

Assignment and Report

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|--|--------|--|------------------------------------|---------------------------------------|
| 1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Schrieber, Dennis L. Burnt Mill Smithing 127 Burnt Mill Rd. Churchville, NY 14428, Monroe | | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 765075-2015-0043-B1B | | |
| | | 3. PERMIT/LICENSE NUMBER 616055016D15238 | 4a. TARGET DATE 2/5/2015 | 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, 11/05/2014 | | | | |
| 8. PURPOSE/SPECIAL INSTRUCTIONS Conduct compliance inspection. | | | | |
| 9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC | | | | |
| NO. OF VIOLATIONS | 11 | NO. OF REFERRALS | 2 | 10. TRAVEL EXPENSES (OPTIONAL) |
| NO. OF TECS CHECKS | 36 | 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: 04/28/2016 Viols WC with WL and Recall | | | | |
| 12. TIME ACCOUNTING DATA | | | | |
| ATF OFFICER'S NAME (MONTH, YEAR, HOURS) | | (b)(6) | | |
| JAN 2015 | 3.00 | | | |
| SEP 2015 | 49.00 | | | |
| OCT 2015 | 43.00 | | | |
| NOV 2015 | 66.00 | | | |
| JAN 2016 | 10.00 | | | |
| MAR 2016 | 80.00 | | | |
| APR 2016 | 2.00 | | | |
| MAY 2016 | 7.50 | | | |
| ATF OFFICER'S SUBTOTAL | 260.50 | ATF OFFICER'S SIGNATURE | | |
| TOTAL HOURS | 260.50 | | | |
| 13. REVIEW AND ROUTING | | | | |
| REVIEW COMMENTS AND RECOMMENDATION DIO concurred with the recommendation a WC, WL and Recall based on the violations cited. Viols WC with WL and Recall | | | | |
| <input checked="" type="checkbox"/> REVIEWED <input checked="" type="checkbox"/> CONCUR <input checked="" type="checkbox"/> SEE COMMENTS <input checked="" type="checkbox"/> FINAL DISPOSITION | | | | |
| SIGNATURE AND TITLE (b)(6) Area Supervisor | | | REVIEW DATE 04/08/2016 | |

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| | | | |

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

DIO concurs with WC based on the extensive violations in the A&D, 4473s, & Multiple Sale areas.

Viols WC with WL and Recall

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☐ FINAL DISPOSITION

SIGNATURE AND TITLE

JACURTIS - Director of Industry Operations

REVIEW DATE

04/19/2016

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

Report of Violations

ROV

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| Name of Proprietor | Street Address | City | State | ZIP Code | County | Page <u>1</u> of <u>10</u> Pages |
| Schrieber, Dennis L. | 127 Burnt Mill Road | Churchville | NY | 14428 | Monroe | |
| License/Permit/Registry Number (if any) | Expiration Date | Date(s) or Period of Inspection | | | | |
| 6-16-055-01-6D-15238 | 4/1/2016 | 9/15/2014 to 9/15/2015 | | | | |

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 478.125(e) | - Failure to locate a firearm and/or disposition information for a firearm listed as present in inventory in the licensee's Acquisition and Disposition Record on <input type="text"/> separate occasions. | - The licensee completed and submitted ATF Form 3310.11, "Federal Firearms Licensee Firearms Inventory Theft/Loss Report", to ATF on October 29, 2015. The licensee also reported the missing firearms to the Monroe County (NY) Sheriff's Department on October 29, 2015. | October 29, 2015 |
| 1 (Cont.) | 27 CFR 478.125(e) | - Failure to record the acquisition of a firearm in the licensee's Acquisition and Disposition Record on approximately <input type="text"/> separate occasions. | - The licensee was advised of the requirement to record the acquisition of a firearm in his Acquisition and Disposition Record not later than the close of the next business day, or within seven days of receipt when a commercial record is maintained as prescribed by 27 CFR 478.125(g). The licensee will immediately record each firearm and the corresponding acquisition information in his Acquisition and Disposition Record. | - Immediately. |

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

 Owner

Date 1/7/16

(b)(6)

INDUSTRY OPERATIONS INVESTIGATOR

Date 1/7/2016

Copy 2 - Inspection Report Copy

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| 1 (Cont.) | 27 CFR 478.125(e) | - Failure to record the Acquisition and Disposition of a transferred firearm in the licensee's Acquisition and Disposition Record on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions. | - The licensee was advised to record the acquisition of a firearm in his Acquisition and Disposition Record not later than the close of the next business day, or within seven days of receipt when a commercial record is maintained as prescribed by 27 CFR 478.125(g). Furthermore, the licensee was advised to record the disposition of a firearm in his Acquisition and Disposition Record within seven days following the date of transaction. The licensee will immediately record the acquisition and disposition of each firearm in his Acquisition and Disposition Record. | - Immediately. |
| 1 (Cont.) | 27 CFR 478.125(e) | - Failure to record complete firearms Acquisition Information ("Manufacturer and/or Importer", "Model", "Serial No.", "Type", "Caliber or Gauge", "Date" received, and "Name and Address or Name and License No." from whom received) in the licensee's Acquisition and Disposition Record on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions. | - The licensee was advised of the requirement to record complete and correct firearms Acquisition Information as prescribed in 27 CFR 478.125(e) in his Acquisition and Disposition Record. | - Immediately. |

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| 1 (Cont.) | 27 CFR 478.125(e) | - Failure to record complete firearms Disposition Information ("Date" of disposition, "Name" of whom the firearm is disposed to, and the "Address or license No. if licensee, or Form 4473 Serial No. if Forms 4473 filed numerically") in the licensee's Acquisition and Disposition Record on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions. | - The licensee was advised of the requirement to record complete firearms Disposition Information as prescribed in 27 CFR 478.125(e) in his Acquisition and Disposition Record. | - Immediately. |
| 1 (Cont.) | 27 CFR 478.125(e) | - Failure to record the disposition of a firearm in the licensee's Acquisition and Disposition Records within seven days following the date of transaction, on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions. | - The licensee was advised of the requirement to record the disposition of a firearm in his Acquisition and Disposition Record within seven days following the date of transaction. The licensee will immediately record the dispositions in his Acquisition and Disposition Record. | - Immediately. |
| 1 (Cont.) | 27 CFR 478.125(e) | - Failure to maintain the licensee's "Gunsmith" Acquisition and Disposition Record in the proper format in accordance with 27 CFR 478.125(e). Specifically, the licensee's "Gunsmith" Acquisition and Disposition Record does not contain the name and address or FFL number to whom a firearm was disposed. Approximately (b)(3) (112 Public Law 55 125 Stat 552) dispositions were recorded during the course of the inspection period (9/15/14 to 9/15/15) that are missing the required information. | - The licensee was advised of the requirement to maintain his "Gunsmith" Acquisition and Disposition Record in accordance with 27 CFR 478.125(e). Specifically, the licensee was advised of the requirement to record the name and address or FFL number to whom a firearm is disposed. | - Immediately. |

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| Name of Proprietor Schrieber, Dennis L. | Street Address 127 Burnt Mill Road | City Churchville | State NY | ZIP Code 14428 | County Monroe | Page 4 of 10 Pages |
| License/Permit/Registry Number (if any) 6-16-055-01-6D-15238 | | Expiration Date 4/1/2016 | Date(s) or Period of Inspection 9/15/2014 to 9/15/2015 | | | |

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| 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) |
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| 2 | 27 CFR 478.124(c)(1) | - Failure to have a transferee provide their complete "Current Residence Address" (Section A - Question 2) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least <input type="text"/> occasion. | - The licensee was advised of the requirement to have a Transferee provide their complete "Current Residence Address" (Section A - Question 2) on an ATF Form 4473. | - No further action required. |
| 2 (Cont.) | 27 CFR 478.124(c)(1) | - Failure to have a transferee provide a response to the question "Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation" (Section A - Question 11c) on an ATF Form 4473 (April 2012 Edition) "Firearms Transaction Record Part I - Over-The-Counter", on at least <input type="text"/> occasion. | - The licensee was advised of the requirement to obtain a response to the question "Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation" (Section A - Question 11c) on an ATF Form 4473. | - No further action required. |
| 2 (Cont.) | 27 CFR 478.124(c)(1) | - Failure to have a transferee provide a response to the question "Have you ever renounced your United States citizenship" (Section A - Question 11j) on an ATF Form 4473 (April 2012 Edition) "Firearms Transaction Record Part I - Over-The-Counter", on at least <input type="text"/> occasion. | - The licensee was advised of the requirement to obtain a response to the question "Have you ever renounced your United States citizenship" (Section A - Question 11j) on an ATF Form 4473. | - No further action required. |

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| 2 (Cont.) | 27 CFR 478.124(c)(1) | - Failure to have a transferee provide a response to the question "Are you an alien admitted to the United States under a nonimmigrant visa" (Section A - Question 11l) on an ATF Form 4473 (April 2012 Edition) "Firearms Transaction Record Part I - Over-The-Counter", on at least <input type="text"/> occasion. | - The licensee was advised of the requirement to obtain a response to the question "Are you an alien admitted to the United States under a nonimmigrant visa" (Section A - Question 11l) on an ATF Form 4473. | - No further action required. |
| 2 (Cont.) | 27 CFR 478.124(c)(1) | - Failure to have a transferee provide a response to the question "What is your State of Residence" (Section A - Question 13) on an ATF Form 4473 (April 2012 Edition) "Firearms Transaction Record Part I - Over-The-Counter", on at least <input type="text"/> occasion. | - The licensee was advised of the requirement to obtain a response to the question "What is your State of Residence" (Section A - Question 13) on an ATF Form 4473. | - No further action required. |
| 2 (Cont.) | 27 CFR 478.124(c)(1) | - Failure to have a Transferee provide, or correctly provide, a response to "Certification Date" (Section A - Question 17) certifying that the "answers to Section A are true, correct, and complete" on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately <input type="text"/> separate occasions. | - The licensee was advised of the requirement to have a Transferee provide, and correctly provide, a "Certification Date" (Section A - Question 17) certifying that the "answers to Section A are true, correct, and complete" on an ATF Form 4473. | - No further action required. |

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| License/Permit/Registry Number (if any) 6-16-055-01-6D-15238 | | Expiration Date 4/1/2016 | Date(s) or Period of Inspection 9/15/2014 to 9/15/2015 | | | |

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| 3 | 27 CFR 478.124(c)(3)(i) | - Failure to obtain and/or record qualifying "Alternate Documentation" (Section B - Question 20b) from the purchaser of a firearm when their government-issued photo identification does not correspond with their current residence address as recorded on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately <input type="text"/> separate occasions. | - The licensee was advised of the requirement to obtain and/or record qualifying "Alternate Documentation" (Section B - Question 20b) from the purchaser of a firearm when their government-issued photo ID does not correspond with their current residence address on an ATF Form 4473. | - No further action required. |
| 4 | 27 CFR 478.124(c)(3)(iv) | - Failure to record the correct date NICS was contacted (Section B - Question 21a) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately <input type="text"/> separate occasions. | - The licensee was advised of the requirement to record the correct date NICS was contacted (Section B - Question 21a) on an ATF Form 4473. | - No further action required. |
| 4 (Cont.) | 27 CFR 478.124(c)(3)(iv) | - Failure to record "The response initially provided by NICS" (Section B - Question 21c) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately <input type="text"/> separate occasions. | - The licensee was advised of the requirement to record "The response initially provided by NICS" (Section B - Question 21c) on an ATF Form 4473. | - No further action required. |
| 4 (Cont.) | 27 CFR 478.124(c)(3)(iv) | - Failure to record a response from NICS after the initial response was Delayed (Section B - Question 21d) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately <input type="text"/> separate occasions. | - The licensee was advised of the requirement to record a response from NICS after the initial response was Delayed (Section B - Question 21d) on an ATF Form 4473. | - No further action required. |

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| 5 | 27 CFR 478.124(c)(4) | - Failure to record, correctly record, or completely record the "Serial Number" (Section D - Question 28) of a firearm on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least <input type="text"/> occasion. | - The licensee was advised of the requirement to record, correctly record, or completely record the "Serial Number" (Section D - Question 28) of a firearm on an ATF Form 4473. | - No further action required. |
| 5 (Cont.) | 27 CFR 478.124(c)(4) | - Failure to record the "Caliber or Gauge" (Section D - Question 30) of a firearm on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least <input type="text"/> occasion. | - The licensee was advised of the requirement to record the "Caliber or Gauge" (Section D - Question 30) of a firearm on an ATF Form 4473. | - No further action required. |
| 6 | 27 CFR 478.124(c)(5) | - Failure to record the "Transferor's/Seller's Signature" (Section D - Question 34) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately <input type="text"/> <input type="checkbox"/> separate occasions. | - The licensee was advised of the requirement to record, correctly record, or completely record the "Transferor's/Seller's Signature" (Section D - Question 34) on an ATF Form 4473. | - No further action required. |
| 6 (Cont.) | 27 CFR 478.124(c)(5) | - Failure to record or correctly record the "Date Transferred" (Section D - Question 36) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately <input type="text"/> <input type="checkbox"/> separate occasions. | - The licensee was advised of the requirement to record or correctly record the "Date Transferred" (Section D - Question 36) on an ATF Form 4473. | - No further action required. |

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| 7 | 27 CFR 478.21(a) | - Failure to retain the entire ATF Form 4473, (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter" as part of the licensee's permanent records on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions. | - The licensee was advised of the requirement to retain the entire ATF Form 4473, including the Notices, General Instructions, and Definition's portion, as part of his permanent records. | - No further action required. |
| 7 (Cont.) | 27 CFR 478.21(a) | - Failure to have a transferee provide a response to the question "Ethnicity" (Section A - Question 10a) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least [] occasion. | - The licensee was advised of the requirement to have a transferee provide a response to the question "Ethnicity" (Section A - Question 10a) on an ATF Form 4473. | - No further action required. |
| 7 (Cont.) | 27 CFR 478.21(a) | - Failure to prohibit the transfer of a firearm after the transferee answered "No" to the question "Are you the actual transferee/buyer of the firearm(s) listed on this form" (Section A - Question 11a) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least [] occasion. | - The licensee was advised of the requirement to prohibit a firearms transaction when a transferee answers "No" to the question "Are you the actual transferee/buyer of the firearm(s) listed on this form (Section A - Question 11a) on an ATF Form 4473. | - No further action required. |
| 7 (Cont.) | 27 CFR 478.21(a) | - Failure to record a response to "Type of firearm(s) to be transferred" (Section B - Question 18) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least [] occasion. | - The licensee was advised of the requirement to record a a response to "Type of firearm(s) to be transferred" (Section B - Question 18) on an ATF Form 4473. | - No further action required. |

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| 7 (Cont.) | 27 CFR 478.21(a) | - Failure to have a Transferee complete, or correctly complete, Section C (Section C - Questions 24 & 25) of ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", where the transfer of a firearm took place on a different day from the date the transferee signed Section A, on approximately [] separate occasions. | - The licensee was advised of the requirement to have a transferee complete, and correctly complete, Section C (Section C - Questions 24 & 25) of ATF Form 4473 where the transfer of a firearm takes place on a different day from the date the transferee signed Section A. | - No further action required. |
| 7 (Cont.) | 27 CFR 478.21(a) | - Failure to record the "Transferor's/Seller's Title" (Section D - Question 35) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately [] separate occasions. | - The licensee was advised of the requirement to record the "Transferor's/Seller's Title" (Section D - Question 35) on an ATF Form 4473. | - No further action required. |
| 8 | 27 CFR 478.124(a) | - Failure to complete an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter" prior to the disposition of a firearm on at least [] occasion. | - The licensee was advised of the requirement to complete an ATF Form 4473 prior to the disposition of a firearm. | - No further action required. |
| 9 | 27 CFR 478.102(a) | - Failure to contact NICS and conduct the required background check prior to the disposition of a firearm on at least [] occasion. | - The licensee was advised of the requirement to contact NICS and conduct a background check prior to the disposition of a firearm. | - No further action required. |

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 | Street Address | City | State | ZIP Code | County | Page <u>10</u> of <u>10</u> Pages |
| Schrieber, Dennis L. | 127 Burnt Mill Road | Churchville | NY | 14428 | Monroe | |
| License/Permit/Registry Number (if any) | Expiration Date | Date(s) or Period of Inspection | | | | |
| 6-16-055-01-6D-15238 | 4/1/2016 | 9/15/2014 to 9/15/2015 | | | | |

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) |
|--------|---------------------|--|--|---|
| 10 | 27 CFR 478.126a | - Failure to complete and submit, correctly complete and submit, or timely complete and submit, an ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers", on approximately <small>(B)(3) (17 Public Law 55 125 904 102)</small> separate occasions. | - The licensee was advised that an ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers" must be completed, correctly completed, and must be submitted not later than close of business on the day the multiple sale or other disposition occurs when two or more handguns are disposed of to an unlicensed individual at one time or during five consecutive business days. The licensee was advised to immediately complete and submit an ATF Form 3310.4 for each unreported or incorrect multiple sale and to submit the forms to ATF and the appropriate state office. | - Immediately. |
| 11 | 27 CFR 478.129(b) | - Failure to retain ATF Forms 4473, "Firearms Transaction Record Part I - Over-The-Counter", where the licensee initiated a NICS check, but the sale, delivery, or transfer was not made, in a separate file in either alphabetical or chronological order. | - The licensee was advised of the requirement to retain all ATF Forms 4473 where the licensee initiates a NICS check, but the sale, delivery, or transfer was not made, in a separate file in either alphabetical or chronological order for a period of not less than five years. | - Immediately. |

FIREARMS INSPECTION REPORT

Name: Schrieber, Dennis L.
Trade Name: Burnt Mill Smithing

UI#: 765075-2015-0043-B1B
FFL#: 6-16-055-01-6D-15238

Address: 127 Burnt Mill Road, Churchville, NY (Monroe County) 14428

1 - Introduction

Inspection Profile:

A federal firearms licensee compliance inspection was initiated by Investigator [REDACTED] of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on Type 01 Federal Firearms Licensee (FFL) Dennis L. Schrieber, d/b/a: "Burnt Mill Smithing" (FFL # 6-16-055-01-6D-15238, Expiration Date: 4/1/2016) of Churchville, NY on September 15, 2015. Dennis Larry Schrieber (NYS DL [REDACTED] (b)(6)), the owner of "Burnt Mill Smithing", was interviewed and assisted with the inspection. The inspection focused on the licensee's inventory, record keeping, premises security, and the licensee's understanding of firearms laws and regulations. The period of inspection was September 15, 2014 to September 15, 2015. The inspection was conducted unannounced.

Business Profile:

Dennis L. Schrieber maintains a Type 01 "Dealer in Firearms Other Than Destructive Devices" federal firearms license with ATF. The licensee operates as a sole proprietor under the d/b/a "Burnt Mill Smithing". Confirmation of the licensee's d/b/a was made via the Monroe County Clerk Online Office system. A copy of the confirmation is attached to this inspection report. The licensee operates from a small building on the grounds of his personal residence in rural Churchville, NY that includes a retail show room open to the general public. The licensee deals in new and used handguns and long guns and also offers gunsmithing services. When the inspection commenced, the licensee estimated that he acquired and disposed of approximately [REDACTED] (b)(4) firearms a year. A review the licensee's required records revealed that the licensee actually acquired approximately [REDACTED] (b)(4) firearms and disposed of [REDACTED] (b)(4) firearms during the course of the inspection period (9/15/14 – 9/15/15). The licensee estimates that approximately [REDACTED] (b)(4) off his overall acquisitions and dispositions involve used firearms. A review of the licensee's records confirmed this estimate. (Reference: Exhibit # 1)

FFL Dennis L. Schrieber is not a wholesaler. The licensee's firearms activity is limited to retail sales and transfers.

[REDACTED] (b)(4)

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FFL Dennis L. Schrieber does dispose of firearms via the internet, primarily through the website gunbroker.com. The licensee estimates that he disposes of approximately (b)(4) firearms a year via the internet. In addition to the licensee's internet sales activity, the licensee also regularly conducts transfers on behalf of his customers for firearms acquired via the internet.

FFL Dennis L. Schrieber stated that he does not operate any additional businesses from the licensed premises or any other location.

The licensee does not maintain any additional licenses with ATF.

FFL Dennis L. Schrieber maintains a New York State Dealer in Firearms License (License # 11, Expiration Date: 1/31/2016, Issued In: Monroe County) required of all firearms licensees who dispose of handguns in New York State. Additionally, the licensee maintains a New York State Gunsmith License (License # 12, Expiration Date: 1/31/2016, Issued In: Monroe County) required of all firearms licensees who conduct gunsmith work on handguns in New York State. FFL Dennis L. Schrieber does not maintain an IRS issued Employer Identification Number and is not required to do so since he operates as a sole proprietor and files all tax returns utilizing his Social Security Number (b)(6). (b)(6) The licensee does maintain a New York State Tax Certificate of Authority (NYS C.O.A. # (b)(3)(26 USC § 6103), (b)(6)) authorizing the collection of sales tax in New York State.

FFL Dennis L. Schrieber is in compliance with local zoning requirements. Although the licensee's mailing address is in Churchville, NY, the licensee's actual physical premises is located in the Town of Riga, NY. On January 12, 2016, IOI (b)(6) spoke with Town of Riga Code Enforcement Officer (b)(6). (b)(6) (b)(6) stated that although the towns zoning laws have changed in recent years, the licensee is considered a "preexisting nonconforming home occupation", therefore the licensee has been "grandfathered" in and his activity is in compliance with local zoning law.

FFL Dennis L. Schrieber has maintained a Federal Firearms License with ATF since 1989.

FFL Dennis L. Schrieber does not maintain any off-site storage of firearms. The licensee was advised that should he begin to maintain any off-site storage of firearms that he would need to make the off-site storage location available for inspection.

FFL Dennis L. Schrieber does not dispose of firearms at gun shows.

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Ownership and Control:

FFL Dennis L. Schrieber operates "Burnt Mill Smithing" as a sole proprietor. Dennis J. Schrieber is the only responsible person on the license. Dennis L. Schrieber was run through NCIC on the date this inspection report was submitted in order to determine if he was prohibited from legally possessing a firearm. No prohibiting information was discovered. No additional responsible persons were identified during the course of this inspection. (Reference: Exhibit # 2)

The licensee has not made any unreported changes to his Federal Firearms License.

No evidence of hidden ownership was discovered during the course of this inspection.

Variance:

The licensee does not maintain any variances with ATF.

The licensee did not request any variances during the course of this inspection.

2 - Recommendation

Eleven (11) Violations cited. Warning Conference with Warning Letter and Recall Inspection.

3 - Inspection History

Two previous inspection reports were located in the Area Office file for FFL Dennis L. Schrieber. The results of the previous two inspections are as follows:

| | |
|----------------------------|--|
| Date of Inspection: | October 27, 2009 |
| Type of Inspection: | Firearms Compliance Inspection |
| UI#: | 765075-2010-0043-B1B |
| Inspection Results: | A recommendation of "No Violations, No Further Action, No Referrals" was made. |
| Cited Violations: | No violations were cited as a result of the inspection conducted. |
| Date of Inspection: | April 28, 2003 |
| Type of Inspection: | Firearms Compliance Inspection |
| UI#: | 765075-2003-0251-B1B |
| Inspection Results: | A recommendation of "No Further Action" was made. |

FIREARMS INSPECTION REPORT

Name: Schrieber, Dennis L.
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Cited Violations: No violations were cited as a result of the inspection conducted.

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

FFL Dennis L. Schrieber had (b)(4) firearms, (b)(4) long guns and (b)(4) handguns, in inventory and available for sale at the time of inspection. Additionally, the licensee had (b)(4) firearms, (b)(4) long guns and (b)(4) handguns, in his gunsmith/repair inventory. In total, the licensee had 280 firearms in inventory at the time of inspection. The licensee had () open entries in his Acquisition and Disposition Record. A complete examination of the licensee's firearms inventory was conducted by Investigator (b)(6). Twenty inventory and record keeping discrepancies were discovered and () violation was cited as a result of the inventory conducted:

27 CFR 478.125(e)

- Failure to locate a firearm and/or disposition information for a firearms listed as present in inventory – (b)(3) (12 Public Law 55 125 Stat 552) occasions.
- Failure to record the acquisition of a firearm – (b)(3) (12 Public Law 55 125 Stat 552) occasions.
- Failure to record the disposition of a firearm – (b)(3) (12 Public Law 55 125 Stat 552) occasions.

FFL Dennis L. Schrieber was unable to explain the numerous inventory and record keeping errors discovered. On October 29, 2015, FFL Dennis L. Schrieber reported the () missing firearms to ATF and the Monroe County Sherriff's Department as missing inventory. A copy of the ATF Form 3310.11, "Federal Firearms Licensee Firearms Inventory Theft/Loss Report" submitted by the licensee is attached to this inspection report. Additionally, (b)(3) (12 Pub. L. 55 125 Stat 552) - per ATF () missing firearms was run through NCIC and eTrace in order to determine if the firearms have been involved in a crime. Only () gun was queried because the other firearm reported did not have a serial number. No positive NCIC or eTrace hits were discovered. After the firearms were reported missing by the licensee, and throughout the completion of the on-site inspection, FFL Dennis L. Schrieber insisted that the firearms were not lost, stolen, or missing, the licensee stated that the firearms were "here somewhere" and that he just can't locate them. The licensee was provided more than three weeks to locate the firearms in his inventory or on a corresponding disposition document and was unable to do so. Investigator (b)(6) advised the licensee repeatedly that if the firearms cannot be located, they must be reported to ATF and the local police department as missing inventory and should the licensee locate the firearms, he should contact both ATF and his local police department in order to update their records. Additionally, the licensee was reminded of the importance of conducting at least one complete annual inventory and was advised of the requirement to accurately account for all firearms, from acquisition to disposition, and of the requirement to completely and accurately maintain his Acquisition and Disposition Record. (Reference: ATF Form 5030.5 "Report of Violations" – Violation

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1, Worksheet – Inventory and A&D Review, Exhibit # 3, Exhibit # 4, Exhibit # 5, and Exhibit # 6)

There were no thefts or losses reported by the licensee during the course of the inspection period (9/15/14 – 9/15/15). Prior to this inspection, FFL Dennis L. Schrieber has never reported the theft or loss of firearm. During the course of this inspection, FFL Dennis L. Schrieber was reminded of the requirement to report any thefts or losses to ATF and his local police department within 48 hours of discovery. (Reference: Exhibit # 6)

FFL Dennis L. Schrieber disposed of [redacted] firearms in the twelve months preceding the inspections start date. Therefore [redacted] firearms, approximately 10% of the licensee's dispositions, were traced from their record of acquisition to their record of disposition, and from record of disposition to record of acquisition, in order to determine the accuracy of the licensee's records. While tracing the licensee's firearms dispositions to ensure the accuracy of the licensee's required records, the licensee's Acquisition and Disposition Records were also reviewed to ensure accuracy, completeness, and that the records contained the required information as prescribed in 27 CFR 478.125(e). As a result of the records review conducted, 469 record keeping errors were discovered and one (1) violation was cited:

27 CFR 478.125(e)

- Failure to record the acquisition and disposition of a firearm – [redacted] occasions.
- Failure to record complete firearms acquisition information – [redacted] occasions.
- Failure to record complete firearms disposition information – [redacted] occasions.
- Failure to maintain "Gunsmith" acquisition and disposition records in the required format. Specifically, the licensee failed to the record name and address or FFL number to whom disposed – [redacted] separate occasions.

As evidenced by the numerous errors discovered and violation cited, FFL Dennis L. Schrieber was not maintaining his Acquisition and Disposition Records in the proper format as required by 27 CFR 478.125(e). FFL Dennis L. Schrieber stated that the [redacted] firearms where no acquisition and disposition information was recorded were transfers conducted as part of the NY SAFE Act requirement where all private transfers must go through a dealer. The licensee stated that he was not aware he was required to record the transactions in his records. Investigator [redacted] advised the licensee that these transaction must be recorded in his Acquisition and Disposition Records and instructed him on how to facilitate the transactions per ATF Procedure 2013-1. FFL Dennis L. Schrieber was unable to explain his failure to record complete firearms acquisition and

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disposition information. Regarding the licensee's "gunsmith" Acquisition and Disposition record, the record was not being maintained in accordance with 27 CFR 478.125(e). The record was missing an entry for the name and address or FFL number to whom disposed. FFL Dennis L. Schrieber stated that he designed the record, had it copyrighted, and then professionally printed. FFL Dennis L. Schrieber stated that he thought it was in the correct format. Investigator (b)(6) pointed out that only recording "Date Delivered" for the disposition information was not sufficient and that 27 CFR 478.125(e) also requires he record the name and address or name and FFL number to whom the firearm was disposed. Copies of the licensee's Acquisition and Disposition Record were obtained during the course of this inspection in order to document each inventory and record keeping discrepancy. The copies are attached to this inspection report. (Reference: ATF Form 5030.5 "Report of Violations" – Violation # 1, Worksheet – Inventory and A&D Review, Exhibit # 5, Exhibit # 6, and Exhibit # 7)

FFL Dennis L. Schrieber was interviewed regarding his standard operating procedures as they pertain to his inventory and Acquisition and Disposition Records.

As previously stated, at the time of inspection the licensee was maintaining an inventory of approximately 280 firearms. According to the licensee, the number of firearms in inventory has a tendency to fluctuate based on the time of year, public demand for firearms, and the demand for his gunsmithing services. During the initial stages of the inspection, the licensee was asked if he conducts regular firearms inventories. The licensee stated that he conducts an inventory approximately every two months. After numerous record keeping and inventory discrepancies were discovered, the licensee stated that the inventory conducted every two months was more of a cursory review of his records and not an actual physical inventory of firearms on hand. Investigator (b)(6) recommended the licensee conduct at least one annual physical inventory of firearms on hand in comparison to his Acquisition and Disposition Records in order to ensure that firearms on hand are accurately accounted for in his required records. Additionally, the acquisition and disposition record keeping requirements were thoroughly reviewed with the licensee and the licensee was advised of the requirement to maintain all required records, to timely record entries, and to maintain the required records in the format prescribed.

FFL Dennis L. Schrieber has one employee, but according to the licensee, the sole employee only repairs firearms and is not involved in selling firearms or maintaining any of the records. According to FFL Dennis L. Schrieber, he is personally responsible for all firearms record keeping. Mr. Schrieber stated that firearms acquisitions and dispositions are typically entered into his records within 24 hours, but the entries are typically made after hours since the licensee is often the only person in the shop to assist customers. Due to the numerous acquisition and disposition record entries discovered during the course of this inspection, Investigator (b)(6) suggested that

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since making a single entry does not take an excessive amount of time the licensee should begin recording entries in his Acquisition and Disposition Record immediately upon receipt and disposition.

FFL Dennis L. Schrieber stated that he will occasionally accept the return of a firearm he sold. In these situations, the licensee stated that he is aware that the firearm must be recorded as a new entry in his Acquisition and Disposition Records.

(b)(4)
(b)(4). The licensee stated that when purchasing used firearms from individuals, he requires valid government issued photo identification and obtains verbal confirmation from the transferor that the firearms being sold belong to them. According to the licensee, the local jurisdiction does not require a licensee to report any used firearm information.

FFL Dennis L. Schrieber stated that he does not sell firearms on lay-away.

FFL Dennis L. Schrieber does accept firearms for consignment sale. The licensee is aware of the requirement that when returning a firearm received on consignment to its original owner that they must complete an ATF Form 4473 and pass a NICS check before the firearm can be returned. The licensee was not properly recording the return of firearms received on consignment in his acquisition and disposition records. When returning firearms received on consignment to their original owner, the licensee was recording the date returned and "Returned to Owner". The licensee was advised of the requirement to record the transferee's full name and residence address when returning firearms received on consignment to their original owner.

FFL Dennis L. Schrieber has used his federal firearms license to obtain firearms for his own personal collection. The licensee is not documenting these transfers properly in his Acquisition and Disposition Record. Instead of recording the date transferred and the licensee's name and address, the licensee records "Self" using pencil instead of ink. The licensee was advised to record the disposition in ink, to record the date transferred, and to record his complete name and residence address. The licensee was further advised that should he decide to return the firearm to his inventory, that it should be recorded as a new entry on the date returned to inventory and to record his personal identifying information for whom the firearm was received from.

5 - ATF Forms 4473 – NICS & Other Dispositions

FFL Dennis L. Schrieber had [] ATF Forms 4473 on file for the inspection period. A full review of the licensee's file of ATF Forms 4473 was conducted, [] total errors were discovered and [] violations were cited as a result of the review. The violations cited as a result of the review are as follows:

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27 CFR 478.124(c)(1)

- Failure to obtain a transferee's complete "Current Residence Address" — (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to obtain a response to the question "Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation" — (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to obtain a response to the question "Have you ever renounced your United State Citizenship" — (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to obtain a response to the question "Are you an alien admitted to the United States under a nonimmigrant visa" — (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to obtain a response to the question "What is your State of Residence" - - (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to obtain, or correctly obtain, a response to the question "Certification Date" certifying that the "answers to Section A are true, correct, and complete" — (b)(3) (112 Public Law 55 125 Stat 552) occasions.

27 CFR 478.21(a)

- Failure to obtain a response to the question "Ethnicity" — (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to have a transferee fully complete or correctly complete Section C where the transfer of a firearm took place on a different date from the date the transferee signed Section A — (b)(3) (112 Public Law 55 125 Stat 552) occasions.

In addition to the violations cited for failing to obtain information required of a transferee on an ATF Form 4473, FFL Dennis L. Schrieber regularly failed to record, completely record, or correctly record information on an ATF Form 4473 required of the transferor. Furthermore, the licensee also failed to follow directions on the ATF Form 4473 in accordance with the regulations. The violations cited as a result of the review are as follows:

27 CFR 478.124(c)(3)(i)

- Failure to obtain and or record qualifying "Alternate Documentation" when a transferee's government issued identification does not correspond with their current residence address as recorded — (b)(3) (112 Public Law 55 125 Stat 552) occasions.

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

- Failure to record the correct date NICS was contacted — (b)(3) (112 Public Law 55 125 Stat 552) occasions.
- Failure to record "The response initially provided by NICS" — (b)(3) (112 Public Law 55 125 Stat 552) occasions.
- Failure to record a response from NICS after the initial response was Delayed — (b)(3) (112 Public Law 55 125 Stat 552) occasions.

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27 CFR 478.124(c)(4)

- Failure to record, correctly record, or completely record the “Serial Number” of a firearm – (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to record the “Caliber or Gauge” of a firearm – (b)(3) (112 Public Law 55 125 Stat 552) occasion.

27 CFR 478.124(c)(5)

- Failure to record the “Transferor’s/Seller’s Signature” – (b)(3) (112 Public Law 55 125 Stat 552) occasions.
- Failure to record or correctly record the “Date Transferred” – (b)(3) (112 Public Law 55 125 Stat 552) occasions.

27 CFR 478.21(a)

- Failure to retain the entire ATF Form 4473 as part of the licensee’s permanent records – (b)(3) (112 Public Law 55 125 Stat 552) occasions.
- Failure to prohibit the transfer of a firearm after the transferee answered “No” to the question “Are you the actual transferee/buyer of the firearm(s) listed on this form” – (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to record a response to “Type of firearm(s) to be transferred” – (b)(3) (112 Public Law 55 125 Stat 552) occasion.
- Failure to record the “Transferor’s/Seller’s Title” – (b)(3) (112 Public Law 55 125 Stat 552) occasions.

27 CFR 478.126a

- Failure to complete and submit, correctly complete and submit, or timely compliance and submit ATF Form 3310.4 “Report of Multiple Sale or Other Disposition of Pistol and Revolvers” – (b)(3) (112 Public Law 55 125 Stat 552) occasions.

For each ATF Form 4473 where the licensee failed to prohibit a transfer, failed to obtain a response to Section A – Questions 11b through 11l, or failed to record a final response from NICS, the transferee was run through NCIC in order to determine if any of the transferee’s were prohibited from legally possessing a firearm. No prohibiting information was discovered. (Reference: Exhibit # 7 and Exhibit # 10)

While cross referencing the licensee’s Acquisition and Disposition Records, Investigator (b)(6) discovered a disposition where the licensee transferred an NEF (b)(6) to a customer and on the disposition side he recorded “(b)(6) (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF”. When asked if he completed an ATF Form 4473 and conducted a NICS check for the transaction the licensee stated “of course I did”, but after several days could not produce the ATF Form 4473. After several days, the licensee ultimately admitted that he did not complete an ATF Form 4473 or conduct a NICS check for the transaction. Therefore the licensee was cited with the following violations:

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27 CFR 478.124(a)

- Failure to complete an ATF Form 4473 prior to the disposition of a firearm – (b)(3) (112 Pub. L. 55 125 Stat 552) occasion.

27 CFR 478.102(a)

- Failure to contact NICS and conduct the required background check prior to the disposition of a firearm – (b)(3) (112 Pub. L. 55 125 Stat 552) occasion.

Investigator (b)(6) was able to obtain identifying information for the transferee from the licensee's file of ATF Forms 4473 and conducted NCIC and eTrace queries on the transferee and the firearm transferred in order to ensure that the transferee was not prohibited and that the firearm has not been traced. No positive NCIC or eTrace hits were discovered. During the course of the closing conference and the review of the Report of Violations, the licensee tried to argue with Investigator (b)(6) that the gun at some point had been sent back to the factory and was converted to a muzzle loader only, but the licensee could not provide any proof. Investigator (b)(6) advised the licensee that although the firearm was sold as a "(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF" ATF has determined that a NEF (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF is classified as a firearm for purposes of the Gun Control Act and therefore an ATF Form 4473 and NICS background check is required prior to its disposition regardless of its configuration at the time of transaction. (Reference: ATF Form 5030.5 "Report of Violations" – Violation # 8, Violation # 9, Exhibit # 5 and Exhibit # 8)

Of the remaining violations cited, FFL Dennis L. Schrieber was only able to explain that the violation cited for failing to retain the entire ATF Form 4473 as part of the licensee's permanent records on (b)(3) occasions was the result of him removing the instructions on the ATF Form 4473 in order to save space in his files. The licensee was unable to explain the additional numerous errors discovered as a result of the ATF Form 4473 review conducted. The licensee was advised of the requirement to accurately and completely execute the ATF Form 4473 prior to each firearms transaction and was also advised of the requirement to retain the ATF Form 4473 in its entirety as part of his permanent records. Copies of each ATF Form 4473 with an error were obtained during the course of this inspection and are attached to this inspection report. (Reference: ATF Form 5030.5 "Report of Violations" – Violation # 2, Violation # 3, Violation # 4, Violation # 5, Violation # 6, Violation # 7, Violation # 8, Violation # 9, Violation # 10, Worksheet – ATF Form 4473 Review, Exhibit # 6 and Exhibit # 7)

FFL Dennis L. Schrieber regularly transfers firearms to other federal firearms licensees. The licensee is obtaining certified copies of Federal Firearms Licenses prior to transferring a firearm.

FFL Dennis L. Schrieber has never conducted a sale to a law enforcement officer of a firearm that was intended for official duty use. The licensee was advised of the

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requirement to obtain certification on agency letterhead, signed by a person in authority within the agency, stating that the officer will use the firearm in official duties and that a background check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence prior to disposing of a firearm to a law enforcement officer for official use. Additionally, the licensee was advised of the requirement to record the firearms disposition in his Acquisition and Disposition Record and to maintain the letter on file with his ATF Forms 4473. (Reference: Exhibit # 6)

A review of NICS transaction numbers was conducted during the course of this inspection. Before the inspection commenced on September 15, 2015, Investigator [REDACTED] requested and received an FFL NICS Audit Log from the FBI. The NICS Audit log provided information on every NICS check conducted by the licensee for the 60 days prior to September 1, 2015, as well as each "Denied" response received by the licensee since September 27, 2009. In the 60 days prior to September 1, 2015, the licensee conducted approximately 29 NICS checks, 28 of which resulted in "Proceed" responses and one "Denied" response. Each of the 29 NICS checks conducted by the licensee in the 60 days prior to the inspection was matched with the licensee's file of ATF Forms 4473. No discrepancies were discovered. According to the NICS Audit log received, the licensee has had a total of four "Denied" responses from NICS in the twelve months preceding the inspection start date. While attempting to locate the four "Denied" ATF Forms 4473, Investigator [REDACTED] discovered that the licensee was not maintaining a separate file of "Denied" and "non-sale" ATF Forms 4473. Instead, the licensee was mixing the forms in with his file of completed transaction ATF Forms 4473. As a result, the licensee was cited with the following violation:

27 CFR 478.129(b)

- Failure to retain ATF Forms 4473 where the licensee initiated a NICS check, but the sale, delivery, or transfer was not made in a separate file in either alphabetical or chronological order. [REDACTED] denied ATF Forms 4473 were on file for the inspection period.)

The licensee was advised of the requirement to maintain his file of ATF Forms 4473 for a period of not less than twenty years and to maintain a separate file of "Denials" and "non-sales" for a period of not less than five years. FFL Dennis L. Schrieber stated that he was aware of the requirement and showed Investigator [REDACTED] several prior years of "Denied" ATF Forms 4473 that were being maintained in a separate file. When asked why he failed to continue to maintain the file, the licensee was unable to explain why other than it was just an "oversight" on his part. (ATF Form 5030.5 "Report of Violations" – Violation # 11, Worksheet – ATF Form 4473 Review, Exhibit # 6 and Exhibit # 9)

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FFL Dennis L. Schrieber was interviewed throughout the inspection in regard to his standard operating procedures as they pertain to his ATF Forms 4473, NICS checks, and other dispositions.

All ATF Forms 4473 are executed by the transferee and FFL Dennis L. Schrieber. According to Mr. Schrieber, after the transferee completes Section A of ATF Form 4473, the licensee verifies their identity by obtaining a valid government issued photo identification, usually a driver's license, and then he uses FBI NICS E-Check system to conduct a background check. The licensee stated that once NICS provides him with a "Proceed" response, or in situations where a "Delay" response is received and three business days have elapsed, he completes the rest of the ATF Form 4473 and concludes the transaction. FFL Dennis L. Schrieber was asked if anyone double checks the ATF Form 4473 for accuracy and completeness prior to a transfer. The licensee stated that since he is typically in the shop alone there is not anyone else available to review the form. Due to the numerous ATF Form 4473 errors discovered during the course of this inspection, Investigator (b)(6) suggested that for each transaction, in order to reduce and minimize the number of errors on the ATF Form 4473, the licensee review the ATF Form 4473 prior to contacting NICS to ensure that all information required is complete and accurate, then contact NICS and conduct the required background check, and then just prior to transferring the firearm, review the ATF 4473 in its entirety for a second time in order to ensure the form was completed accurately and correctly. FFL Dennis L. Schrieber stated that he maintains an internal invoice on his computer for each firearms transaction for his own business records and for sales tax purposes. The licensee does have the ability to cross reference these invoices to ensure the accuracy of his required records.

6 - Multiple Sales

FFL Dennis L. Schrieber reported [] multiple sale transactions, involving [] handguns, for the period of September 15, 2014 to September 15, 2015. While reviewing the licensee's file of ATF Forms 4473 during the course of the inspection, it was discovered that the licensee failed to complete and submit, failed to correctly complete and submit, or failed to timely complete and submit an ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers", on [] separate occasions. The [] unreported, incorrectly reported, or untimely reported multiple sales transactions involved a total of [] firearms. As a result the licensee was cited with the following violation:

27 CFR 478.126a

- Failure to complete and submit, correctly complete and submit, or timely complete and submit an ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers" — (b)(3) (112 Public Law 55 126 Stat 662) occasions.

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When Investigator [REDACTED] asked FFL Dennis L. Schrieber why he wasn't completing and submitting ATF Forms 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers" as required, the licensee stated that the majority of unsubmitted, incorrect, and untimely submissions were an "oversight". The licensee further stated that several of the forms were not submitted because he did not realize that five business days meant days he was open, he assumed it meant business days during the week (i.e. Monday – Friday). During the course of the closing conference, the licensee tried to argue with Investigator [REDACTED] that he has posted business hours with his credit card processor from 10:00AM to 10:01AM on days that the shop is not physically open so that he can receive a reduced rate on his credit card processing fees. The licensee stated that since he has posted business hours with his credit card processor on those days, he is technically open and that ATF should accept those days as legitimate business days. Investigator [REDACTED] advised the licensee that since the posted business hours have not been reported to ATF, and since he is not physically at the shop, open and available for inspection, that his posted hours with his credit card processor are not business hours for the purpose of completing an ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers". Investigator [REDACTED] advised FFL Dennis L. Schrieber that an ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers" must be completed every time two or more handguns are disposed of to an unlicensed individual at one time or during five consecutive business days (days his shop is actually open). The licensee was further advised that the report must be completed correctly, in its entirety, and is required to be submitted to ATF and the designated local law enforcement agency not later than close of business on the day the multiple sale or other disposition occurs. The licensee was instructed to immediately complete an ATF Form 3310.4 "Report of Multiple Sale or Other Disposition of Pistols and Revolvers" for each unreported multiple sale and submit to ATF and the appropriate state agency. Additionally, Investigator [REDACTED] offered FFL Dennis L. Schrieber several suggestions in order to ensure that ATF Forms 3310.4 are completed and timely submitted as required. The suggestions offered to FFL Dennis L. Schrieber included maintaining a log by his register to record all handgun transactions by name and date, and/or asking each transferee if they have purchased a handgun from the store within the last 30 days in order to identify situations where an ATF Form 3310.4 would be required to be completed and submitted. Photocopies of the ATF Forms 4473 where the licensee failed to submit, timely submit, or correctly submit an ATF Form 3310.4 were obtained and are attached to this inspection report. (Reference: ATF Form 5030.5 "Report of Violations" – Violation # 10, Worksheet – ATF Form 4473 Review, Exhibit # 6 and Exhibit # 7)

7 - Suspicious/Prohibited Purchasers

While reviewing the licensee's file of ATF Forms 4473 for the inspection period, [REDACTED] transferees, and the corresponding [REDACTED] firearms transferred, were identified and run through NCIC and eTrace to determine if any of the transferees were prohibited or if the

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firearms transferred have been associated with a crime, due to incomplete/incorrect responses to questions on ATF Forms 4473. No prohibiting information or positive hits were discovered where a firearm was transferred. No further action required.
(Reference: Exhibit # 10)

8 - Trace Activity

A firearms trace history request was submitted to the Violent Crime Analysis Branch for the period of October 27, 2009 to September 1, 2015. The Violent Crime Gun Analysis Branch returned a trace history for the requested time period. The report revealed that FFL Dennis L. Schrieber was associated with [REDACTED] trace request in the twelve months preceding this inspection. The trace request was compared to the licensee's records in order to determine if the licensee is accurately reporting trace information to ATF. The comparison revealed that the licensee did not accurately report the trace to ATF. The licensee provided an incorrect name and address for the traced firearm. Investigator [REDACTED] was able to locate the correct transferee's information as well as the corresponding ATF Form 4473 and forwarded the corrected trace information to the ATF National Tracing Center (NTC) via email on March 21, 2016. A copy of the email forwarded to the NTC with corrected trace information is attached to this inspection report. The licensee did not have any traces with a time to crime of less the twelve months and did not have any unsuccessful traces during the inspection period. (Reference: Exhibit # 11 and Exhibit # 12)

FFL Dennis L. Schrieber estimates his used firearms activity accounts for approximately [REDACTED] of his total firearms acquisitions and dispositions. During the course of the inspection, Investigator [REDACTED] was able to identify [REDACTED] used firearms (approximately [REDACTED] of the licensee's estimated used firearms acquisitions) acquired by the licensee in the twelve months preceding this inspection and either still in inventory or disposed of prior to the inspection start date. The [REDACTED] used firearms identified were run through NCIC and eTrace to ensure that they have not been reported as stolen or traced. No positive NCIC or eTrace trace hits were discovered. (Reference: Exhibit # 13)

9 - NFA/Importer/Collector/Manufacturer

The licensee does not deal in NFA weapons.

The licensee is not an importer and has not imported any firearms.

The licensee is not a collector. The licensee is aware of the requirement to obtain an original signed copy of a Type 03 federal firearms license (or a legible faxed or e-mailed copy) prior to disposing of a firearm classified as a Curio or Relic to a licensed collector.

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The licensee is not a manufacturer and has not manufactured any firearms or conducted any type of activity that would constitute manufacturing.

10 - Referrals

(b)(3) (112 Pub. L. 55 125 Stat 552) referrals of information were generated as a result of this inspection. During the course of this inspection, information was discovered that FFL Dennis L. Schrieber may have knowingly engaged in a Straw Purchase. A referral of information was generated and forwarded to ATF Criminal Enforcement in Rochester, NY. A second referral of information was generated during the course of this inspection after an ATF Form 4473 was discovered (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF

(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF

(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF

(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF A referral of information was generated as a result of the information discovered and was forwarded to ATF Criminal Enforcement in Buffalo, NY. Copies of each referral generated as a result of this inspection are attached to this inspection

(b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF, (b)(6)

11 - Other

No additional information.

12 - Closing Actions

A closing conference was held with FFL Dennis L. Schrieber on January 7, 2016. FFL Dennis L. Schrieber was presented with the ATF Form 5030.5, "Report of Violations" at this time and all violations discovered during the course of the compliance inspection were thoroughly explained. FFL Dennis L. Schrieber signed and dated the ATF Form 5030.5, "Report of Violations" acknowledging receipt. In addition to the presentation of the ATF Form 5030.5, "Report of Violations", the ATF Acknowledgment of Federal Firearms Regulations was reviewed with the licensee and was signed and dated by both Investigator (b)(6) and FFL Dennis L. Schrieber. A copy of the Acknowledgement of Federal Firearms Regulations executed during the course of the compliance inspection was forwarded to the licensee via email on March 30, 2016. Completion and submission of this assignment was ultimately delayed due to a high profile/high priority inspection in the Buffalo, NY area that is still ongoing as of the date of submission of this inspection report. Investigator (b)(6) was advised that the high profile/high priority inspection being conducted was to take precedence over all other assignments, hence the delay in submission of this inspection report. (Reference: ATF Form 5030.5 "Report of Violations" and Exhibit # 6)

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13 - Violations

1. **27 CFR 478.125(e)**

Nature of Violation:

Failure to locate a firearm and/or disposition information for a firearm listed as present in inventory in the licensee's Acquisition and Disposition Record on [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber insisted that the firearms were not lost, stolen, or missing, the licensee stated that the firearms were "here somewhere" and that he just can't locate them. The licensee was provided more than three weeks to locate the firearms in his inventory or on a corresponding disposition document and was unable to do so.

Corrective Action:

- The licensee completed and submitted ATF Form 3310.11, "Federal Firearms Licensee Firearms Inventory Theft/Loss Report", to ATF on October 29, 2015. The licensee also reported the missing firearms to the Monroe County (NY) Sheriff's Department on October 29, 2015.

Nature of Violation:

Failure to record the acquisition of a firearm in the licensee's Acquisition and Disposition Record on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record the acquisition of a firearm in his Acquisition and Disposition record on [REDACTED] occasions.

Corrective Action:

- The licensee was advised of the requirement to record the acquisition of a firearm in his Acquisition and Disposition Record not later than the close of the next business day, or within seven days of receipt when a commercial record is maintained as prescribed by 27 CFR 478.125(g). The licensee will immediately record each firearm and the corresponding acquisition information in his Acquisition and Disposition Record.

Nature of Violation:

Failure to record the Acquisition and Disposition of a transferred firearm in the licensee's Acquisition and Disposition Record on approximately [REDACTED] separate occasions.

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Licensee's Response:

- FFL Dennis L. Schrieber stated that the (b)(3) (112 Public Law 55 125 Stat 552) firearms where no acquisition and disposition information was recorded were transfers conducted as part of the NY SAFE Act requirement where all private transfers must go through a dealer. The licensee stated that he was not aware he was required to record the transactions in his records.

Corrective Action:

- The licensee was advised to record the acquisition of a firearm in his Acquisition and Disposition Record not later than the close of the next business day, or within seven days of receipt when a commercial record is maintained as prescribed by 27 CFR 478.125(g). Furthermore, the licensee was advised to record the disposition of a firearm in his Acquisition and Disposition Record within seven days following the date of transaction. The licensee will immediately record the acquisition and disposition of each firearm in his Acquisition and Disposition Record.

Nature of Violation:

Failure to record complete firearms acquisition information ("Manufacturer and/or Importer", "Model", "Serial No.", "Type", "Caliber or Gauge", "Date" received, and "Name and Address or Name and License No." from whom received) in the licensee's Acquisition and Disposition Record on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record complete firearms acquisition information in his Acquisition and Disposition Record on (b)(3) (112 Public Law 55 125 Stat 552) separate occasions.

Corrective Action:

- The licensee was advised of the requirement to record complete and correct firearms Acquisition Information as prescribed in 27 CFR 478.125(e) in his Acquisition and Disposition Record.

Nature of Violation:

Failure to record complete firearms disposition information ("Date" of disposition, "Name" of whom the firearm is disposed to, and the "Address or license No. if licensee, or Form 4473 Serial No. if Forms 4473 filed numerically") in the licensee's Acquisition and Disposition Record on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record complete firearms disposition information on (b)(3) (112 Public Law 55 125 Stat 552) separate occasions.

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Corrective Action:

- The licensee was advised of the requirement to record complete firearms Disposition Information as prescribed in 27 CFR 478.125(e) in his Acquisition and Disposition Record.

Nature of Violation:

Failure to record the disposition of a firearm in the licensee's Acquisition and Disposition Records within seven days following the date of transaction, on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record the disposition of a firearm in his Acquisition and Disposition record within seven days following the date of transaction on [REDACTED] separate occasions.

Corrective Action:

- The licensee was advised of the requirement to record the disposition of a firearm in his Acquisition and Disposition Record within seven days following the date of transaction. The licensee will immediately record the dispositions in his Acquisition and Disposition Record.

Nature of Violation:

Failure to maintain the licensee's "Gunsmith" Acquisition and Disposition Record in the proper format in accordance with 27 CFR 478.125(e). Specifically, the licensee's "Gunsmith" Acquisition and Disposition Record does not contain the name and address or FFL number to whom a firearm was disposed. Approximately [REDACTED] (b)(3) (112 Public Law 55 125 Stat 552) dispositions were recorded during the course of the inspection period (9/15/14 to 9/15/15) that are missing the required information.

Licensee's Response:

- FFL Dennis L. Schrieber stated that he designed the record more than 25 years ago when he first opened his business, had it copyrighted, and then professionally printed. FFL Dennis L. Schrieber stated that he thought it was in the correct format.

Corrective Action:

- The licensee was advised of the requirement to maintain his "Gunsmith" Acquisition and Disposition Record in accordance with 27 CFR 478.125(e). Specifically, the licensee was advised of the requirement to record the name and address or FFL number to whom a firearm is disposed.

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

Nature of Violation:

Failure to have a transferee provide their complete "Current Residence Address" (Section A - Question 2) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least one occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to have a transferee provide their complete "Current Residence Address" (Section A – Question 2) on ATF Form 4473 on one occasion.

Corrective Action:

- The licensee was advised of the requirement to have a Transferee provide their complete "Current Residence Address" (Section A - Question 2) on an ATF Form 4473.

Nature of Violation:

Failure to have a transferee provide a response to the question "Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation" (Section A - Question 11c) on an ATF Form 4473 (April 2012 Edition) "Firearms Transaction Record Part I - Over-The-Counter", on at least one occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to have a transferee provide a response to the question "Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation" (Section A – Question 11c) on an ATF Form 4473 on one occasion.

Corrective Action:

- The licensee was advised of the requirement to obtain a response to the question "Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation" (Section A - Question 11c) on an ATF Form 4473.

Nature of Violation:

Failure to have a transferee provide a response to the question "Have you ever renounced your United States citizenship" (Section A - Question 11j) on an ATF Form 4473 (April 2012 Edition) "Firearms Transaction Record Part I - Over-The-Counter", on at least one occasion.

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Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to have a transferee provide a response to the question "Have you ever renounced your United States citizenship" (Section A – Question 11j) on an ATF Form 4473 on [REDACTED] occasion.

Corrective Action:

- The licensee was advised of the requirement to obtain a response to the question "Have you ever renounced your United States citizenship" (Section A - Question 11j) on an ATF Form 4473.

Nature of Violation:

Failure to have a transferee provide a response to the question "Are you an alien admitted to the United States under a nonimmigrant visa" (Section A - Question 11i) on an ATF Form 4473 (April 2012 Edition) "Firearms Transaction Record Part I - Over-The-Counter", on at least [REDACTED] occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to have a transferee provide a response to the question "Are you an alien admitted to the United States under a nonimmigrant visa" (Section A – Question 11i) on an ATF Form 4473 on [REDACTED] occasion.

Corrective Action:

- The licensee was advised of the requirement to obtain a response to the question "Are you an alien admitted to the United States under a nonimmigrant visa" (Section A - Question 11i) on an ATF Form 4473.

Nature of Violation:

Failure to have a transferee provide a response to the question "What is your State of Residence" (Section A - Question 13) on an ATF Form 4473 (April 2012 Edition) "Firearms Transaction Record Part I - Over-The-Counter", on at least [REDACTED] occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to have a transferee provide a response to the question "What is your State of Residence" (Section A - Question 13) on an ATF Form 4473 on [REDACTED] occasion.

Corrective Action:

- The licensee was advised of the requirement to obtain a response to the question "What is your State of Residence" (Section A - Question 13) on an ATF Form 4473.

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Nature of Violation:

Failure to have a Transferee provide, or correctly provide, a response to "Certification Date" (Section A - Question 17) certifying that the "answers to Section A are true, correct, and complete" on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to have a Transferee provide, or correctly provide, a response to "Certification Date" (Section A - Question 17) certifying that the "answers to Section A are true, correct, and complete" on an ATF Form 4473 on [REDACTED] separate occasions.

Corrective Action:

- The licensee was advised of the requirement to have a Transferee provide, and correctly provide, a "Certification Date" (Section A - Question 17) certifying that the "answers to Section A are true, correct, and complete" on an ATF Form 4473.

3. **27 CFR 478.124(c)(3)(i)**

Nature of Violation:

Failure to obtain and/or record qualifying "Alternate Documentation" (Section B - Question 20b) from the purchaser of a firearm when their government-issued photo identification does not correspond with their current residence address as recorded on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to obtain and/or record qualifying "Alternate Documentation" (Section B - Question 20b) from the purchaser of a firearm when their government-issued photo identification does not correspond with their current residence address as recorded on an ATF Form 4473 on [REDACTED] separate occasions.

Corrective Action:

- The licensee was advised of the requirement to obtain and/or record qualifying "Alternate Documentation" (Section B - Question 20b) from the purchaser of a firearm when their government-issued photo ID does not correspond with their current residence address on an ATF Form 4473.

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

Nature of Violation:

Failure to record the correct date NICS was contacted (Section B - Question 21a) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record the correct date NICS was contacted (Section B - Question 21a) on an ATF Form 4473 on [REDACTED] separate occasions.

Corrective Action:

- The licensee was advised of the requirement to record the correct date NICS was contacted (Section B - Question 21a) on an ATF Form 4473.

Nature of Violation:

Failure to record "The response initially provided by NICS" (Section B - Question 21c) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record "The response initially provided by NICS" (Section B - Question 21c) on an ATF Form 4473 on [REDACTED] separate occasions.

Corrective Action:

- The licensee was advised of the requirement to record "The response initially provided by NICS" (Section B - Question 21c) on an ATF Form 4473.

Nature of Violation:

Failure to record a response from NICS after the initial response was Delayed (Section B - Question 21d) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record a response from NICS after the initial response was Delayed (Section B - Question 21d) on an ATF Form 4473 on [REDACTED] separate occasions.

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Corrective Action:

- The licensee was advised of the requirement to record a response from NICS after the initial response was Delayed (Section B - Question 21d) on an ATF Form 4473.

5. 27 CFR 478.124(c)(4)

Nature of Violation:

Failure to record, correctly record, or completely record the "Serial Number" (Section D - Question 28) of a firearm on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least [REDACTED] occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record, correctly record, or completely record the "Serial Number" (Section D - Question 28) of a firearm on an ATF Form 4473 on at least [REDACTED] occasion.

Corrective Action:

- The licensee was advised of the requirement to record, correctly record, or completely record the "Serial Number" (Section D - Question 28) of a firearm on an ATF Form 4473.

Nature of Violation:

Failure to record the "Caliber or Gauge" (Section D - Question 30) of a firearm on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least [REDACTED] occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record the "Caliber or Gauge" (Section D - Question 30) of a firearm on an ATF Form 4473 on [REDACTED] occasion.

Corrective Action:

- The licensee was advised of the requirement to record the "Caliber or Gauge" (Section D - Question 30) of a firearm on an ATF Form 4473.

6. 27 CFR 478.124(c)(5)

Nature of Violation:

Failure to record the "Transferor's/Seller's Signature" (Section D - Question 34) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately [REDACTED] separate occasions.

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Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record the "Transferor's/Seller's Signature" (Section D - Question 34) on an ATF Form 4473 on (b)(3) (112 Public Law 55 125 Stat 552) separate occasions.

Corrective Action:

- The licensee was advised of the requirement to record, correctly record, or completely record the "Transferor's/Seller's Signature" (Section D - Question 34) on an ATF Form 4473.

Nature of Violation:

Failure to record or correctly record the "Date Transferred" (Section D - Question 36) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record or correctly record the "Date Transferred" (Section D - Question 36) on an ATF Form 4473 on (b)(3) (112 Public Law 55 125 Stat 552) separate occasions.

Corrective Action:

- The licensee was advised of the requirement to record or correctly record the "Date Transferred" (Section D - Question 36) on an ATF Form 4473.

7. **27 CFR 478.21(a)**

Nature of Violation:

Failure to retain the entire ATF Form 4473, (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter" as part of the licensee's permanent records on approximately (b)(3) (112 Public Law 55 125 Stat 552) separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber stated that he was removing the last page of instructions on his ATF Forms 4473 in order to save room in his files.

Corrective Action:

- The licensee was advised of the requirement to retain the entire ATF Form 4473, including the Notices, General Instructions, and Definition's portion, as part of his permanent records.

FIREARMS INSPECTION REPORT

Name: Schrieber, Dennis L.
Trade Name: Burnt Mill Smithing

UI#: 765075-2015-0043-B1B
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Nature of Violation:

Failure to have a transferee provide a response to the question "Ethnicity" (Section A - Question 10a) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least [REDACTED] occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to have a transferee provide a response to the question "Ethnicity" (Section A - Question 10a) on an ATF Form 4473 on [REDACTED] occasion.

Corrective Action:

- The licensee was advised of the requirement to have a transferee provide a response to the question "Ethnicity" (Section A - Question 10a) on an ATF Form 4473.

Nature of Violation:

Failure to prohibit the transfer of a firearm after the transferee answered "No" to the question "Are you the actual transferee/buyer of the firearm(s) listed on this form" (Section A - Question 11a) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I Over-The-Counter", on at least [REDACTED] occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to prohibit the transfer of a firearm after the transferee answered "No" to the question "Are you the actual transferee/buyer of the firearm(s) listed on this form" (Section A - Question 11a) on an ATF Form 4473 on at least [REDACTED] occasion.

Corrective Action:

- The licensee was advised of the requirement to prohibit a firearms transaction when a transferee answers "No" to the question "Are you the actual transferee/buyer of the firearm(s) listed on this form (Section A - Question 11a) on an ATF Form 4473.

Nature of Violation:

Failure to record a response to "Type of firearm(s) to be transferred" (Section B - Question 18) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on at least [REDACTED] occasion.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record a response to "Type of firearm(s) to be transferred" (Section B - Question 18) on an ATF Form 4473 on [REDACTED] occasion.

FIREARMS INSPECTION REPORT

Name: Schrieber, Dennis L.
Trade Name: Burnt Mill Smithing

UI#: 765075-2015-0043-B1B
FFL#: 6-16-055-01-6D-15238

Corrective Action:

- The licensee was advised of the requirement to record a response to "Type of firearm(s) to be transferred" (Section B - Question 18) on an ATF Form 4473.

Nature of Violation:

Failure to have a Transferee complete, or correctly complete, Section C (Section C - Questions 24 & 25) of ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", where the transfer of a firearm took place on a different day from the date the transferee signed Section A, on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to have a Transferee complete, or correctly complete, Section C (Section C - Questions 24 & 25) of ATF Form 4473 where the transfer of a firearm took place on a different day from the date the transferee signed Section A, on [REDACTED] occasions.

Corrective Action:

- The licensee was advised of the requirement to have a transferee complete, and correctly complete, Section C (Section C - Questions 24 & 25) of ATF Form 4473 where the transfer of a firearm takes place on a different day from the date the transferee signed Section A.

Nature of Violation:

Failure to record the "Transferor's/Seller's Title" (Section D - Question 35) on an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter", on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber was unable to explain his failure to record the "Transferor's/Seller's Title" (Section D - Question 35) on an ATF Form 4473 on [REDACTED] occasions.

Corrective Action:

- The licensee was advised of the requirement to record the "Transferor's/Seller's Title" (Section D - Question 35) on an ATF Form 4473.

8. 27 CFR 478.124(a)

Nature of Violation:

Failure to complete an ATF Form 4473 (April 2012 Edition), "Firearms Transaction Record Part I - Over-The-Counter" prior to the disposition of a firearm on at least [REDACTED] occasion.

FIREARMS INSPECTION REPORT

Name: Schrieber, Dennis L.
Trade Name: Burnt Mill Smithing

UI#: 765075-2015-0043-B1B
FFL#: 6-16-055-01-6D-15238

Licensee's Response:

- FFL Dennis L. Schrieber initially claimed that he did complete an ATF Form 4473 for the transaction, but was not able to produce a copy. After several days, the licensee ultimately admitted that he did not complete an ATF Form 4473 or conduct a NICS check for the transaction because the firearm was transferred as a muzzle loader only and he did not believe it was required. During the course of the closing conference the licensee argued that the gun was sent back to the factory and converted to a (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF but could not provide any documentation.

Corrective Action:

- The licensee was advised of the requirement to complete an ATF Form 4473 prior to the disposition of a firearm. Furthermore, the licensee was advised that although the firearm was sold as a (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF ATF has determined that a (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF is classified as a firearm for purposes of the Gun Control Act and therefore an ATF Form 4473 and NICS background check is required prior to its disposition regardless of its configuration at the time of transaction.

9. 27 CFR 478.102(a)

Nature of Violation:

Failure to contact NICS and conduct the required background check prior to the disposition of a firearm on at least (b)(3) (112 Pub. L. 55 125 Stat 552) occasion.

Licensee's Response:

- FFL Dennis L. Schrieber initially claimed that he did contact NICS and conduct the required background check prior to the disposition, but was unable to produce any documentation. After several days, the licensee ultimately admitted that he did not complete an ATF Form 4473 or conduct a NICS check for the transaction because the firearm was transferred as a (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF only and he did not believe it was required. During the course of the closing conference the licensee argued that the gun was sent back to the factory and converted to a (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF only, but could not provide any documentation.

Corrective Action:

- The licensee was advised of the requirement to contact NICS and conduct a background check prior to the disposition of a firearm. Furthermore, the licensee was advised that although the firearm was sold as a (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF ATF has determined that a (b)(3) (112 Pub. L. 55 125 Stat 552) - per ATF is classified as a firearm for purposes of the Gun Control Act and therefore an ATF Form 4473 and NICS background check is required prior to its disposition regardless of its configuration at the time of transaction.

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Name: Schrieber, Dennis L.
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10. **27 CFR 478.126a**

Nature of Violation:

Failure to complete and submit, correctly complete and submit, or timely complete and submit, an ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers", on approximately [REDACTED] separate occasions.

Licensee's Response:

- FFL Dennis L. Schrieber stated that the majority of unsubmitted, incorrect, and untimely submissions were an "oversight". The licensee further stated that several of the forms were not submitted because he did not realize that five business days meant days he was open, he assumed it meant business days during the week (i.e. Monday – Friday). During the course of the closing conference, the licensee tried to argue that he has posted business hours with his credit card processor from 10:00AM to 10:01AM on days that the shop is not physically open so that he can receive a reduced rate on his credit card processing fees. The licensee stated that since he has posted business hours with his credit card processor on those days, he is technically open and that ATF should accept those days as business days.

Corrective Action:

- The licensee was advised that an ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers" must be completed, correctly completed, and must be submitted not later than close of business on the day the multiple sale or other disposition occurs when two or more handguns are disposed of to an unlicensed individual at one time or during five consecutive business days. The licensee was advised to immediately complete and submit an ATF Form 3310.4 for each unreported or incorrect multiple sale and to submit the forms to ATF and the appropriate state office.

11. **27 CFR 478.129(b)**

Nature of Violation:

Failure to retain ATF Forms 4473, "Firearms Transaction Record Part I - Over-The-Counter", where the licensee initiated a NICS check, but the sale, delivery, or transfer was not made, in a separate file in either alphabetical or chronological order. [REDACTED] denied ATF Forms 4473 were on file for the inspection period.)

Licensee's Response:

- FFL Dennis L. Schrieber stated that he was aware of the requirement to retain his ATF Forms 4473 a NICS check was initiated, but the sale, delivery, or transfer was not made, in a separate file in either alphabetical or chronological order and even showed Investigator [REDACTED] several prior years of "Denied" ATF Forms 4473 that were being

FIREARMS INSPECTION REPORT

Name: Schrieber, Dennis L.
Trade Name: Burnt Mill Smithing

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maintained as required. When asked why he failed to continue to maintain the file, the licensee stated that it was an “oversight” on his part.

Corrective Action:

- The licensee was advised of the requirement to retail all ATF Forms 4473 where the licensee initiates a NICS check, but the sale, delivery, or transfer was not made, in a separate file in either alphabetical or chronological order for a period of not less than five years.

X

Industry Operations Investigator

Index of Worksheets and Exhibits

I. ATF Form 5030.5 – Report of Violations

II. Worksheets

- A. Worksheet – Inventory and A&D Review
- B. Worksheet – ATF Form 4473 Review

III. Exhibits

- A. Exhibit # 1 – Monroe County Clerk d/b/a registration confirmation.
- B. Exhibit # 2 – NCIC Query conducted on FFL Dennis L. Schrieber
- C. Exhibit # 3 – ATF Form 3310.11 “Federal Firearms Licensee Inventory Theft/Loss Report”
- D. Exhibit # 4 – NCIC and eTrace queries conducted on reported missing firearm.
- E. Exhibit # 5 – Copies of licensee’s Acquisition and Disposition Records with highlighted violations.
- F. Exhibit # 6 – Acknowledgement of Federal Firearms Regulations
- G. Exhibit # 7 – Copies of ATF Forms 4473 with highlighted violations.
- H. Exhibit # 8 – NCIC and eTrace checks conducted on transfer where the licensee failed to complete ATF Form 4473 and conduct a NICS check.
- I. Exhibit # 9 – FFL NICS Audit Log
- J. Exhibit # 10 – Firearms Inspection Worknote “NCIC/NLETS Queries”
- K. Exhibit # 11 – FFL Trace History Report
- L. Exhibit # 12 – National Tracing Center – Updated Trace Information Email
- M. Exhibit # 13 – Firearms Inspection Worknote “Secondary Market Exam”

FIREARMS INSPECTION REPORT

Name: Schrieber, Dennis L.
Trade Name: Burnt Mill Smithing

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IV. Referrals

A. Referral # 2016-0003 – “Schrieber, Dennis”

B. Referral # 2016-0004 – “(b)(6)”



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

April 29, 2016

Schrieber, Dennis L.
Burnt Mill Smithing
127 Burnt Mill Rd.
Churchville, NY 14428
RE: 616055016D15238

Dear Mr. Schrieber:

During a recent inspection at your firearms business covering the period September 2014 to September 2015 you were cited for violations of Title 27, Code of Federal Regulations, Part 478. The violations were discussed with you 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 May 23, 2016 at 10:00 am at 598 Main St. Suite 200 Buffalo, NY 14202. 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.

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.

Schrieber, Dennis L.

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) Area Supervisor at (b)(6) to 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)

Enclosure

cc: Federal Firearms Licensing Center
Buffalo II (IO) Field Office

Schrieber, Dennis L.

Burnt Mill Smithing

127 Burnt Mill Rd.

Churchville, NY 14428-

RE: 616055016D15238

Dear Mr. Schrieber:

This letter is a follow-up to the warning conference held with you on May 23, 2016. During this conference, the violation(s) cited during the inspection covering the period September 2014 to September 2015 and the necessary corrective action to prevent the violation(s) from reoccurring were discussed.

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

You stated that most of the violations were a result of your (b)(6) and that at times you had found it difficult to concentrate on ensuring compliance at your firearms business. You agreed that prior to transferring a firearm in the future you would conduct a careful review of the ATF F 4473 ensuring all required information was obtained or properly completed. Also on the ATF F 4473, that certifications and date would be completed, that you would obtain additional gov issued ID when required.

, Additionally, that acquisitions and dispositions would be timely entered into the bound book, that multiple sales would be filed within five your business days, full inventories would be conducted periodically to ensure firearms are not missing and that all NICS denials would be maintained in a separate file. In reference to gunsmithing, you further explained that you had corrected the format of the bound book, that you would enter all the required information and ATF Investigator (b)(6) also provided you with information about black powder firearms and explained when these types of guns fall under the Gun Control Act and require the completion of an ATF F 4473 and background check.

Schrieber, Dennis L.

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)

c: Federal Firearms Licensing Center

Buffalo II (IO) Field Office.