

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) FOCAL POINT TECHNOLOGIES 15 Richards Road PLYMOUTH, MA 02360, PLYMOUTH	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 762030-2015-0214-B1B			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 604023077J03048</td> <td style="width: 33%;">4a. TARGET DATE 9/30/2015</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 604023077J03048	4a. TARGET DATE 9/30/2015	4b. TARGET HOURS
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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, 12/31/2014

8. PURPOSE/SPECIAL INSTRUCTIONS  
 Please conduct an FMI inspection

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	3	NO. OF REFERRALS		2111 - PER DIEM	
NO. OF TECS CHECKS	2	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 **(b)(6)** - Industry Operations Investigator  
 Submitted on: 09/10/2015  
  
 Viols WL ONLY and No Recall Inspection

12. TIME ACCOUNTING DATA		
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) <b>(b)(6)</b>		
JUN 2015	10.50	
JUL 2015	8.00	
AUG 2015	8.00	
SEP 2015	8.00	
ATF OFFICER'S SUBTOTAL	34.50	ATF OFFICER'S SIGNATURE
TOTAL HOURS	34.50	

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5. REQUESTED BY (SIGNATURE, TITLE AND DATE)				

### 13. REVIEW AND ROUTING

**REVIEW COMMENTS AND RECOMMENDATION**

Preventative action has been taken and the FFL has been fully educated regarding his responsibilities and it is believed that future compliance can be achieved through a Warning Letter.

DIO concurred with the alternate recommendation on 09/16/2015.

Recommend FLS be updated to reflect that a Warning Letter was issued on 09/17/2015 via Certified Mail #7008 1140 0001 1999 7951.

The last inspection date in FLS should now read 06/15/2015.

PII e-mailed to (b)(6), FFLC and Ken Houchens, DIO, on September 17, 2015.

Viols WL ONLY and No Recall Inspection

REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Acting Area Supervisor	REVIEW DATE 09/13/2015
--	---------------------------

**REVIEW COMMENTS AND RECOMMENDATION**

I agree with the alternate recommendation.

Viols WL ONLY and No Recall Inspection

REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

SIGNATURE AND TITLE KEHOUCHENS - Director, Industry Operations	REVIEW DATE 09/16/2015
---	---------------------------

**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 Focal Point Technologies	Street Address 24 Aldrin Rd.	City Plymouth	State MA	ZIP Code 02360	County Plymouth	Page 1 of 1 Pages
License Permit/Registry Number (if any) 6-04-023-07-7J-03048		Expiration Date October 1, 2017	Date(s) or Period of Inspection June 16, 2014, to June 15, 2015			

**Inspection Results**

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

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (If not corrected immediately)	Date Corrections to be Made (If not corrected immediately)
1	27 CFR 478.52(a)	- CHANGE OF ADDRESS- Licensees may during the term of their current license remove their business or activity to a new location at which they intend regularly to carry on such business or activity by filing an Application for an Amended Federal Firearms License, ATF Form 5300.38, in duplicate, not less than 30 days prior to such removal with the Chief, National Licensing Center.  (Licensee failed to provide ATF 30 day advance notice of a change of address of their business premises.)	Licensee was informed and notified that no firearms business activity could be conducted at the new location prior to the receipt of the amended FFL.	
2	27 CFR 478.123(b)	- RECORDS MAINTAINED BY MANUFACTURERS- A record of firearms disposed of by a manufacturer to another licensee ... shall be maintained by the licensed manufacturer on the licensed premises. For firearms, the record shall show the quantity, type, model, manufacturer, caliber, size or gauge, serial number of the firearms so transferred, the name and license number of the licensee to whom the firearms were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the format prescribed by § 478.122.  (Licensee failed to record a disposition of firearms to another licensee. All firearms were acquired and disposed of in one transaction.)	Dispositions reconciled. Licensee was instructed to immediately record the disposition information.	

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

Signature and Title of ATF Officer: (b)(6) Industry Operations Investigator

Date: June 19, 2015

Date: X 6/22/2015

## 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 Focal Point Technologies	Street Address 24 Aldrin Rd.	City Plymouth	State MA	ZIP Code 02360	County Plymouth	Page <u>2</u> of <u>2</u> Pages
License/Permit/Registry Number (if any) 6-04-023-07-7J-03048	Expiration Date October 1, 2017	Date(s) or Period of Inspection June 16, 2014, to June 15, 2015				

### Inspection Results

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

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (If not corrected immediately)	Date Corrections to be Made (If not corrected immediately)
3	27 CFR 478.58	<p>- STATE OR OTHER LAW-</p> <p>A license issued under this part confers no right or privilege to conduct business or activity contrary to State or other law. The holder of such a license is not by reason of the rights and privileges granted by that license immune from punishment for operating a firearm or ammunition business or activity in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.</p> <p>(Licensee has been conducting firearms business activity in violation of state law as their Massachusetts License to Perform Services as a Gunsmith, #D1000534S, expired on January 13, 2015.)</p>	Licensee informed and instructed to re-apply for the necessary Massachusetts license.	

*[Handwritten Signature]*  
 JUNE 24, 2015

# FIREARMS INSPECTION REPORT

**Name:** Focal Point Technologies  
**Trade Name:**

**UI#:** 762030-2015-0214, B1B  
**FFL#:** 6-04-023-07-7J-03048

**Address:** 15 Richards Road  
Plymouth, MA 02360

## 1 - Introduction

### Inspection Profile:

In accordance with UI 762030-2015-0214, B1B, Industry Operations Investigator (b)(6) began a full firearms manufacturer compliance inspection on Focal Point Technologies' Type 07 Manufacturer of Firearms license on June 15, 2015. The inspection period covered from June 16, 2014, to June 15, 2015. The compliance inspection was conducted in conjunction with the subsequent change of address application, reported under separate UI 762030-2015-0385.

When IOI (b)(6) arrived unannounced at the licensed business premises, which was 24 Aldrin Road, Plymouth, MA, there was no one available at the premises. IOI (b)(6) contacted licensee by telephone and was informed that they were in the process of moving their premises to 15 Richards Road, Plymouth, MA. IOI (b)(6) went to the new business location to meet with responsible person Andrew Thomas. Thomas informed IOI (b)(6) that they were in the process of moving, but still were the tenants of record at the Aldrin Road location until June 30, 2015. IOI (b)(6) instructed Thomas to immediately complete ATF Form 5300.38 (Application for Amended Federal Firearms License) and submit to the Federal Firearms Licensing Center. Licensee was cited for being in violation of 27 CFR 478.52(a), *reference Violation 1, Report of Violations*. IOI (b)(6) informed Thomas of the restriction on conducting any firearms activity from the new business location until the amended FFL was received.

### Business Profile:

Focal Point Technologies is corporation that specializes in laser marking, laser etching, and laser engraving for many different industries, including medical, automotive and defense. Also, they specialize in marking items with a Unique Identification (UID) which is a 2D matrix bar code that contains the marking information which can be machine-read. The firearms business activity is a

(b)(4)

## FIREARMS INSPECTION REPORT

**Name:** Focal Point Technologies  
**Trade Name:**

**UI#:** 762030-2015-0214, B1B  
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The business premises is located within an industrial park setting in suburban Plymouth. In the last 12 months, licensee has acquired and disposed of (b)(4) firearms, all of which were new and shotgun receivers only. Licensee only conducts wholesale transfers and does not conduct any retail transfers. The primary supplier is (b)(4). Licensee does not participate at gun shows in any way. Focal Point does have a website, [www.fptlasers.com](http://www.fptlasers.com), but does not conduct any internet firearms business and does not utilize firearms auction sites. There are no other businesses on the premises and they do not conduct any other businesses.

Licensee does not hold any other ATF license. They did have a MA Gunsmith License (D1000534S), which was expired at the time of inspection. Licensee was cited for being in violation of 27 CFR 478.58, *reference Violation 3, Report of Violations, Exhibit 1*. IOI (b)(6) informed Andrew Thomas that the state license was expired. Thomas was not aware of that and made contact with the Plymouth police Department to renew. The Police Department informed Thomas that there would be a delay because they were busy and because of summer vacation schedules. On July 27, 2015, a new MA Gunsmith license was issued (D1000878S), *Exhibit 1*. On June 19, 2015, IOI (b)(6) spoke with (b)(6) of the Plymouth Building Department. (b)(6) stated that Focal Point Technologies would need to submit a business zoning filing to notify their office of the business activity at the new location. IOI (b)(6) informed Andrew Thomas of this on the same date. (b)(6) also stated that the proposed premises is located in an industrial zone and the business activity that Focal Point Technologies conducts would be allowed by right. The Town of Plymouth issued a Zoning Permit for licensee, *Exhibit 2*. Licensee has held an FFL since August 2008. There is no offsite storage.

### Ownership and Control:

The business is an S Type Corporation, registered in the Commonwealth of Massachusetts (043304193), and in good standing. (b)(6) is the principal owner. Limited minority owners are (b)(6). They are not employees of the company and have not active role in the corporation or the business. They are simply minority owners for estate purposes. Hidden ownership is not suspected and responsible person information within FLS is correct.

### Variance:

Licensee originally applied for a marking variance. They received notification from ATF Firearms Technology Branch that their business activity was covered under ATF Ruling 2009-1 and that a marking variance was not required for their activities, *Exhibit 3*. Licensee does not hold any variances.

# FIREARMS INSPECTION REPORT

**Name:** Focal Point Technologies  
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**UI#:** 762030-2015-0214, B1B  
**FFL#:** 6-04-023-07-7J-03048

## 2 – Recommendation

Alternate Recommendation

Viols WL ONLY and No Recall Inspection

## 3 - Inspection History

**Date of Inspection:** August 18, 2011  
**Type of Inspection:** Recall compliance  
**UI#:** 762030-2011-0086  
**Inspection Results:** No Violations, No Further Action, No Referrals  
**Cited Violations:** None

**Date of Inspection:** July 25, 2008  
**Type of Inspection:** FMI Compliance  
**UI#:** 762030-2008-0341  
**Inspection Results:** DIO (or delegate) Held Warning Conference ILO of Revocation  
**Cited Violations:** 27 CFR 478.123 – Failure by the licensee to create records of firearms acquisitions and dispositions.

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

At the time of inspection, there were zero firearms in inventory. Licensee did not have any orders in and were on hold for any new orders. There were [REDACTED] open acquisitions in the Acquisition Record that were not identified in physical inventory and were not recorded as dispositions. Licensee was cited for being in violation of 27 CFR 478.123(b), for failing to record [REDACTED] dispositions, *reference Violation 2, Report of Violations, Worksheet 1 and Exhibit 4*. The dispositions were reconciled with the corporate records of disposition provided by licensee, *Exhibit 5*. Licensee has not submitted any theft or loss reports during the inspection period or as a result of the inspection. Licensee is keeping separate records of acquisition and disposition in accordance with 27 CFR 478.123(a) (b) and (d). Licensee was not familiar with ATF Ruling 2010-8, to combine the records. The record is in the proper format and the required information is accurate. All other entries besides the one cited were entered timely. Thirty firearms were traced through licensee's records from acquisition to disposition with not discrepancies.

Acquisitions and dispositions are recorded at the time that they occur. Thomas is the sole person in charge of the record keeping requirements. Because licensee is keeping

# FIREARMS INSPECTION REPORT

**Name:** Focal Point Technologies  
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separate acquisition and separate disposition books, there is an environment for licensee to possibly forget to record an entry and it would not be obvious at a later review of the record since they are in separate books. If the records were to be combined as allowed by ATF Ruling 2010-8, one line item entry would be used for both acquisition and disposition. If licensee did not immediately remember to record the entry, it would be an obvious open entry upon their next review of the record and could easily be identified and reconciled, or such a situation would be avoided completely.

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

Licensee does not conduct any retail sales. There were zero ATF Forms 4473 on file for the inspection period. Transfers to other licensees appear to have been conducted properly and licensee does not conduct law enforcement transfers. Prior to the inspection, IOI (b)(6) obtained an FFL audit log for licensee, which contained zero transactions. There were no discrepancies. Dispositions to other licensees are to be recorded immediately, however, as previously discussed, one such sequential disposition was not recorded.

## **6 - Multiple Sales**

Licensee does not conduct retail transfers. There were zero multiple sales reported on the Crime Gun Analysis Branch FFL Master Query and zero multiple sales identified during the inspection.

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

There were zero possible traffickers, straw purchasers or any other suspicious purchasers identified during the inspection. No retail transfers are made by licensee.

## **8 - Trace Activity**

There were zero traces in the last 12 months for licensee and zero unsuccessful traces identified. Secondary market analysis was not conducted as there were no firearms in inventory, licensee does not conduct business with handguns and licensee only handles new firearms.

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

Licensee does not conduct any activity as a collector or importer. Licensee is a Type 07 Manufacturer, however, does not conduct actual manufacture of firearms. IOI (b)(6) discussed the DDTC under the Department of State and informed Thomas that licensee should contact them directly to ascertain if registration is required. Prior to the inspection, IOI (b)(6) confirmed that the licensee is in compliance and current with the

# FIREARMS INSPECTION REPORT

**Name:** Focal Point Technologies  
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**UI#:** 762030-2015-0214, B1B  
**FFL#:** 6-04-023-07-7J-03048

requirement to file the Annual Firearms Manufacturer and Exportation Report. A search of the National Firearms Act database did not produce any results for licensee. Thomas stated that they do not conduct any activity related to NFA firearms.

## 10 - Referrals

No referrals were generated as a result of this inspection.

## 11 - Other

An alternate recommendation for “Viols WL ONLY and No Recall Inspection” is submitted. The failure to record the disposition of [REDACTED] firearms resulted in over 84% of licensee’s firearms acquisitions/dispositions and would typically warrant a Warning Conference. However, due to the nature of the licensee’s business profile, the orders that are received from their customer, Mossberg, are received as one “lot” and in sequential order. Licensee failed to record the disposition of [REDACTED] firearms, but in practice, it was actually one entry that they failed to record. Licensee is keeping separate records of acquisition and disposition in accordance with 27 CFR 478.123(a), (b) and (d). When IOI (b)(6) informed licensee of ATF Ruling 2010-8, Thomas stated that he would modify their records in accordance to what the Ruling allows, in the hopes that this type of discrepancy will be avoided in the future, since there will no longer be two separate records.

Prior to the inspection, IOI (b)(6) contacted Resident Agent in Charge (b)(6) to inquire if there were any pending investigations related to licensee. Dowd replied on June 11, 2015, that the inspection could proceed.

## 12 - Closing Actions

A closing conference was held with licensee at the conclusion of the onsite portion of the inspection on June 15, 2015. Andrew Thomas was present and IOI (b)(6) reviewed the violations that would be cited. IOI (b)(6) reviewed the Acknowledgement of Federal Firearms Regulations with Thomas, who signed the Acknowledgement, *Exhibit*

## 13 - Violations

### 1. 27 CFR 478.52(a)

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

- CHANGE OF ADDRESS-

Licensees may during the term of their current license remove their business or activity to a new location at which they intend regularly to carry on such business or activity by filing an Application for an Amended Federal Firearms License, ATF Form 5300.38, in

## FIREARMS INSPECTION REPORT

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duplicate, not less than 30 days prior to such removal with the Chief, National Licensing Center.

(Licensee failed to provide ATF 30 day advance notice of a change of address of their business premises.)

**Licensee's response:**

Licensee stated that they did not know about this regulation. They still have access to the previous business premises as they are still in the midst of the move so they will immediately file an Application for Amended FFL.

**Corrective action:**

Licensee was informed and notified that no firearms business activity could be conducted at the new location prior to the receipt of the amended FFL.

***Reference Report of Violations***

2. **27 CFR 478.123(b)**

**Nature of Violation:**

- RECORDS MAINTAINED BY MANUFACTURERS-

A record of firearms disposed of by a manufacturer to another licensee ... shall be maintained by the licensed manufacturer on the licensed premises. For firearms, the record shall show the quantity, type, model, manufacturer, caliber, size or gauge, serial number of the firearms so transferred, the name and license number of the licensee to whom the firearms were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the format prescribed by § 478.122.

(Licensee failed to record a disposition of [REDACTED] firearms to another licensee. All [REDACTED] firearms were acquired and disposed of in one transaction.)

**Licensee's response:**

Licensee stated that this was an oversight due to the records of acquisition and disposition being kept in separate books. In light of licensee becoming aware of ATF Ruling 2010-8, licensee stated that they plan to amend their records so that they can have all entries in one single book and each order will be entered as one line item so that they will be able to immediately spot any open entries.

**Corrective action:**

Dispositions reconciled. Licensee was instructed to immediately record the disposition information.

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## *Reference Report of Violations, Worksheet 1, Exhibits 4 and 5*

### 3. **27 CFR 478.58**

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

-- STATE OR OTHER LAW--

A license issued under this part confers no right or privilege to conduct business or activity contrary to State or other law. The holder of such a license is not by reason of the rights and privileges granted by that license immune from punishment for operating a firearm or ammunition business or activity in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

(Licensee has been conducting firearms business activity in violation of state law as their Massachusetts License to Perform Services as a Gunsmith, #D1000534S, expired on January 13, 2015.)

#### **Licensee's response:**

Licensee stated that this was an oversight and that they were not aware that the license was expired. They would reapply immediately.

#### **Corrective action:**

Licensee informed and instructed to re-apply for the necessary Massachusetts license.

## *Reference Report of Violations, Exhibit 1*

X

Industry Operations Investigator

### **Index of Worksheets and Exhibits**

Report of Violations

Worksheet 1 – A&D, Inventory Review

Worksheet 2 – ATF Form 4473 Review, N/A

## FIREARMS INSPECTION REPORT

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**UI#:** 762030-2015-0214, B1B  
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- Exhibit 1 – MA DCJIS License information
- Exhibit 2 – Town of Plymouth Zoning Permit
- Exhibit 3 – ATF Firearms Technology Branch letter
- Exhibit 4 – Acquisition and Disposition Records
- Exhibit 5 – Commercial record verification of disposition
- Exhibit 6 – Acknowledgement of Federal Firearms Regulations



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
10 Causeway Street, Room 791  
Boston, MA 02222

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www.atf.gov

September 15, 2015

762030: (b)(6)  
5300

**WARNING LETTER**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr Andrew Thomas  
Focal Point Technologies  
15 Richards Rd.  
Plymouth, MA 02360

REF: FFL# 6-04-023-07-7J-03048

Dear Mr. Thomas,

During a recent firearms compliance inspection at your business covering the period June 16, 2014, through June 15, 2015, you were cited for a violation of Title 27, Code of Federal Regulations, Part 478. 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 (b)(6) (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 ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area, and we look forward to continuing to work with you in that regard.

**Focal Point Technologies**

REF: FFL# 6-04-023-07-7J-03048

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) Acting Area Supervisor, at (b)(6).

Sincerely,

(b)(6)  
Acting Area Supervisor  
Boston Area Office

Enclosure: Report of Violations

cc: Federal Firearms Licensing Center  
Boston Group V  
Director, Industry Operations, Boston Field Division