

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  BURNS, LEWIS FRED GLASGOW GUN AND PAWN 115 PARK AVENUE GLASGOW, KY 42141, BARREN	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 775045-2016-0036-B1B 3. PERMIT/LICENSE NUMBER    4a. TARGET DATE    4b. TARGET HOURS 461009029A02550            12/30/2015 5. REQUESTED BY (SIGNATURE, TITLE AND DATE)
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6. A. **(b) (6)** NED  
 Lead Investigator  
 Assigned Investigator

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)  
**(b) (6)** Area Supervisor, 10/15/2015

8. PURPOSE/SPECIAL INSTRUCTIONS  
 EXP 01/01/2016 Conduct full firearms compliance inspection in accordance with the provisions of ATF H 5030.2C and the 2016 Domain Assessment.

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	7	NO. OF REFERRALS		2111 - PER DIEM	
NO. OF TECS CHECKS	25	NO. OF TECS HITS	4	2112 - P.O.A.	
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR	
		\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR	
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES	
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.	
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.	

11. ATF OFFICER'S RECOMMENDATION  
 Submitted by KSHARTZER - Industry Operations Investigator

Submitted on 03/14/2016  
 IOI **(b) (6)** recommends Revocation due to the licensee discontinuing recording dispositions in their A & D record <sup>(b)(3)-Publ. Law 112-56, 125 Stat.</sup> separate times. The current inspection disclosed seven violations of the Gun Control Act. The licensee failed to timely and/or correctly record the required disposition entries in the A & D record for 29.2% of the licensee's total dispositions. There were <sup>(b)(3)-Publ. Law 112-56, 125 Stat. §52</sup> disposition errors all of which occurred during the inspection period. The majority of these errors were related to the licensee failing to log firearms out of the A & D record for approximately five months. A Compliance Inspection was conducted on the licensee from 3-9-11 to 8-14-12 (UI # 775045-2011-0121) which resulted in a Warning Conference being held on 9-20-12 due to the number of A & D errors. The licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The total number of A & D errors increased from <sup>(b)(3)-Publ. Law 112-56, 125 Stat. §52</sup> instances in 2012 to <sup>(b)(3)-Publ. Law 112-56, 125 Stat. §52</sup> instances in 2016. The licensee also had a 13% error rate on the ATF F 4473s during the current inspection. The licensee has been given repeated chances to improve the accuracy of their required records but has increasingly gotten worse. It does not appear the licensee is able and/or willing to be in compliance with the firearms regulations. It has gotten to the point where the inaccuracy and incompleteness of the licensee's required records are hindering law enforcement's efforts to reduce violent crime and protect the public. The FFL was not recording dispositions in their A&D record when ATF CE showed up to investigate a felon in possession case in August 2015. The FFL's failure to maintain an A&D book hindered the CE investigation. No referrals were submitted.

Viols and Revocation / Denial of Renewal App

12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		<b>(b) (6)</b>	
JAN 2016	12.00		
FEB 2016	41.00		
MAR 2016	2.00		
JUL 2016	16.00		
ATF OFFICER'S SUBTOTAL	71.00	ATF OFFICER'S SIGNATURE	

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  BURNS, LEWIS FRED GLASGOW GUN AND PAWN 115 PARK AVENUE GLASGOW, KY 42141, BARREN	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) <p style="text-align: center;">775045-2016-0036-B1B</p> 3. PERMIT/LICENSE NUMBER    4a. TARGET DATE    4b. TARGET HOURS <p style="text-align: center;">461009029A02550                      12/30/2015</p> 5. REQUESTED BY (SIGNATURE, TITLE AND DATE)
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12. TIME ACCOUNTING DATA	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)
SEP 2016	1.00
ATF OFFICER'S SUBTOTAL	1.00
ATF OFFICER'S SIGNATURE	
TOTAL HOURS	72.00

### 13. REVIEW AND ROUTING

**REVIEW COMMENTS AND RECOMMENDATION**

This inspection resulted in a report of violations for seven violations. Six of the seven violations were repeat violations from compliance inspections conducted in 2007, 2008, 2010 and 2011/2012.

A/S (b) (6) recommends revocation based on the following:

- ROV # 1. 27 CFR 478.125(e): The licensee stopped maintaining dispositions in the A&D record separate times. The instance resulted in a WC. This instance was discovered by CE during straw purchase investigation. Ultimately, the FFL was cited for instances of A&D violations (29.2% error rate for dispositions and 6.7 % error rate for acquisitions). This is a repeat violation from the 2011/2012 inspection which resulted in a 9/20/2012 warning conference and recall inspection. The licensee never implemented the corrective actions he discussed during the warning conference. This is evident because A & D compliance has gotten worse since the warning conference.
- ROV # 5. 27 CFR 478.124(c)(4): instances of Form 4473 Item 27, model blank a instance of item 28 serial number being blank. This is also a repeat violation from the 2011/2012 inspection which resulted in a WC and Recall inspection. This repeat violation rises only to the level of ROV. However, the licensee's continued failure to accurately enter firearm model and serial number on Form 4473 hindered an ATF stolen firearm investigation as explained in the narrative.
- The licensee was cited for five other Form 4473 violations. Four of the five violations were repeat violations for which corrective action was discussed during a warning conference. These violations rise to the level of ROV. However, it should be noted that the FFL's failure to comply with 4473 requirements when combined with A&D violations, significantly hindered a current ATF criminal investigation of a straw purchaser and felon in possession. Despite significant errors and omissions in the required records, both the straw purchaser and felon in possession have been indicted.

Records retrieved on 10/11/2016. PII sent to the FFLC on 10/14/2016 to update FLS to show OOB Revoked. Records will be sent from the Lou. II office to the OOBRC.

Viols and Revocation / Denial of Renewal App

REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

SIGNATURE AND TITLE (b) (6) Area Supervisor	REVIEW DATE 02/26/2016
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**REVIEW COMMENTS AND RECOMMENDATION**

The current inspection disclosed seven violations of the Gun Control Act. The licensee failed to timely and/or correctly record required disposition entries in 29.2% of the licensee's total dispositions. There were disposition errors all of which occurred during the inspection period. The majority of these errors were related to the licensee failing to log firearms out of the A & D record for approximately five months. In effect, the licensee discontinued use of their A & D record twice. In both instances, ATF intervened via inspection or ATF CE investigation. The licensee has a previous history of a Warning Conference for similar violations. The current inspection disclosed an increase in repeated violations.

Viols and Revocation / Denial of Renewal App

REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

SIGNATURE AND TITLE (b) (6) DIO	REVIEW DATE 05/13/2016
------------------------------------	---------------------------

**ROUTING SEQUENCE AND DATE**

1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_

CONTROL FILE POSTED DATE \_\_\_\_\_

# Report of Violations

### Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor BURNS, LEWIS FRED GLASGOW GUN AND PAWN	Street Address 115 PARK AVENUE	City GLASGOW	State KY	Zip Code 42141-	County BARREN	Page 1 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 461009029A02550	Expiration Date 1/1/2019	Date(s) or Period of Inspection 01/29/2016 through 02/03/2016				

### Inspection Results

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

**Number:** 1

**Nature of Violation:**

Failure to properly maintain the acquisition and disposition record instances.

Licensee failed to timely and/or correctly record a firearm acquisition in the A & D record instances. Licensee failed to timely record a firearm disposition in the A & D record instances. Licensee failed to record a firearm disposition in the A & D record instance.

**Citation:** 27 CFR 478.125(e)

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

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

The licensee was instructed to begin maintaining the A & D record accurately and in a timely manner. Licensee was instructed to make the appropriate corrections to the A & D record, which they did.

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Name of Proprietor BURNS, LEWIS FRED GLASGOW GUN AND PAWN	Street Address 115 PARK AVENUE	City GLASGOW	State KY	Zip Code 42141-	County BARREN	Page 2 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 461009029A02550		Expiration Date 1/1/2019	Date(s) or Period of Inspection 01/29/2016 through 02/03/2016			

### Inspection Results

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

**Number:** 2

**Nature of Violation:**

Failure to properly complete ATF F 4473s. 70 forms were examined. Errors were found in instances on

(b)(3) - Public Law 112-95 (125 Stat. 552)

- I instance, Item 30a (2012 edition) was blank.
- I instances, Item 31 (2012 edition) was blank.
- I instances, Item 32 (2012 edition) was blank.
- I instance, Item 33 (2012 edition) was blank.
- I instance, Item 35 (2012 edition) was blank.

**Citation:** 27 CFR 478.21(a)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:** Licensee was instructed to properly complete ATF F4473s.

*(If not corrected immediately)*

# Report of Violations

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Name of Proprietor BURNS, LEWIS FRED GLASGOW GUN AND PAWN	Street Address 115 PARK AVENUE	City GLASGOW	State KY	Zip Code 42141-	County BARREN	Page 3 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 461009029A02550	Expiration Date 1/1/2019	Date(s) or Period of Inspection 01/29/2016 through 02/03/2016				

### Inspection Results

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

**Number:** 3

**Nature of Violation:**

After the transferee has executed the ATF F4473, the licensee shall verify the identity of the transferee by examining the identification document. The licensee failed to receive a valid identification or failed to record id information <sup>(125 Stat. 552)</sup> instance on <sup>(125 Stat. 552)</sup>

<sup>(125 Stat. 552)</sup> instance, Item 20a (2012 edition) was incorrect.

**Citation:** 27 CFR 478.124(c)(3)(i)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee must verify the identity of the transferee by examining the identification document and record all transferee's identification information on the ATF F4473.

# Report of Violations

### Instructions

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Name of Proprietor BURNS, LEWIS FRED GLASGOW GUN AND PAWN	Street Address 115 PARK AVENUE	City GLASGOW	State KY	Zip Code 42141-	County BARREN	Page 4 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 461009029A02550		Expiration Date 1/1/2019	Date(s) or Period of Inspection 01/29/2016 through 02/03/2016			

### Inspection Results

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

**Number:** 4

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Nature of Violation:**

Failure to properly complete ATF F 4473s. 70 forms were examined. Errors were found in instances on [REDACTED]

**Corrective Action to be Taken:** Licensee was instructed to begin completing ATF F4473 completely and accurately.  
*(If not corrected immediately)*

I [REDACTED] instance, Item 21a (2012 edition) was incorrect.

I [REDACTED] instance, Item 21b (2012 edition) was blank. Luke Burns stated he conducted the background check for this transaction but forgot to write the NTN on the form. NCIC did not disclose this individual was prohibited.

I [REDACTED] instances, Item 21d (2012 edition) was blank or incorrect.

I [REDACTED] instance, Item 21e (2012 edition) was blank.

**Citation:** 27 CFR 478.124(c)(3)(iv)

# Report of Violations

### Instructions

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Name of Proprietor BURNS, LEWIS FRED GLASGOW GUN AND PAWN	Street Address 115 PARK AVENUE	City GLASGOW	State KY	Zip Code 42141-	County BARREN	Page 5 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 461009029A02550		Expiration Date 1/1/2019	Date(s) or Period of Inspection 01/29/2016 through 02/03/2016			

### Inspection Results

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

**Number:** 5

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Nature of Violation:**

Failure to properly complete ATF F4473s. 70 forms were examined. Errors were found in instances on (b)(3)-Public Law 112-55 (125 Stat. 552)

**Corrective Action to be Taken:** Licensee was instructed to begin completing ATF F4473 completely and accurately.  
*(If not corrected immediately)*

In (b)(3)-Public Law 112-55 (125 Stat. 552) instances, Item 27 (2012 edition) was blank.

In (b)(3)-Public Law 112-55 instance, Item 28 (2012 edition) was blank.

**Citation:** 27 CFR 478.124(c)(4)

**Number:** 6

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Nature of Violation:**

Failure to properly complete ATF F4473s. 70 forms were examined. Errors were found in instances on (b)(3)-Public Law 112-55 (125 Stat. 552)

**Corrective Action to be Taken:** Licensee was instructed to begin completing ATF F4473 completely and accurately.  
*(If not corrected immediately)*

In (b)(3)-Public Law 112-55 (125 Stat. 552) instance, Item 34 (2012 edition) was blank.

In (b)(3)-Public Law 112-55 (125 Stat. 552) instances, Item 36 (2012 edition) was blank.

**Citation:** 27 CFR 478.124(c)(5)

# Report of Violations

### Instructions

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Name of Proprietor BURNS, LEWIS FRED GLASGOW GUN AND PAWN	Street Address 115 PARK AVENUE	City GLASGOW	State KY	Zip Code 42141-	County BARREN	Page 6 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 461009029A02550	Expiration Date 1/1/2019	Date(s) or Period of Inspection 01/29/2016 through 02/03/2016				

### Inspection Results

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

**Number:** 7

**Nature of Violation:**

Failure to properly complete ATF F4473s. <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> were examined. Errors were found i <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> instance on <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> stance, Item 23 (2012 edition) was incorrect. In this instance, the licensee listed the <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> Y CCDWL issue date as the expiration date. NCIC disclosed the KY CCDWL appears to have been valid at the time of transfer.

**Citation:** 27 CFR 478.131(a)(2)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

Licensee was instructed to begin completing ATF F4473 completely and accurately.

I Have Received a Copy of This Report of Violations <i>(Proprietor's signature and title)</i>	Date
Signature and Title of ATF Officer	Date

April 9 Production

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RIP

# Notice to Revoke or Suspend License and/or Impose a Civil Fine

In the matter of License Number 4-61-009-02-9A-02550, as a/an dealer, including pawnbroker, in firearms other than  
destructive devices issued to:

Name and Address of Licensee (Show number, street, city, State and ZIP Code)

Lewis Fred Burns doing business as Glasgow Gun and Pawn  
115 Park Avenue  
Glasgow, Kentucky 42141

### Notice Is Hereby Given That:

Pursuant to the statutory provisions and reasons stated in the attached page(s), the Director or his/her designee, Bureau of Alcohol, Tobacco, Firearms and Explosives, intends to take action on the license described above.

may be revoked pursuant to 18 U.S.C. 923(e), 922(t)(5) or 924(p).

may be suspended pursuant to 18 U.S.C. 922(t)(5) or 924(p).

may be fined pursuant to 18 U.S.C. 922(t)(5) or 924(p).

- The above threat of license
- The above suspended license
- The above civil fine


(5), you may file a request with the Director of Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, in duplicate, for a

suspension and/or fine of your license. The request must be received at the above address within 15 days of the date of this notice. Where a timely request for a hearing is made, the license shall remain in effect pending the outcome of the hearing, and if the license is due to expire, the license will remain in effect provided a timely application for renewal is also filed.

Provision to U.S.C. 923(t)(2) and 922(t)(5) requires that you request a hearing to review the revocation, suspension, or imposition of a civil fine within 15 days of your receipt of this notice. The hearing will be held as provided in 27 CFR Part 478.

If you do not request a hearing, or your request for a hearing is not received by ATF on time, a final notice of revocation, suspension, and/or imposition of civil fine (ATF Form 5306-1) shall be issued.

Please see included brochures

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
05/02/2016	Adam P. Rogers, Director, Industry Operations	

I certify that on the date shown below, I served the above notice on the person identified below by:

Certified mail to the address shown below. Tracking Number: 7011 01 0002 0337 1021  
 Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
Print Name and Title of Person Served	Signature of Person Served	

Address Where Notice Served

ATF Form 4500, Notice of Revocation of License

Lewis Fred Burns doing business as Glasgow Gun and Pawn

115 Park Avenue

Glasgow, Kentucky 42141

4-61-009-02-9A-02550

Under the provisions of 18 U.S.C. § 923(c) and 27 C.F.R. § 478.73, notice is hereby given of the revocation of the Federal firearms license specified above, in that the Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Louisville Field Division, has reason to believe that Lewis Fred Burns doing business as Glasgow Gun and Pawn ("Licensee"), 115 Park Avenue, Glasgow, Kentucky 42141, a Dealer, including Pawnbroker, in Firearms Other than Destructive Devices, willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

Compliance History

ATF issued a Federal firearms license to the Licensee following a qualification inspection conducted in October, 2006. ATF conducted compliance inspections of the Licensee in 2007, 2008, 2010, 2012 and 2014. Following the 2007, 2008, 2010 and 2012 inspections ATF issues a Report of Violations to the Licensee. As a result of the 2007 and 2010 compliance inspections, Warning Letters were issued to the Licensee. As a result of the 2012 compliance inspection, the Licensee's owner, Lewis Fred Burns, attended a Warning Conference with ATF at which point the cited violations and proposed corrective action were discussed. Following the Warning Conference, ATF sent the Licensee a letter advising that "any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license."

Current Inspection

(b) (6)

On January 29, 2016, ATF Industry Operations Investigator [redacted] conducted a compliance inspection of the Licensee's premises that covered the period of January 29, 2015 through January 29, 2016. The inspection revealed the following:

Violations

Acquisition and Disposition Record Violations

1. The licensee, by and through its agents and employees, [redacted] failed to timely and/or accurately record the disposition [redacted] of firearms [redacted] of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix A, § 1.

Appendix A

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





Final Notice of Denial of Application, Revocation,  
Suspension and/or Fine of Firearms License

In the matter of:

- The application for license as a/an \_\_\_\_\_, filed by:
- License number 4-61-005-02-9A-02550 is an \_\_\_\_\_ dealing, including pawnbroker in firearms other than \_\_\_\_\_ destructive devices, issued to:

Name and Address of Applicant or Licensee (Show number, street, city, state and Z.P. Code) \_\_\_\_\_  
Lewis Fred Burns Gun Glasgow Gun and Amm. \_\_\_\_\_  
115 Park Avenue \_\_\_\_\_  
Glasgow, Kentucky 40304 \_\_\_\_\_


Notice is hereby given that:

- A request for hearing pursuant to 18 U.S.C. § 923(f)(2) and/or 922(i)(5) was not timely filed. Based on the findings set forth in the attached document, your \_\_\_\_\_
- License described above is ~~revoked~~ pursuant to 18 U.S.C. 923(e), 922(i)(5) or 924(p), effective: \_\_\_\_\_
- 15 calendar days after receipt of this notice, or \_\_\_\_\_
- License is suspended for \_\_\_\_\_ calendar days, effective \_\_\_\_\_, pursuant to 18 U.S.C. § 922(i)(5) or 924(p).
- License is fined \$ \_\_\_\_\_, payable to: \_\_\_\_\_, pursuant to 18 U.S.C. § 922(i)(5) or 924(p).
- After due consideration, following a hearing held pursuant to 18 U.S.C. § 923(f)(2) and/or 922(i)(5), and on the basis of findings set forth in the attached copy of the findings and conclusions, the Director or his/her designee concludes that your \_\_\_\_\_
- application for license described above is denied, pursuant to 18 U.S.C. 923(d), \_\_\_\_\_
- application for renewal of license described above is denied pursuant to 18 U.S.C. 923(d), effective: \_\_\_\_\_
- 15 calendar days after receipt of this notice, or \_\_\_\_\_
- License described above is ~~revoked~~ pursuant to 18 U.S.C. 923(e), 922(i)(5) or 924(p), effective: \_\_\_\_\_
- 15 calendar days after receipt of this notice, or \_\_\_\_\_
- License is suspended for \_\_\_\_\_ calendar days, effective \_\_\_\_\_, pursuant to 18 U.S.C. § 922(i)(5) or 924(p).
- License is fined \$ \_\_\_\_\_, payable to: \_\_\_\_\_, pursuant to 18 U.S.C. § 922(i)(5) or 924(p).

If, after the hearing and receipt of the findings, you are dissatisfied with this action, you may, within 60 days after receipt of this notice, file a petition pursuant to 18 U.S.C. § 923(f)(3), for judicial review with the U.S. District Court for the district in which you reside or have your principal place of business. If you intend to continue operations after the effective date of this action while you are filing for judicial review or otherwise, you must request a copy of the action from the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, at 600 Dr. Martin Luther King Jr. Place, Suite 300, Louisville KY 40202, prior to the effective date of the action set forth above. You may not continue licensed operations unless and until a stay is granted by the DIO.

Records prescribed under 27 C.F.R. § 478 for the license described above shall either be delivered to ATF within 30 days of the date the business is required to be discontinued or shall be documented to reflect delivery to a successor. See 18 U.S.C. 923g-4 and 27 CFR § 478.127.

After the effective date of a license denial or renewal, revocation, or suspension, you may not lawfully engage in the business of dealing in firearms. Any disposition of your firearms business is subject to all applicable laws and regulations. Your local ATF office is able to assist you in understanding and implementing the options available to lawfully discontinue your firearms business.

Date	Name and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official	Signature
08/19/2016	Adam P. Rogers, Director, Industry Operations	

I certify that, on the date below, I served the above notice on the person identified below by:

- Certified mail to the address shown below.  
 Tracking Number: 7013 3020 0001 3393 7967
- Delivering a copy of the notice to the address shown below.

Date Notice Served	Title of Person Serving Notice	Signature of Person Serving Notice
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Print Name and Title of Person Served	Signature of Person Served
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Address Where Notice Served

Note: Previous Edition is Obsolete

FINDINGS AND CONCLUSIONS IN SUPPORT OF THE REVOCATION OF THE FEDERAL FIREARMS LICENSE OF LEWIS FRED BURNS DBA GLASGOW GUN AND PAWN AS A DEALER UNDER CHAPTER 44, UNITED STATES CODE

Based upon the administrative record from the hearing concerning the revocation of the Federal firearms license of Lewis Fred Burns dba Glasgow Gun and Pawn (Licensee), 115 Park Avenue Glasgow, Kentucky 42141, 4-61-009-02-9A-02550, the following are the findings and conclusions of the Director of Industry Operations, Louisville Field Division, Bureau of Alcohol, Tobacco, Firearms & Explosives:

**Findings:**

The evidence in the administrative record establishes the following violation was committed by the Licensee:

1. The Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the disposition of (b)(3)-Public Law 112-55 (125 Stat. 552) firearms it disposed of from on or about March 28, 2015 until on or about August 28, 2015, in willful violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e).

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



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

## Conclusions:

The majority of circuits, including the Sixth Circuit, have consistently held that where a licensee or applicant for a license understands his or her legal obligations under the GCA, yet fails to abide by those obligations, his or her license can be denied or revoked on the basis that the dealer "willfully" violated the GCA. Appalachian Res. Dev. Corp. v. McCabe, 387 F.3d 461 (6<sup>th</sup> Cir. 2004). See also Al's Jewelry & Loan, Inc. v. U.S. Dept. of Treasury, Bureau of Alcohol, Tobacco & Firearms, 1996 U.S. App. LEXIS 3088, No. 95-765, 1996 WL 683528, at 3-4 (6<sup>th</sup> Cir. Nov. 22, 1996) (denial of license affirmed upon finding petitioner willfully violated GCA because he knew of record keeping obligations yet failed to abide by them); Perry v. Dep't. of Treasury, Bureau of Alcohol, Tobacco & Firearms, 637 F.2d 1332, 1336 (9<sup>th</sup> Cir. 1981) ("To establish grounds for revocation of a license, the government must demonstrate a willful violation of the Act. That is established when a dealer understands the requirements of the law, but knowingly fails to follow them or was indifferent to them.") (citing Lewin v. Blumenthal, 590 F.2d 268, 269 (8<sup>th</sup> Cir. 1979)); Stein's Inc. v. Blumenthal, 649 F.2d 463, 467 (7<sup>th</sup> Cir. 1980) ("The [GCA] does not require bad purpose or evil motive before a license may be revoked or a renewal application denied. The Secretary need only prove that the petitioner knew of his legal obligation and purposefully disregarded or was plainly indifferent to the recordkeeping requirements"); Prino v. Simon, 606 F.2d 449, 451 (4<sup>th</sup> Cir. 1979) (Under the GCA, in a civil context, "[a] conscious, intentional, deliberate, voluntary decision properly is described as willful, regardless of venal motive".)

Furthermore, it has been recognized that a single violation of the GCA is a sufficient basis for denying an application or revoking a firearms dealer's license. Cook v. Herbert, 2004 U.S. Dist. LEXIS 61, No. 03-00042, 2004 WL 40525, at \*2 (W.D. Va. Jan. 5, 2004) see also 3 Bridges, Inc. v. U.S. Dep't. of Treasury, Bureau of Alcohol, Tobacco & Firearms, 216 F. Supp.2d 655, 659 (E.D. Ky 2002); DiMartino v. Buckles, 129 F. Supp. 2d 824, 827 (D. Md. 2001) aff'd by unpublished order, DiMartino v. Buckles, 19 Fed. Appx. 114, 2001 WL 1127288, at \*1 (4<sup>th</sup> Cir. 2001)).

The administrative record establishes that the Licensee was aware of the requirement to record all dispositions in a timely manner yet failed to do so after having been previously cited for failing to do it and warned about the potential consequences of repeat violations.

Due to the above listed willful violation of the applicable statute and regulation, the Federal firearms license number 4-61-009-02-9A-02550 of Lewis Fred Burns dba Glasgow Gun and Pawn, 115 Park Avenue, Glasgow, Kentucky 42141 is revoked pursuant to 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73.

# FIREARMS INSPECTION REPORT

**Name:** Lewis Fred Burns  
**Trade Name:** Glasgow Gun and Pawn

**UI#:** 775045-2016-0036-B1B  
**FFL#:** 4-61-009-02-9A-02550

**Address:** 115 Park Avenue  
Glasgow, Ky. 42141                      Barren County

## 1 - Introduction

### Inspection Profile:

On January 29, 2016, ATF IOI (b)(6) visited the business premise of Lewis Fred Burns dba Glasgow Gun and Pawn for the purpose of conducting a Disposition Emphasis Compliance Inspection on the Type 02 Federal Firearms License # 4-61-009-02-9A-02550 with an expiration date of January 1, 2019. The business is a sole proprietorship in which Lewis Burns is listed as owner and sole responsible person. (b)(6) (son) works at the business as well but is not listed as a responsible person. Lewis Burns and (b)(6) were interviewed and the on-site inspection began. The inspection period is January 29, 2015 to present. Advance notice was not provided.

### Business Profile:

Glasgow Gun and Pawn appears to primarily conduct retail sales of firearms and pawn redemptions. Mr. Burns estimated approximately (b)(4) of firearm transfers are pawn redemptions and approximately (b)(4) of firearm transfers are retail sales. The licensee stated he does not deal in consignments, conduct gunsmithing activity, conduct internet sales or sell firearms at gun shows or raffles. The business premise is a commercial storefront located in an urban area of Glasgow, Ky. at 115 Park Avenue. A Type 02 FFL is the appropriate license for the type of business activity conducted. The licensee currently maintains approximately (b)(4) firearms in inventory. This FFL acquired approximately (b)(4) firearms during the previous year. Handguns account for approximately (b)(4) of the business and long guns account for approximately (b)(4) of the business. Used firearms account for approximately (b)(4) of sales/transfers and new firearms account for approximately (b)(4) of sales/transfers. The licensee's primary supplier is (b)(4). Lewis Burns and (b)(6) are the primary employees of Glasgow Gun and Pawn. Hours of operation are currently listed as Monday to Wednesday 10 am to 5 pm, Thursday 10 am to 4 pm, Friday 10 am to 5 pm and Saturday 10 am to 3 pm.

### Ownership and Control:

As previously stated, Glasgow Gun and Pawn is a sole proprietorship in which Lewis Burns is listed as owner and sole responsible person on this license. No hidden ownership is suspected.

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## Variance:

No variance requests were submitted as a result of this inspection.

## 2 - Recommendation

IOI (b)(6) recommends Revocation due to the licensee discontinuing recording dispositions in their A & D record separate times. The current inspection disclosed seven violations of the Gun Control Act. The licensee failed to timely and/or correctly record the required disposition entries in the A & D record for 29.2% of the licensee's total dispositions. There were disposition errors all of which occurred during the inspection period. The majority of these errors were related to the licensee failing to log firearms out of the A & D record for approximately five months. A Compliance Inspection was conducted on the licensee from 3-9-11 to 8-14-12 (UI # 775045-2011-0121) which resulted in a Warning Conference being held on 9-20-12 due to the number of A & D errors. The licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The total number of A & D errors increased from instances in 2012 to instances in 2016. The licensee also had a 13% error rate on the ATF F 4473s during the current inspection. The licensee has been given repeated chances to improve the accuracy of their required records but has increasingly gotten worse. It does not appear the licensee is able and/or willing to be in compliance with the firearms regulations. It has gotten to the point where the inaccuracy and incompleteness of the licensee's required records are hindering law enforcement's efforts to reduce violent crime and protect the public. The FFL was not recording dispositions in their A&D record when ATF CE showed up to investigate a felon in possession case in August 2015. The FFL's failure to maintain an A&D book hindered the CE investigation. No referrals were submitted.

## 3 - Inspection History

**Date of Inspection:** 7/7/14 to 7/8/14  
**Type of Inspection:** Recall Compliance Inspection  
**UI#:** 775045-2014-0062-B1B  
**Inspection Results:** No violations; No further action; No referrals  
**Cited Violations:**

**Date of Inspection:** 3/9/11 to 8/14/12  
**Type of Inspection:** Recall Compliance Inspection  
**UI#:** 775045-2011-0121-B1B  
**Inspection Results:** Warning Conference and Recall Requested  
**Cited Violations:** 1. 27 CFR 478.125(e) – Failure to properly maintain the acquisition and disposition record in instances. firearm

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was unaccounted for and reported on a Theft/Loss Report as missing inventory.

2. 27 CFR 478.21(a) – Failure to properly complete ATF F 4473s. In (b)(3)-112 F instances, Item 11a (2008 edition) was incorrect. In (b)(3)-11 instances, Item 30a (2008 edition) was blank. In (b)(3) instances, Item 31 (2008 edition) was blank. In (b)(3) instances, Item 32 (2008 edition) was blank. In (b)(3) instances, Item 33 (2008 edition) was blank. In (b)(3) instances, Item 35 (2008 edition) was blank.

3. 27 CFR 478.124(c)(1) – Failure to obtain a properly completed ATF F 4473. In (b)(3)-11 instance, Item 11i (2008 edition) was blank. In (b)(3)-11 instance, Item 11k (2008 edition) was blank. In (b)(3)-11 instance, Item 11l (2008 edition) was blank.

4. 27CFR478.124(c)(3)(iv) – Failure to properly complete ATF F 4473s. In (b)(3)-11 instance, the licensee recorded an incorrect date that the NICS check was conducted in Item 21a of the ATF F 4473 (2008 edition). In (b)(3)-11 instance, the licensee failed to properly record the initial response provided by NICS in 21c of the ATF F4473 (2008 edition).

5. 27CFR478.124(c)(4) – Failure to properly complete ATF F4473s. In (b)(3)-11 instances, the licensee failed to record a manufacturer of firearm in Item 26 of the ATF F 4473 (2008 edition). In (b)(3)-11 instances, the licensee failed to record a model of firearm in Item 27 of the ATF F 4473 (2008 edition). In (b)(3)-112 F instances, the licensee failed to record a serial number of firearm in Item 28 of the ATF F 4473 (2008 edition). In (b)(3)-11 instances, the licensee failed to record a type of firearm in Item 29 of the ATF F 4473 (2008 edition). In (b)(3)-11 instances, the licensee failed to record a caliber of firearm in Item 30 of the ATF F 4473 (2008 edition).

6. 27CFR478.124(c)(5) – Failure to properly complete ATF F4473s. In (b)(3) instances, the licensee failed to record the transferor's/seller's signature in Item 34 of the ATF F4473 (2008 edition). In (b)(3) instances, the licensee left the date of transfer blank in Item 36 of the ATF F4473 (2008 edition).

**Date of Inspection:** 1/11/10 to 1/22/10

**Type of Inspection:** Recall Compliance Inspection

**UI#:** 775045-2010-0096-B1B

**Inspection Results:** Warning Letter and Recall Requested

**Cited Violations:** 1. 27 CFR 478.102(a)(1) – Failed to conduct NICS check or obtain valid alternative permit.

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2. 27 CFR 478.124(c)(3)(iv) – Failed to record complete and accurate NICS info.

**Date of Inspection:** 12/11/08 to 12/17/08  
**Type of Inspection:** Recall Compliance Inspection  
**UI#:** 775045-2009-0047-B1B  
**Inspection Results:** Report of Violations and Recall Requested.  
**Cited Violations:**  
1. 27 CFR 478.21(a) – Failed to obtain proper recertification.  
2. 27 CFR 478.124(c)(1) – Blank in Section A – 11j.  
3. 27 CFR 478.124(c)(3)(i) – Failed to record expiration date from ID document.  
4. 27 CFR 478.124(c)(3)(iv) – Failed to record complete and accurate NICS info.

**Date of Inspection:** 9/25/07 to 9/27/07  
**Type of Inspection:** Compliance Inspection  
**UI#:** 775045-2007-0211-B1B  
**Inspection Results:** Warning Letter and Recall Requested  
**Cited Violations:**  
1. 27 CFR 478.102(a)(1) – Failure to contact NICS.  
2. 27 CFR 478.124(c)(1) – Failed to obtain complete & accurate ATF Forms 4473.  
3. 27 CFR 478.124(c)(3)(i) – Failed to obtain a valid ID document.  
4. 27 CFR 478.126a – Failure to report multiple handgun sales to ATF.  
5. 27 CFR 478.128 – Obtaining false statements on ATF Forms 4473.

**Date of Inspection:** 10/17/2006  
**Type of Inspection:** Qualification Inspection  
**UI#:**  
**Inspection Results:** Issue License  
**Cited Violations:**

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

The licensee maintains a hard bound book which is in the correct format. Lewis Burns stated they have been conducting an inventory for comparison to the A & D record on a quarterly basis. Mr. Burns stated the last inventory occurred approximately 1 ½ months ago. There was a tag system set up which would reference a particular firearm in the physical inventory with the A & D records. Lewis Burns stated the acquisitions and

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dispositions are typically entered into the bound book by close of the next business day. The current inspection disclosed the licensee failed to record dispositions in the A & D record from 3-21-15 to 8-28-15 when ATF CE visited the premise. There were (b)(7)(C) firearms which were disposed of during that time period which should have been logged out of the A & D record but were not logged out when ATF CE visited the premise on 8-28-15. These (b)(7)(C) firearms were logged out of the A & D record sometime after 8-28-15 and prior to the current inspection. The licensee's procedures with regards to the inventory and A & D record need to show improvement as there were (b)(7)(C) errors disclosed during the current inspection.

At the time of the inspection, there were (b)(7)(C) firearms in physical inventory and there were (b)(7)(C) firearms on hand according to the licensee's A & D records. A 100% inventory was conducted on the firearms. This comparison disclosed (b)(7)(C) incorrect serial numbers in the A & D record and the licensee failed to record a firearm disposition in the A & D record in (b)(7)(C) instance.

(b)(7)(C) firearms located on commercial invoices, pawn tickets and purchase tickets were compared to the A & D record. This disclosed (b)(7)(C) firearms with incorrect acquisition dates and which were not logged in the A & D record in a timely manner.

(b)(7)(C) ATF F 4473s during the inspection period were compared to the A & D record. No discrepancies disclosed.

A comparison of the current A & D record to photos of the A & D record taken by ATF CE on 8-28-15 disclosed the licensee failed to record dispositions in the A & D record from 3-21-15 to 8-28-15 when ATF CE visited the premise. IOI (b)(6) reviewed the ATF F 4473s from 3-21-15 to 8-28-15. There were (b)(7)(C) firearms which were disposed of during that time period which should have been logged out of the A & D record but were not logged out when ATF CE visited the premise on 8-28-15. These (b)(7)(C) firearms were logged out of the A & D record sometime after 8-28-15 and prior to the current inspection. These were (b)(7)(C) untimely dispositions in the A & D record.

The error rate for failing to timely and/or correctly record acquisitions is 6.7%. The error rate for failing to timely and/or correctly record dispositions is 29.2%.

After the final reconciliation, the following violations of 27 CFR 478.125(e) regarding the inventory and A & D record were reported on the Report of Violations: Licensee failed to timely and/or correctly record a firearm acquisition in the A & D record in (b)(7)(C) instances. Licensee failed to timely record a firearm disposition in the A & D record in (b)(7)(C) instances. Licensee failed to record a firearm disposition in the A & D record in (b)(7)(C) instance. (See Exhibit 1- ATF CE Report of Investigation dated 8-31-15, Exhibit 2- Current A & D Photos, Exhibit 3- ATF F 4473 Photos for Untimely Disposition

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**Entries; Exhibit 4- A & D Violation Photos, Violations, Report of Violations, Worksheet 2 - Inventory and A & D Review Worksheet)**

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

Each salesclerk is responsible for the proper completion of ATF Forms 4473 at the time of the transaction. Lewis Burns stated he has been reviewing the ATF F 4473s once per month. There was (b)(3) error disclosed during the current inspection which was related to the identification section. There were no errors related to the certification section. There are instances where a firearm is shipped to a licensee outside the business on behalf of a customer. In these instances, the licensee obtains a certified copy of the recipient dealer's FFL and a file copy is maintained. The licensee currently maintains their ATF F 4473s in chronological order. The licensee maintains the denials separately. The current inspection disclosed the two most recent ATF F 4473s did not contain the majority of the licensee's information in Section D. (b)(3) of these ATF F 4473s did not contain the firearm serial number. This particular firearm had not been logged out of the A & D record. (b)(6) stated he does not record the firearm serial number on the ATF F 4473 until he logs the firearm out of the A & D record. As previously stated, a comparison of the current A & D record to photos of the A & D record taken by ATF CE on 8-28-15 disclosed the licensee failed to record (b)(3) firearm dispositions in the A & D record from 3-21-15 to 8-28-15 when ATF CE visited the premise. ATF CE also took photos of (b)(3) ATF F 4473s none of which contained firearm serial numbers and did not contain the majority of the licensee's information in Section D. This would mean that approximately five months of ATF F 4473s did not contain a firearm serial number until he logged them out of the A & D record. (b)(6) indicated he did not have an ink pad to complete the ATF F 4473s and he was slow on transferring the buyer's information over to the A & D record. A previous inspection which began on 3-9-11 disclosed the licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The previous inspection also disclosed numerous errors in Section D of the ATF F 4473. The licensee failed to record most of the information in this section on ATF F 4473s in February 2011 and March 2011. The licensee stated that he had been waiting to fill in this information when he entered the dispositions in the A & D record. IOI (b)(6) instructed the licensee that the ATF F 4473 must be completely filled out at the time of the transfer during the previous inspection. Overall, the error rate for proper completion of the ATF F 4473 was 13% during the current inspection. The licensee's procedures with regards to the ATF F 4473 need to show improvement.

The review period covered one year (January 29, 2015 to present). All transfers for this period (b)(3) ATF F 4473s) were reviewed. There were deficiencies noted on (b)(3) forms. These violations included the following:

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Failure to properly complete ATF F 4473s. [REDACTED] forms were examined. Errors were found in [REDACTED] instances on [REDACTED] forms. In [REDACTED] instance, Item 30a (2012 edition) was blank. In [REDACTED] instances, Item 31 (2012 edition) was blank. In [REDACTED] instances, Item 32 (2012 edition) was blank. In [REDACTED] instance, Item 33 (2012 edition) was blank. In [REDACTED] instance, Item 35 (2012 edition) was blank. **(See Exhibit 5-Photos of ATF F 4473 Errors, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

After the transferee has executed the ATF F4473, the licensee shall verify the identity of the transferee by examining the identification document. The licensee failed to receive a valid identification or failed to record id information in one instance on [REDACTED] form. In [REDACTED] instance, Item 20a (2012 edition) was incorrect. **(See Exhibit 5-Photos of ATF F 4473 Errors, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

Failure to properly complete ATF F 4473s. [REDACTED] forms were examined. Errors were found in [REDACTED] instances on [REDACTED] forms. In [REDACTED] instance, Item 21a (2012 edition) was incorrect. In [REDACTED] instance, Item 21b (2012 edition) was blank. In [REDACTED] instances, Item 21d (2012 edition) was blank or incorrect. In [REDACTED] instance, Item 21e (2012 edition) was blank. **(See Exhibit 5-Photos of ATF F 4473 Errors, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

Failure to properly complete ATF F4473s. [REDACTED] forms were examined. Errors were found in [REDACTED] instances on [REDACTED] forms. In [REDACTED] instances, Item 27 (2012 edition) was blank. In [REDACTED] instance, Item 28 (2012 edition) was blank. **(See Exhibit 5-Photos of ATF F 4473 Errors, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

Failure to properly complete ATF F4473s. [REDACTED] forms were examined. Errors were found in [REDACTED] instances on [REDACTED] forms. In [REDACTED] instance, Item 34 (2012 edition) was blank. In [REDACTED] instances, Item 36 (2012 edition) was blank. **(See Exhibit 5-Photos of ATF F 4473 Errors, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

Failure to properly complete ATF F4473s. [REDACTED] forms were examined. Errors were found in [REDACTED] instance on [REDACTED] form. In [REDACTED] instance, Item 23 (2012 edition) was incorrect. **(See Exhibit 5-Photos of ATF F 4473 Errors, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

Transaction approval numbers were acquired from NICS for the period of November 29, 2015 to January 28, 2016. There were 12 approval numbers/open transactions for this period. There were no denied transactions during the inspection period. All 12

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NTNs were compared to the ATF F 4473s. No discrepancies disclosed. **(See Exhibit 6- NICS Audit Log)**

Overall, there were deficiencies noted on [REDACTED] of the [REDACTED] forms reviewed which is an error rate of 13%. There were no errors related to the certification section. The licensee failed to record valid and complete identification in [REDACTED] instance (1.4% error rate). Violations of 27 CFR §§ 478.21(a), 478.124(c)(3)(i), 478.124(c)(3)(iv), 478.124(c)(4), 478.124(c)(5) and 478.131(a)(2) were cited on the Report of Violations. **(See Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

## **6 - Multiple Sales**

The licensee reported no multiple sales of handguns during the past year according to the report acquired from the Violent Crime Analysis Branch. A review of the ATF F 4473s during the previous year disclosed [REDACTED] Multiple Handgun Sales during the inspection period. A Multiple Handgun Sales Report was completed and attached to the ATF F 4473s in these [REDACTED] instances. Lewis Burns stated he had been mailing the form to the address on the form. The Multiple Handgun Sales form which was used was outdated however the address was the same as the current form. IOI [REDACTED] provided a copy of the most recent version of the form and instructed the licensee to report these [REDACTED] multiple sales again. Lewis Burns stated he would do as instructed. This was not cited. One area of concern related to these unreported multiple sales was the multiple sale to an individual named [REDACTED]. [REDACTED] is currently under federal indictment for straw purchasing a firearm from Glasgow Gun and Pawn for a prohibited individual. This was the reason ATF CE was attempting to obtain copies of the required records from Glasgow Gun and Pawn on 8-28-15. Glasgow Gun and Pawn is suspected of knowingly engaging in a straw transaction, however this could not be proven. It is unclear at this time if the FFL filled out the Multiple Sale Form and purposefully did not send it to the Tracing Center or if it was indeed mailed to the Tracing Center and did not get entered in the database. **(See Exhibit 7- Photos of ATF F 4473s for Multiple Handgun Sales, Exhibit 8- VCAB Query and Exhibit 1- ATF CE Report of Investigation dated 8-31-15)**

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

The ATF F 4473s during the inspection period were reviewed to determine if any trafficking patterns were present. Four individuals were identified as having unusual purchases or purchase patterns, and additional checks were conducted (LEAD and NCIC). No referrals were made as a result of the additional checks. No individuals with previous traces from the licensee purchased additional firearms during the inspection period.

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## 8 - Trace Activity

Prior to conducting the inspection, the Firearms Trace History of the licensee was obtained from the Violent Crime Analysis Branch for the previous year. The VCAB Query indicated the licensee was associated with one firearm trace request. This trace attempt was successful. (See Exhibit 8- VCAB Query)

A secondary market analysis was conducted. (b)(3) used firearms were randomly chosen from the A & D record. These firearms were run through NCIC and LEAD. There was (b)(3)-(1) firearm associated with the secondary market analysis which was suspected as being stolen. The A & D record showed a (b)(3) - 112 Public Law 55 125 Stat 552 was acquired from (b)(6) on 8-15-15 and sold to (b)(6) on 12-18-15. The ATF F 4473 showed this gun as (b)(3) - 112 Public Law 55 125 Stat 552. NCIC showed a (b)(3) - 112 Public Law 55 125 Stat 552 is stolen on 1-27-07. ORI was Cass Co. SO Plattsmouth phone # (b)(6). IOI (b)(6) provided this information to ATF SA (b)(6) who visited the purchaser in an attempt to determine if the firearm was stolen. ATF CE determined that the firearm was not actually stolen. This is another example of the inaccuracy and incompleteness of the licensee's required records hampering law enforcement's efforts to reduce violent crime and protect the public. (See Exhibit 9- Photos of the A & D record and ATF F 4473 for (b)(6) Purchase) There was (b)(3)-(1) firearm associated with the secondary market analysis which had been traced after the firearm was acquired by the FFL. This was the (b)(3)-(112 Public Law 55 125 Stat 552) straw purchased by (b)(6) on 7-11-15 from Glasgow Gun and Pawn and found in possession of a prohibited individual named (b)(6). ATF SA (b)(6) had traced this firearm in an attempt to determine how the prohibited individual acquired the firearm. (See Exhibit 1- ATF CE Report of Investigation dated 8-31-15 and Exhibit 10- ATF CE Report of Investigation dated 8-5-15)

## 9 - NFA/Importer/Collector/Manufacturer

No NFA/Importer/Collector/Manufacturer operations conducted.

## 10 - Referrals

No referrals.

## 11 - Other

As previously stated, prior to the current inspection IOI (b)(6) received information from ATF Criminal Enforcement which indicated they attempted to obtain copies of the licensee's required records to assist with an ongoing criminal investigation on 8-28-15. The Report of Investigation provided by ATF CE indicated that the ATF F 4473 in

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question which contained (b)(3)-(11) firearms did not have either serial number recorded on the form and was also missing the licensee's information. Due to the missing information on the ATF F 4473, ATF CE requested to look at the A & D record in an attempt to obtain documentation showing who obtained the (b)(3)-(11) firearms in question. The A & D record showed the acquisition of the (b)(3)-(11) firearms in question but did not show their disposition even though the disposition occurred approximately 1 ½ months prior to ATF CE visiting the business premise. ATF CE made copies of the incomplete A & D records and copies of (b)(3)-(11) ATF F 4473s none of which contained serial numbers or the licensee's information. ATF CE advised (b)(6) that he was violating numerous regulations by not completing the ATF F 4473s and the A & D record. (b)(6) indicated he did not have an ink pad to complete the ATF F 4473s and he was slow on transferring the buyer's information over to the A & D record. ATF CE informed (b)(6) that not having an ink pad was no excuse. (See Exhibit 1- ATF CE Report of Investigation dated 8-31-15)

A Report of Investigation provided by ATF CE dated 8-5-15 indicates the licensee was suspected of knowingly engaging in a straw transaction but this could not be proven. The straw purchaser ((b)(6)) stated a prohibited individual ((b)(6)) picked out a firearm at the business premise and gave him money for the firearm. (b)(6) stated he acquired a firearm for (b)(6) and one for himself. (b)(6) believed (b)(6) had to have observed everything about the transaction and knew (b)(3)-(11) of the firearms was likely for the (b)(6) and (b)(3)-(11) was for him but did not know exactly how (b)(6) perceived the transaction. (See Exhibit 10- ATF CE Report of Investigation dated 8-5-15) IOI (b)(6) provided a copy of this report to ATF Counsel (b)(6) who asked that (b)(6) be interviewed. IOI (b)(6) spoke to SA (b)(6) who gave consent for IOI (b)(6) to interview (b)(6) regarding this transaction. IOI (b)(6) first showed Lewis Burns a copy of the ATF F 4473 for (b)(6) dated 7-11-15 and asked him if he remembered the transaction. Lewis Burns stated he did not know (b)(6) or remember the transaction. IOI (b)(6) showed (b)(6) a copy of the ATF F 4473 for (b)(6) dated 7-11-15 and asked him if he remembered the transaction. (b)(6) stated that three black guys, one of which was (b)(6), came into the store possibly with a white girl. (b)(6) stated he remembered (b)(6) telling him he was related to someone in Horse Cave. (b)(6) stated (b)(6) looked at the S & W 40 caliber pistol and the Glock 40 caliber pistol. (b)(6) stated (b)(6) told him he had to go get money and left. (b)(6) stated another one of the black males was looking at a 22 caliber revolver. (b)(6) stated this individual stated he did not have any money and left. Prior to both individuals leaving, (b)(6) stated (b)(6) asked him if he could do a background check on him. (b)(6) stated he told (b)(6) that he could not do a background check unless he was purchasing a firearm. (b)(6) stated both individuals were looking at firearms for approximately 10 minutes prior to leaving. (b)(6) stated (b)(6) returned to the premise by himself approximately 4-6 hours later. (b)(6) told (b)(6)

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(b)(6) that he wanted the (b)(3)-112 Public pistol. (b)(6) stated they filled out the ATF F 4473 and conducted the background check. (b)(6) stated that after (b)(6) passed his background check (b)(6) told Luke that he wanted both guns and Luke added the (b)(3)-112 Public pistol to the form. (b)(6) stated (b)(6) paid for the firearms with 1s, 5s, 10s and 20s for a total of \$750 for both guns. (b)(6) stated each firearm was \$375. IOI (b)(6) provided this information to ATF SA (b)(3)-112 Public

It should be noted that during the previous inspection in 2011/2012, the licensee was suspected of knowingly taking in stolen property but this could not be proven. The licensee took in a stolen firearm the same day it was stolen and failed to report it to local police as a used firearm acquired by the FFL so they could run it for stolen. This firearm was missing from their inventory and reported on a Theft/Loss report during the the 2011/2012 inspection.

## 12 - Closing Actions

On February 3, 2016, IOI (b)(6) attended a closing conference at the licensed premises. Lewis Burns and (b)(6) were present. A review of the regulatory requirements was conducted. An Acknowledgement of Federal Firearms Regulations was signed by Lewis Burns. (See **Exhibit 11-Acknowledgement of Federal Firearms Regulations**)

A Report of Violations (ATF F 5030.5) was issued on February 3, 2016 by IOI (b)(6) and reviewed. Lewis Burns and (b)(6) were present. Lewis Burns signed the Report of Violations. (See **Report of Violations**)

## 13 - Violations

1. **27 CFR 478.125(e) – Firearms Receipt and Disposition by Dealers -REPEAT OF VIOLATION CITED ON 8/14/2012**

Failure to properly maintain the acquisition and disposition record in (b)(3) instances.

Licensee failed to timely and/or correctly record a firearm acquisition in the A & D record in (b)(3) instances. Licensee failed to timely record a firearm disposition in the A & D record in (b)(3)-1 instances. Licensee failed to record a firearm disposition in the A & D record in (b)(3)-11 instance.

Prior to the current inspection, IOI (b)(6) received information from ATF Criminal Enforcement which indicated they attempted to obtain copies of the licensee's required records to assist with an ongoing criminal investigation on 8-28-15. The Report of Investigation provided by ATF CE indicated that the ATF F 4473 in question, which contained (b)(3)-11 firearms, did not have either serial number recorded on the form

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and was also missing the licensee's information. Due to the missing information on the ATF F 4473, ATF CE requested to look at the A & D record in an attempt to obtain documentation showing who obtained the (b)(3)-(11) firearms in question. The A & D record showed the acquisition of the (b)(3)-(11) firearms in question but did not show their disposition even though the disposition occurred approximately 1 ½ months prior to ATF CE visiting the business premise. ATF CE made copies of the incomplete A & D records and copies of three ATF F 4473s none of which contained serial numbers or the licensee's information. ATF CE advised (b)(6) that he was violating numerous regulations by not completing the ATF F 4473s and the A & D record. (b)(6) indicated he did not have an ink pad to complete the ATF F 4473s and he was slow on transferring the buyer's information over to the A & D record. ATF CE informed (b)(6) that not having an ink pad was no excuse.

After ATF CE admonished the licensee for incomplete records in August 2015, Lewis Burns contacted the Louisville II Office and requested a records review stating his records were updated and accurate. IOI (b)(6) began the current inspection on January 29, 2016. A comparison of the current A & D record to photos of the A & D record taken by ATF CE on 8-28-15 disclosed the licensee had failed to record dispositions in the A & D record from 3-21-15 to 8-28-15 when ATF CE visited the premise. There were (b)(3) firearms which were disposed of during that time period which should have been logged out of the A & D record but were not logged out when ATF CE visited the premise on 8-28-15. These (b)(3) firearms were logged out of the A & D record sometime after 8-28-15 and prior to the current inspection. IOI (b)(6) informed the licensee that these were considered untimely dispositions. It should be noted that there were other A & D errors disclosed during the current inspection. The licensee failed to timely and/or correctly record a firearm acquisition in the A & D record in (b)(3) instances. The licensee also failed to record a firearm disposition in the A & D record in (b)(3)-(11) instance.

A previous inspection which began on 3-9-11 (775045-2011-0121-B1B) disclosed the licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The previous inspection also disclosed numerous errors in Section D of the ATF F 4473. The licensee failed to record most of the information in this section on ATF F 4473s in February 2011 and March 2011. The licensee stated that he had been waiting to fill in this information when he entered the dispositions in the A & D record. IOI (b)(6) instructed the licensee that the ATF F 4473 must be completely filled out at the time of the transfer during the previous inspection. The licensee stated he was aware of the A & D requirements to log the entries in a timely manner but got busy. Lewis Burns also indicated he had been letting (b)(6) (son) complete a lot of the required records. Lewis Burns assured IOI (b)(6) that he would implement review procedures to ensure accurate records in the future. A warning conference was held on 9-20-12. Regarding the violation of failing to properly maintain the A & D record, Lewis Burns stated he would enter the firearm

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acquisitions and dispositions at the time of the transaction to reduce the number of errors. Lewis Burns stated he would compare the A & D record to the ATF F 4473s at the end of the day to ensure accuracy. Regarding the violations of failing to properly complete the ATF F 4473, Lewis Burns stated that the errors occurred due to failing to properly review the form. Lewis Burns stated that he set up a four point review process to ensure he obtained a properly completed ATF F 4473. Lewis Burns stated that the initial salesclerk would review the form. Lewis Burns stated that he would review the form after contacting NICS. Lewis Burns stated that he would review the form prior to filing it. Lewis Burns stated that he had started reviewing the ATF F 4473s at the end of the month.

During the closing conference on 2-3-16, Lewis Burns stated he would start comparing the A & D record to the ATF F 4473s to ensure accuracy. Lewis Burns stated he would ensure the acquisitions and dispositions were entered in the A & D record in a timely manner. IOI (b)(6) informed Lewis Burns that he had previously sat across the table from IOI (b)(6) at a Warning Conference on 9-20-12 and assured IOI (b)(6) that he would start entering the acquisitions and dispositions at the time of the transaction to reduce the number of errors. During this Warning Conference, Lewis Burns also assured IOI (b)(6) that he would start comparing the A & D record to the ATF F 4473s at the end of the day to ensure accuracy. IOI (b)(6) informed Lewis Burns that there was no excuse for not entering dispositions in the A & D record for approximately five months. IOI (b)(6) informed Lewis Burns that the A & D discrepancies had actually gotten substantially worse after the Warning Conference was held in 2012.

The licensee was instructed to begin maintaining the A & D record accurately and in a timely manner. Licensee was instructed to make the appropriate corrections to the A & D record, which they did.

**(See Exhibit 1- ATF CE Report of Investigation dated 8-31-15, Exhibit 2- Current A & D Photos, Exhibit 3- ATF F 4473 Photos for Untimely Disposition Entries; Exhibit 4- A & D Violation Photos, Exhibit 12- 2012 Post Warning Conference Letter, Violations, Report of Violations, Worksheet 2 - Inventory and A & D Review Worksheet)**

**2. 27 CFR 478.21(a) – Forms Prescribed- REPEAT OF VIOLATION CITED ON 8/14/2012 AND 12/17/2008**

Failure to properly complete ATF F 4473s. (b)(3) forms were examined. Errors were found in (b)(3)-112 P (b)(3)-112 P forms.

In (b)(3)-11 instance, Item 30a (2012 edition) was blank.

In (b)(3)-11 instances, Item 31 (2012 edition) was blank.

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In [REDACTED] instances, Item 32 (2012 edition) was blank.

In [REDACTED] instance, Item 33 (2012 edition) was blank.

In [REDACTED] instance, Item 35 (2012 edition) was blank.

A previous inspection which began on 3-9-11 (775045-2011-0121-B1B) disclosed the licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The previous inspection also disclosed numerous errors in Section D of the ATF F 4473. The licensee failed to record most of the information in this section on ATF F 4473s in February 2011 and March 2011. The licensee stated that he had been waiting to fill in this information when he entered the dispositions in the A & D record. IOI (b)(6) instructed the licensee that the ATF F 4473 must be completely filled out at the time of the transfer during the previous inspection. The licensee stated he was aware of the A & D requirements to log the entries in a timely manner but got busy. Lewis Burns also indicated he had been letting (b)(6) (son) complete a lot of the required records. Lewis Burns assured IOI (b)(6) that he would implement review procedures to ensure accurate records in the future. A warning conference was held on 9-20-12. Regarding the violation of failing to properly maintain the A & D record, Lewis Burns stated he would enter the firearm acquisitions and dispositions at the time of the transaction to reduce the number of errors. Lewis Burns stated he would compare the A & D record to the ATF F 4473s at the end of the day to ensure accuracy. Regarding the violations of failing to properly complete the ATF F 4473, Lewis Burns stated that the errors occurred due to failing to properly review the form. Lewis Burns stated that he set up a four point review process to ensure he obtained a properly completed ATF F 4473. Lewis Burns stated that the initial salesclerk would review the form. Lewis Burns stated that he would review the form after contacting NICS. Lewis Burns stated that he would review the form prior to filing it. Lewis Burns stated that he had started reviewing the ATF F 4473s at the end of the month.

During the closing conference on 2-3-16, Lewis Burns stated he had been reviewing the forms and was not sure how he missed these mistakes.

Licensee was instructed to properly complete ATF F4473s.

**(See Exhibit 5-Photos of ATF F 4473 Errors, Exhibit 12- 2012 Post Warning Conference Letter, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

- 3. 27CFR478.124(c)(3)(i) – Firearms Transaction Record- REPEAT OF VIOLATION CITED ON 12/17/2008 AND 9/27/2007**

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After the transferee has executed the ATF F4473, the licensee shall verify the identity of the transferee by examining the identification document. The licensee failed to receive a valid identification or failed to record id information in [REDACTED] instance on [REDACTED] form.

In [REDACTED] instance, Item 20a (2012 edition) was incorrect.

A previous inspection which began on 3-9-11 (775045-2011-0121-B1B) disclosed the licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The previous inspection also disclosed numerous errors in Section D of the ATF F 4473. The licensee failed to record most of the information in this section on ATF F 4473s in February 2011 and March 2011. The licensee stated that he had been waiting to fill in this information when he entered the dispositions in the A & D record. IOI (b)(6) instructed the licensee that the ATF F 4473 must be completely filled out at the time of the transfer during the previous inspection. The licensee stated he was aware of the A & D requirements to log the entries in a timely manner but got busy. Lewis Burns also indicated he had been letting (b)(6) (son) complete a lot of the required records. Lewis Burns assured IOI (b)(6) that he would implement review procedures to ensure accurate records in the future. A warning conference was held on 9-20-12. Regarding the violation of failing to properly maintain the A & D record, Lewis Burns stated he would enter the firearm acquisitions and dispositions at the time of the transaction to reduce the number of errors. Lewis Burns stated he would compare the A & D record to the ATF F 4473s at the end of the day to ensure accuracy. Regarding the violations of failing to properly complete the ATF F 4473, Lewis Burns stated that the errors occurred due to failing to properly review the form. Lewis Burns stated that he set up a four point review process to ensure he obtained a properly completed ATF F 4473. Lewis Burns stated that the initial salesclerk would review the form. Lewis Burns stated that he would review the form after contacting NICS. Lewis Burns stated that he would review the form prior to filing it. Lewis Burns stated that he had started reviewing the ATF F 4473s at the end of the month.

During the closing conference on 2-3-16, Lewis Burns stated he had been reviewing the forms and was not sure how he missed these mistakes.

The licensee must verify the identity of the transferee by examining the identification document and record all transferee's identification information on the ATF F4473.

**(See Exhibit 5-Photos of ATF F 4473 Errors, Exhibit 12- 2012 Post Warning Conference Letter, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

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#### 4. 27CFR478.124(c)(3)(iv) – Firearms Transaction Record- REPEAT OF VIOLATION CITED ON 8/14/2012, 1/22/2010 AND 12/17/2008

Failure to properly complete ATF F 4473s. 70 forms were examined. Errors were found in [REDACTED] instances on [REDACTED] forms.

In [REDACTED] instance, Item 21a (2012 edition) was incorrect.

In [REDACTED] instance, Item 21b (2012 edition) was blank. (b)(6) stated he conducted the background check for this transaction but forgot to write the NTN on the form. NCIC did not disclose this individual was prohibited.

In [REDACTED] instances, Item 21d (2012 edition) was blank or incorrect.

In [REDACTED] instance, Item 21e (2012 edition) was blank.

A previous inspection which began on 3-9-11 (775045-2011-0121-B1B) disclosed the licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The previous inspection also disclosed numerous errors in Section D of the ATF F 4473. The licensee failed to record most of the information in this section on ATF F 4473s in February 2011 and March 2011. The licensee stated that he had been waiting to fill in this information when he entered the dispositions in the A & D record. IOI (b)(6) instructed the licensee that the ATF F 4473 must be completely filled out at the time of the transfer during the previous inspection. The licensee stated he was aware of the A & D requirements to log the entries in a timely manner but got busy. Lewis Burns also indicated he had been letting (b)(6) (son) complete a lot of the required records. Lewis Burns assured IOI (b)(6) that he would implement review procedures to ensure accurate records in the future. A warning conference was held on 9-20-12. Regarding the violation of failing to properly maintain the A & D record, Lewis Burns stated he would enter the firearm acquisitions and dispositions at the time of the transaction to reduce the number of errors. Lewis Burns stated he would compare the A & D record to the ATF F 4473s at the end of the day to ensure accuracy. Regarding the violations of failing to properly complete the ATF F 4473, Lewis Burns stated that the errors occurred due to failing to properly review the form. Lewis Burns stated that he set up a four point review process to ensure he obtained a properly completed ATF F 4473. Lewis Burns stated that the initial salesclerk would review the form. Lewis Burns stated that he would review the form after contacting NICS. Lewis Burns stated that he would review the form prior to filing it. Lewis Burns stated that he had started reviewing the ATF F 4473s at the end of the month.

During the closing conference on 2-3-16, Lewis Burns stated he had been reviewing the forms and was not sure how he missed these mistakes.

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Licensee was instructed to begin completing ATF F4473 completely and accurately.

**(See Exhibit 5-Photos of ATF F 4473 Errors, Exhibit 12- 2012 Post Warning Conference Letter, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

**5. 27CFR478.124(c)(4) – Firearms Transaction Record- REPEAT OF VIOLATION CITED ON 8/14/2012**

Failure to properly complete ATF F4473s. 70 forms were examined. Errors were found in [REDACTED] instances on [REDACTED] forms.

In [REDACTED] instances, Item 27 (2012 edition) was blank.

In [REDACTED] instance, Item 28 (2012 edition) was blank.

A previous inspection which began on 3-9-11 (775045-2011-0121-B1B) disclosed the licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The previous inspection also disclosed numerous errors in Section D of the ATF F 4473. The licensee failed to record most of the information in this section on ATF F 4473s in February 2011 and March 2011. The licensee stated that he had been waiting to fill in this information when he entered the dispositions in the A & D record. IOI (b)(6) instructed the licensee that the ATF F 4473 must be completely filled out at the time of the transfer during the previous inspection. The licensee stated he was aware of the A & D requirements to log the entries in a timely manner but got busy. Lewis Burns also indicated he had been letting (b)(6) (son) complete a lot of the required records. Lewis Burns assured IOI (b)(6) that he would implement review procedures to ensure accurate records in the future. A warning conference was held on 9-20-12. Regarding the violation of failing to properly maintain the A & D record, Lewis Burns stated he would enter the firearm acquisitions and dispositions at the time of the transaction to reduce the number of errors. Lewis Burns stated he would compare the A & D record to the ATF F 4473s at the end of the day to ensure accuracy. Regarding the violations of failing to properly complete the ATF F 4473, Lewis Burns stated that the errors occurred due to failing to properly review the form. Lewis Burns stated that he set up a four point review process to ensure he obtained a properly completed ATF F 4473. Lewis Burns stated that the initial salesclerk would review the form. Lewis Burns stated that he would review the form after contacting NICS. Lewis Burns stated that he would review the form prior to filing it. Lewis Burns stated that he had started reviewing the ATF F 4473s at the end of the month.

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During the closing conference on 2-3-16, Lewis Burns stated he had been reviewing the forms and was not sure how he missed these mistakes.

Licensee was instructed to begin completing ATF F4473 completely and accurately.

**(See Exhibit 5-Photos of ATF F 4473 Errors, Exhibit 12- 2012 Post Warning Conference Letter, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

**6. 27CFR478.124(c)(5) – Firearms Transaction Record- REPEAT OF VIOLATION CITED ON 8/14/2012**

Failure to properly complete ATF F4473s. (b)(3) forms were examined. Errors were found in (b)(3)-112 P instances on (b)(3)-112 forms.

In (b)(3)-11 instance, Item 34 (2012 edition) was blank.

In (b)(3)-112 instances, Item 36 (2012 edition) was blank.

A previous inspection which began on 3-9-11 (775045-2011-0121-B1B) disclosed the licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The previous inspection also disclosed numerous errors in Section D of the ATF F 4473. The licensee failed to record most of the information in this section on ATF F 4473s in February 2011 and March 2011. The licensee stated that he had been waiting to fill in this information when he entered the dispositions in the A & D record. IOI (b)(6) instructed the licensee that the ATF F 4473 must be completely filled out at the time of the transfer during the previous inspection. The licensee stated he was aware of the A & D requirements to log the entries in a timely manner but got busy. Lewis Burns also indicated he had been letting (b)(6) (son) complete a lot of the required records. Lewis Burns assured IOI (b)(6) that he would implement review procedures to ensure accurate records in the future. A warning conference was held on 9-20-12. Regarding the violation of failing to properly maintain the A & D record, Lewis Burns stated he would enter the firearm acquisitions and dispositions at the time of the transaction to reduce the number of errors. Lewis Burns stated he would compare the A & D record to the ATF F 4473s at the end of the day to ensure accuracy. Regarding the violations of failing to properly complete the ATF F 4473, Lewis Burns stated that the errors occurred due to failing to properly review the form. Lewis Burns stated that he set up a four point review process to ensure he obtained a properly completed ATF F 4473. Lewis Burns stated that the initial salesclerk would review the form. Lewis Burns stated that he would review the form after contacting NICS. Lewis Burns stated that he would review the form prior to filing it. Lewis Burns stated that he had started reviewing the ATF F 4473s at the end of the month.

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During the closing conference on 2-3-16, Lewis Burns stated he had been reviewing the forms and was not sure how he missed these mistakes.

Licensee was instructed to begin completing ATF F4473 completely and accurately.

**(See Exhibit 5-Photos of ATF F 4473 Errors, Exhibit 12- 2012 Post Warning Conference Letter, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

### 7. 27CFR478.131(a)(2) – Firearms Transactions not Subject to a NICS Check

Failure to properly complete ATF F4473s. (b)(3) forms were examined. Errors were found in (b)(3)-(1) instance on (b)(3)-(1) form.

In (b)(3)-(1) instance, Item 23 (2012 edition) was incorrect. In this instance, the licensee listed the same KY CCDWL issue date as the expiration date. NCIC disclosed the KY CCDWL appears to have been valid at the time of transfer.

A previous inspection which began on 3-9-11 (775045-2011-0121-B1B) disclosed the licensee failed to record any of the dispositions in the A & D record for the ATF F 4473s in February 2011 and March 2011. The previous inspection also disclosed numerous errors in Section D of the ATF F 4473. The licensee failed to record most of the information in this section on ATF F 4473s in February 2011 and March 2011. The licensee stated that he had been waiting to fill in this information when he entered the dispositions in the A & D record. IOI (b)(6) instructed the licensee that the ATF F 4473 must be completely filled out at the time of the transfer during the previous inspection. The licensee stated he was aware of the A & D requirements to log the entries in a timely manner but got busy. Lewis Burns also indicated he had been letting (b)(6) (son) complete a lot of the required records. Lewis Burns assured IOI (b)(6) that he would implement review procedures to ensure accurate records in the future. A warning conference was held on 9-20-12. Regarding the violation of failing to properly maintain the A & D record, Lewis Burns stated he would enter the firearm acquisitions and dispositions at the time of the transaction to reduce the number of errors. Lewis Burns stated he would compare the A & D record to the ATF F 4473s at the end of the day to ensure accuracy. Regarding the violations of failing to properly complete the ATF F 4473, Lewis Burns stated that the errors occurred due to failing to properly review the form. Lewis Burns stated that he set up a four point review process to ensure he obtained a properly completed ATF F 4473. Lewis Burns stated that the initial salesclerk would review the form. Lewis Burns stated that he would review the form after contacting NICS. Lewis Burns stated that he would review the form prior to filing it. Lewis Burns stated that he had started reviewing the ATF F 4473s at the end of the month.

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During the closing conference on 2-3-16, Lewis Burns stated he had been reviewing the forms and was not sure how he missed these mistakes.

Licensee was instructed to begin completing ATF F4473 completely and accurately.

**(See Exhibit 5-Photos of ATF F 4473 Errors, Exhibit 12- 2012 Post Warning Conference Letter, Violations, Report of Violations, Worksheet 3 - ATF Form 4473 (2012 Edition) Review Worksheet)**

**X**

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Industry Operations Investigator

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- 3-ATF F 4473 (2012 Edition) Review Worksheet
- 4-Statistical Page

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- 2- Current A & D Photos
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- 4- A & D Violation Photos
- 5- Photos of ATF F 4473 Errors
- 6- NICS Audit Log
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- 10- ATF CE Report of Investigation dated 8-5-15
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