of Violation:

Failure to sign and/or date the ATF Form 4473 when the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm in at least (b)(3) - 112 Public Law 55 instances.

Regarding ATF Forms 4473:

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



Licensee Response:

Mr. Kuykendall and Ms. Jones stated that the errors were due to human error and were simply missed during the form review. Mr. Kuykendall and Ms. Jones stated that the employees involved with firearm sales would receive refresher training regarding the ATF Forms 4473.

Corrective Action:

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

The licensee currently utilizes a two person ATF Form 4473 review system. In the future, to ensure the completeness and accuracy of the forms, the licensee will meticulously review the ATF Forms 4473 prior to the transfer of the firearm(s).

Report of Violations #4, Worksheet #2, and Exhibit #6

5. 27 CFR 478.126a

Nature of Violation:

Failure to prepare and timely submit a report of multiple sales or other disposition (ATF Form 3310.4) whenever the licensee sells or otherwise disposes of, two or more pistols, or revolvers, or any combination of pistols or revolvers totaling two or more to an unlicensed person at one time or during any five consecutive business days in at least (b)(3) - 112 Public Law 55 125 instances.

Regarding ATF Forms 4473:

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



FIREARMS INSPECTION REPORT

Name: Academy, LTD. UI#: 781080-2016-0164-B1B
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(b)(3) - 112 Public Law 55 125 Stat 552 (b)(6)

Licensee Response:

Mr. Kuykendall and Ms. Jones stated that the unreported multiple sales were due to human error and were missed during the nightly review of the forms, which is usually when the multiple sales report is completed. Mr. Kuykendall and Ms. Jones stated that the untimely submitted multiple sales were due to the store being busy on Black Friday (November 27, 2015) and that the manager that usually completes and submits the multiple sales reports was not at the store at the time that the multiple sales occurred.

Corrective Action:

The licensee will submit ATF Form 3310.4 for three transactions. In the future the licensee will ensure that the ATF Form 3310.4 is submitted by the end of the business day on which the transaction occurs. The licensee submitted the ATF Forms 3310.4 on January 21 & 27, 2016 to NTC. IOI Litzman verified that NTC received the ATF Forms 3310.4 on February 2, 2016.

Report of Violations #5, Worksheet #2, Exhibits #6 & 7

6. 18 USC 923(g)(5)(A)

Nature of Violation:

Failure to prepare and timely submit a report of multiple sales or other disposition of certain Rifles (ATF Form 3310.12) whenever the licensee sells or otherwise disposes of, two or more certain rifles, to an unlicensed person at one time or during any five consecutive business days in at least (b)(3) - 112 Public instance.

Regarding ATF Form 4473:

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

Licensee Response:

Mr. Kuykendall and Ms. Jones stated that the unreported multiple sales were due to human error and were missed during the nightly review of the forms, which is usually

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

when the multiple sales report is completed.

Corrective Action:

The licensee will submit ATF Form 3310.12 for this instance. In the future, the licensee will ensure that the ATF Form 3310.12 is submitted per the regulator requirements. The licensee submitted ATF Form 3310.12 on January 21, 2016 to NTC. The licensee provided IOI (b)(6) with a copy of the ATF Form 3310.12 and a copy of the fax transmittal confirmation page.

Report of Violations #6, Worksheet #2, Exhibits #6 & 8

7. **27 CFR 478.99(a)**

Nature of Violation:

Failure to refrain from selling or otherwise disposing of (b)(3) - 112 Public Law firearms to a person, who the licensee knows or has reasonable cause to believe does not reside in the State in which the licensee's place of business is located, and the transfer of those (b)(3) - 112 Public Law firearms does not comply with the legal conditions of sale in the State of residence for the person.

Regarding the individual:

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

Licensee Response:

Mr. Kuykendall and Ms. Jones stated that they thought that (b)(3) - 112 Public Law 55 125 had provided the correct documentation to prove he resided in Texas. Mr. Kuykendall stated that he did not realize that the tax receipt was sent to an address in California.

Corrective Action:

In the future, the licensee will refrain from transferring firearms to individuals who are residents of states in which such a transfer is prohibited by that State's laws and/or regulations.

FIREARMS INSPECTION REPORT

Name: Academy, LTD. **UI#:** 781080-2016-0164-B1B
Trade Name: Academy Sports & Outdoors (#76) **FFL#:** 5-75-439-01-8C-00008

Report of Violations #7, Worksheet #2, Exhibit #7, Referral 2016-0036

 Expired certificate
(b)(3) - 112 Public Law 55 125 Stat 552

Industry Operations Investigator
Signed by 

Index of Worksheets and Exhibits

1. Report of Violations
2. Worksheets
3. Exhibit #1: Request to remove responsible person Russell Lesikar
4. Exhibit #2: Variance from December 10, 2012
5. Exhibit #3: Referral of Information 2016-0035 (b)(6)
6. Exhibit #4: Referral of Information 2016-0036 (b)(6)
7. Exhibit #5: Acknowledgement of Federal Firearms Regulations
8. Exhibit #6: ATF Forms 4473

CERTIFIED/RETURN RECEIPT REQUESTED

April 14, 2016

ACADEMY, LTD
ACADEMY SPORTS & OUTDOORS (#76)
7441 NE LOOP 820
Attn: C. Kuyendall
NORTH RICHLAND HILLS, TX 76180
RE: 575439018C00008

Dear Dear Mr. Kuyendall:

During a recent inspection at your firearms business covering the period 01/01/15 to 01/04/16 you were cited for violations of Title 27, Code of Federal Regulations, Part 478. The violations were discussed with you or your designated responsible person during the inspection. A copy of the Report of Violations, ATF F 5030.5, issued at the time of the inspection is enclosed.

You should be aware that any willful violations of the Gun Control Act may result in revocation of your Federal firearms license. As a result of the recently cited violations, it is important that we have a meeting with you to discuss the violations found. The conference will be held on 04/26/16 at 11:00am at ATF/Ft. Worth Area Office, 6000 Western Place, Ste. 400, Ft. Worth, TX 76107. The agenda for the meeting will include a discussion of the reasons for the violations, a review of the legal requirements, and a discussion of steps to be taken by you to ensure future compliance. Although we do not believe it necessary, legal counsel may assist you at your own expense if you so choose. Please bring with you documentation verifying the corrective action you have taken.

ACADEMY, LTD

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 to aid in this effort to combat violent crime.

We will conduct a follow-up inspection in the future. Any violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license.

Please contact (b)(6), Ft. Worth Area Office Supervisor at (b)(6) confirm this appointment and to ask any questions you may have regarding this conference. We look forward to meeting with you to resolve these issues.

Sincerely yours,

(b)(6)
Ft. Worth Area Office Supervisor

Enclosure

c: Federal Firearms Licensing Center
Fort Worth (IO) Field Office

CERTIFIED/RETURN RECEIPT

April 27, 2016

ACADEMY, LTD
ACADEMY SPORTS & OUTDOORS (#76)
7441 NE LOOP 820
ATTN: C. KUYKENDALL
NORTH RICHLAND HILLS, TX 76180
RE: 575439018C00008

Dear Mr. Kuykendall:

This letter is a follow-up to the warning conference held with you or your designated representative on 04/26/16. During this conference, the violation(s) cited during the inspection covering the period 01/01/15 to 01/04/16 and the necessary corrective action to prevent the violation(s) from reoccurring were discussed.

You were given the opportunity to comment on the violation(s) and what specific action you have taken to ensure that the violation(s) will not reoccur. With respect to the violation(s) cited below, we are providing a summary of your response to each violation.

Violation 1-4 ATF Forms 4473 discrepancies - You use the aid of an overlay as well as a "second set of eyes" review systems.

Violation 5&6 - Multiple Sale Forms discrepancies - You advised that you have implemented the procedure that a manager will email the Multiple Sale forms at the close of each business day (when applicable)

Violation 7 - Prohibited Sale - You advised for these particular transactions you have implemented a 4 tier review system.

You stated that you believed these discrepancies resulted from your employees not taking the time to review the ATF Forms 4473 prior to transferring the firearm. You advised that you have a policy in place for the store manager to

review the ATF Forms 4473 before allowing the transferee to leave the business premises with the firearm(s). You also stated that you use a overlay for the ATF Forms 4473. On Violation 7 you stated that the violation occurred due to lack of knowledge.

-2-

ACADEMY, LTD

The violation(s) for which you were cited could adversely impact law enforcement's ability to reduce violent crime and protect the public. You are reminded that future violations, repeat or otherwise, could be viewed as willful and may result in the revocation of your license. You may anticipate further inspections to ensure your compliance.

Please contact us if you have any questions concerning your responsibilities as a licensee or if you require further clarification about particular requirements of Federal firearms laws.

Sincerely yours,

(b)(6)

Ft. Worth Area Office Supervisor

c: Federal Firearms Licensing Center
Fort Worth (IO) Field Office.