

Assignment and Report

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|---|---|-----------------------------|------------------|
| 1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Bricco, Craig G 1st Class Firearms 2453 Sheridan Rd Zion, IL 60099, Lake | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 772060-2015-0052-B1B | | |
| | 3. PERMIT/LICENSE NUMBER 336097015G01601 | 4a. TARGET DATE 9/4/2015 | 4b. TARGET HOURS |
| | 5. REQUESTED BY (SIGNATURE, TITLE AND DATE) | | |

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| 6. ATF OFFICER(S) ASSIGNED (b)(6) - Lead Investigator (b)(6) - Assigned Investigator |
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| 7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6) Area Supervisor, 10/01/2014 |
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| 8. PURPOSE/SPECIAL INSTRUCTIONS Please conduct a full scope recall inspection of this Type 01 FFL. During initial review of this assignment please ensure the shared drive is reviewed for any additional variance approvals, correspondences, etc. that are not located in the file. |
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|------------------------|----|---|--|--------------------------------|--|
| 9. INSPECTION RESULTS | | <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC | | 10. TRAVEL EXPENSES (OPTIONAL) | |
| NO. OF VIOLATIONS | 12 | NO. OF REFERRALS | | 2111 - PER DIEM | |
| NO. OF TECS CHECKS | 28 | NO. OF TECS HITS | | 2112 - P.O.A. | |
| NO. OF TAX ADJUSTMENTS | | \$ VALUE OF TAX INCREASES | | 2113 - COMM. AIR | |
| | | \$ VALUE OF TAX DECREASES | | 2114 - RENTAL CAR | |
| NO. OF ASSESSMENTS | | \$ VALUE OF ASSESSMENTS | | 2115 - GPV EXPENSES | |
| NO. OF CLAIMS | | \$ VALUE OF CLAIMS | | 2116 - MISC. | |
| NO. OF TAX PERIODS | | \$ VALUE OF TAXES VERIFIED | | TOTAL \$ FOR INSP. | |

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| 11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 03/30/2015 |
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Viols and Revocation / Denial of Renewal App

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|---|--------|-------------------------|--|
| 12. TIME ACCOUNTING DATA | | | |
| ATF OFFICER'S NAME (MONTH, YEAR, HOURS) | | (b)(6) | |
| DEC 2014 | 1.00 | | |
| JAN 2015 | 7.00 | | |
| FEB 2015 | 69.50 | | |
| MAR 2015 | 25.50 | | |
| APR 2015 | 1.00 | | |
| MAY 2015 | 1.00 | | |
| JUL 2015 | 1.00 | | |
| AUG 2015 | 2.50 | | |
| OCT 2015 | 14.00 | | |
| ATF OFFICER'S SUBTOTAL | 122.50 | ATF OFFICER'S SIGNATURE | |
| ATF OFFICER'S NAME (MONTH, YEAR, HOURS) | | (b)(6) | |
| FEB 2015 | 38.00 | | |
| MAR 2015 | 7.00 | | |
| ATF OFFICER'S SUBTOTAL | 45.00 | ATF OFFICER'S SIGNATURE | |
| TOTAL HOURS | 167.50 | | |

Assignment and Report

| | | | |
|---|---|-----------------------------|------------------|
| 1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Bricco, Craig G 1st Class Firearms 2453 Sheridan Rd Zion, IL 60099, Lake | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 772060-2015-0052-B1B | | |
| | 3. PERMIT/LICENSE NUMBER 336097015G01601 | 4a. TARGET DATE 9/4/2015 | 4b. TARGET HOURS |
| | 5. REQUESTED BY (SIGNATURE, TITLE AND DATE) | | |
| | | | |

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Due to a multitude of repeat violations being disclosed, during the current inspection, with the inspection conducted in 2013 and 2009 that resulted in a Warning Conference for both inspections the FFL has demonstrated willful intent by displaying an intentional disregard and plain indifference to regulatory requirements. Through examination of the inspection report, I have determined that IOI (b)(6) has sufficiently documented and substantiated the violations disclosed and has provided the necessary supporting information and exhibits to initiate revocation proceedings. I concur with IOI (b)(6)'s recommendation of revocation and the recommendation will be forwarded for DIO review.

On 10/2/15 FFL signed a notice of discontinuance of business.

Viols Surrendered ILO Admin Action

☒ REVIEWED ☒ CONCUR ☒ SEE COMMENTS ☒ FINAL DISPOSITION

| | |
|---|---------------------------|
| SIGNATURE AND TITLE (b)(6) - Area Supervisor | REVIEW DATE 03/31/2015 |
|---|---------------------------|

REVIEW COMMENTS AND RECOMMENDATION

Due to the large number of repeat violations, DIO Root concurs with the recommendation to pursuit the revocation of this Federal Firearms License.

Viols and Revocation / Denial of Renewal App

☒ REVIEWED ☒ CONCUR ☒ SEE COMMENTS ☐ FINAL DISPOSITION

| | |
|---|---------------------------|
| SIGNATURE AND TITLE RMROOT - Director, Industry Operations | REVIEW DATE 04/09/2015 |
|---|---------------------------|

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

Report of Violations

Instructions

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

| | | | | | | |
|---|------------------------------------|-----------------------------|-------------|--|----------------|----------------------|
| Name of Proprietor Bricco, Craig G 1st Class Firearms | Street Address 2453 Sheridan Rd | City Zion | State IL | Zip Code 60099- | County Lake | Page 1 of 8 Pages |
| License/Permit/Registry Number <i>(If any)</i> 336097015G01601 | | Expiration Date 7/1/2015 | | Date(s) or Period of Inspection 02/01/2014 through 02/03/2015 | | |

Inspection Results

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

| | |
|--|---|
| Number: 1 | Date Corrections to be Made: <i>(If not corrected immediately)</i> |
| Nature of Violation: REPEAT OF VIOLATION ISSUED IN 2013 AND 2009 INSPECTIONS | Corrective Action to be Taken: No corrective action is required for this violation. Licensee was provided with a copy of ATF Open Letter dated July 7, 2009, and instructed on the contents of the letter. |
| During the review of completed Forms 4473, it was disclosed that the licensee transferred receivers on [REDACTED] occasions to purchasers who were not residents of the state of Illinois. (See Forms 4473 #7368, #7526, #8201, and #8270) | |
| Citation: 27 CFR 478.99(a) | |
| | |
| Number: 2 | Date Corrections to be Made: <i>(If not corrected immediately)</i> |
| Nature of Violation: During the review of completed Forms 4473, it was disclosed that the licensee transferred a receiver to a purchaser who was not yet 21 years of age. (See Form 4473 # 8305) | Corrective Action to be Taken: No corrective action is required for this violation. Licensee was provided with a copy of ATF Open Letter dated July 7, 2009, and instructed on the contents of the letter. |
| Citation: 27 CFR 478.99(b)(1) | |

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|---|------------------------------------|-----------------------------|-------------|--|----------------|----------------------|
| Name of Proprietor Bricco, Craig G 1st Class Firearms | Street Address 2453 Sheridan Rd | City Zion | State IL | Zip Code 60099- | County Lake | Page 2 of 8 Pages |
| License/Permit/Registry Number <i>(If any)</i> 336097015G01601 | | Expiration Date 7/1/2015 | | Date(s) or Period of Inspection 02/01/2014 through 02/03/2015 | | |

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:

REPEAT OF VIOLATION ISSUED IN 2013 INSPECTION

During the review of completed Forms 4473, it was disclosed that on [REDACTED] occasion, a firearm was transferred to a non-licensee and a NICS check was never initiated on this purchaser. (See Form 4473 #7821). The FOID identification number used in the NICS check was not for the purchaser identified on Form 4473 #7821.

It was also disclosed that on [REDACTED] occasions, licensee transferred a firearm more than 30 days after the initiation of a NICS check, and a subsequent NICS check was not conducted. (See Forms 4473 #7246, #7281, #7284, #7867, and #8283.

Citation: 27 CFR 478.102(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

No corrective action is required for this violation. Licensee was thoroughly instructed on all NICS requirements.

Report of Violations

Instructions

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| | | | | | | |
|---|------------------------------------|-----------------------------|-------------|--|----------------|----------------------|
| Name of Proprietor Bricco, Craig G 1st Class Firearms | Street Address 2453 Sheridan Rd | City Zion | State IL | Zip Code 60099- | County Lake | Page 3 of 8 Pages |
| License/Permit/Registry Number <i>(If any)</i> 336097015G01601 | | Expiration Date 7/1/2015 | | Date(s) or Period of Inspection 02/01/2014 through 02/03/2015 | | |

Inspection Results

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

Number: 4

Nature of Violation:

REPEAT OF VIOLATIONS ISSUED IN 2013 AND 2009 INSPECTIONS

During the review of completed Forms 4473, the following errors/omissions were found:

- (b)(3) forms failed to contain complete (first/middle/last) name of purchaser in block #1
- (b)(3) forms failed to contain complete/correct purchaser address in block #2
- (b)(3) forms did not contain alien registration numbers in block #15 for resident alien purchasers
- (b)(3) forms did not contain a signature and date in certification blocks #16 & #17
- (b)(3) forms contained incorrect certification dates in block #17

(SEE ATTACHED LIST OF ITEMIZED FORM 4473 ERRORS/OMISSIONS)

Citation: 27 CFR 478.124(c)(1)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

No corrective action is required for this violation. Licensee was thoroughly advised on the proper completion and review of ATF Forms 4473.

Number: 5

Nature of Violation:

During the review of completed Forms 4473, (b)(3) form (#8201) was found that did not contain proper identification document information for an out-of-state purchaser. Purchaser indicated a residence in Wisconsin and only a Washington state driver's license was documented.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

No corrective action is required at this time. Licensee was thoroughly instructed on the proper identification required for firearms transfers and the need to properly document all identification documents used to positively identify each purchaser.

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 Bricco, Craig G 1st Class Firearms | Street Address 2453 Sheridan Rd. | City Zion | State IL | Zip Code 60099- | County Lake | Page 4 of 8 Pages |
| License/Permit/Registry Number <i>(If any)</i> 336097015G01601 | | Expiration Date 7/1/2015 | | Date(s) or Period of Inspection 02/01/2014 through 02/03/2015 | | |

Inspection Results

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

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

Number: 6

Nature of Violation:

REPEAT OF VIOLATIONS ISSUED DURING 2013 AND 2009 INSPECTIONS

During the review of completed Forms 4473, the following errors/omissions were found:

- (b)(3) forms contained incorrect or blank date of NICS call-in in block 21a
- (b)(3) forms failed to contain correct information in block 21c regarding NICS
- (b)(3) forms failed to contain correct information in block 21d regarding NICS

(SEE ATTACHED LIST OF ITEMIZED FORM 4473 ERRORS/OMISSIONS)

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

Number: 7

Nature of Violation:

During a review of completed Forms 4473, (b)(3) forms were found to contain incorrect information in block #29 (type of firearm).

(SEE ATTACHED LIST OF ITEMIZED FORM 4473 ERRORS/OMISSIONS)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

No corrective action is required for this violation. Licensee was thoroughly advised on the proper completion and review of ATF Forms 4473.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

No corrective action is required for this violation. Licensee was thoroughly advised on the proper completion and review of ATF Forms 4473.

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 Bricco, Craig G 1st Class Firearms | Street Address 2453 Sheridan Rd | City Zion | State IL | Zip Code 60099- | County Lake | Page 5 of 8 Pages |
| License/Permit/Registry Number <i>(If any)</i> 336097015G01601 | Expiration Date 7/1/2015 | Date(s) or Period of Inspection 02/01/2014 through 02/03/2015 | | | | |

Inspection Results

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

Citation: 27 CFR 478.124(c)(4)

Number: 8

Nature of Violation:

REPEAT OF VIOLATION ISSUED IN 2013 AND 2009 INSPECTIONS

During the review of completed Forms 4473, it was disclosed that [REDACTED] (b)(3), (b) form failed to contain the signature of the transferor in block #34; and [REDACTED] (b)(3), (b) forms failed to contain the date of transfer in block #36.

Citation: 27 CFR 478.124(c)(5)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

: No corrective action is required for this violation. However, it was suggested the licensee make a photocopy of the referenced forms and insert the required signature and date on the copies, filing them with the original Forms 4473.

Report of Violations

Instructions

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|---|-------------------------------------|-----------------------------|-------------|--|----------------|----------------------|
| Name of Proprietor Bricco, Craig G 1st Class Firearms | Street Address 2453 Sheridan Rd. | City Zion | State IL | Zip Code 60099- | County Lake | Page 6 of 8 Pages |
| License/Permit/Registry Number <i>(If any)</i> 336097015G01601 | | Expiration Date 7/1/2015 | | Date(s) or Period of Inspection 02/01/2014 through 02/03/2015 | | |

Inspection Results

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

Number: 9

Nature of Violation:

REPEAT OF VIOLATIONS ISSUED IN 2013 AND 2009 INSPECTIONS

During the review of completed Forms 4473, the following errors/omissions were found:

- (b) forms contained "no" answers to question 11a, and 1 form contained blank answer to question 11a
- (b) form contained an error in block #18 (type of firearm)
- (b) form failed to contain a signature and date in recertification blocks #24 & #25
- (b) form failed to contain a recertification date in block #25
- (b) form contained an incorrect recertification date in block #25

(SEE ATTACHED LIST OF ITEMIZED FORM 4473 ERRORS/OMISSIONS)

The review also disclosed that Forms 4473 for a NICS denial (b) forms) only contained pages 1 and 2 (eForm), and page 3 was not present with the required information entered into blocks #33, #34 and #35, as required by instructions on the form. Use of eForm 4473 (Ruling 2008-3) requires in item #7 of the Ruling that all pages of the eForm 4473 be printed prior to the purchaser signing and dating in Section A, blocks 16 and 17. Item #11 again reiterates that all pages be printed, stapled and retained as a "complete package."

Licensee is using an electronic Form 4473 which, when a repeat customer begins the process of completing the form, the system automatically populates the customer's information in blocks 1

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

No corrective action is required for Form 4473 errors/omissions in paragraph 1. Licensee was thoroughly advised on the proper completion and review of ATF Forms 4473.

Licensee was instructed to immediately begin printing out all Form 4473 pages for denied NICS inquiries and ensure that blocks #33, #34, and #35 are completed. Licensee was provided with a printed copy of ATF Ruling 2008-3.

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 Bricco, Craig G 1st Class Firearms | Street Address 2453 Sheridan Rd | City Zion | State IL | Zip Code 60099- | County Lake | Page 7 of 8 Pages |
| License/Permit/Registry Number <i>(If any)</i> 336097015G01601 | | Expiration Date 7/1/2015 | | Date(s) or Period of Inspection 02/01/2014 through 02/03/2015 | | |

Inspection Results

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

through 10b of Section A, in violation of this section and the instructions on the form directly above Block #1 {Must be Completed Personally By Transferee (Buyer)}.

Citation: 27 CFR 478.21(a)

Number: 10

Nature of Violation:

REPEAT OF VIOLATIONS ISSUED IN 2013 AND 2009 INSPECTIONS

During the review of completed Forms 4473, it was disclosed that the licensee failed to complete and submit one Multiple Sale report (Form 3310.4) for the transfer of [REDACTED] revolvers to [REDACTED] on [REDACTED]

Citation: 27 CFR 478.126a

Date Corrections to be Made: 03/13/2015

(If not corrected immediately)

Corrective Action to be Taken: Licensee is instructed to complete the required multiple sale report (Form 3310.4) as soon as possible and submit it to ATF as required.

(If not corrected immediately)

Number: 11

Nature of Violation:

During the review of completed Forms 4473, it was disclosed that Forms 4473 on which a NICS background check had been denied were filed numerically with the completed Forms 4473 for firearm transfers, contrary to regulation requirement.

Citation: 27 CFR 478.129(b)

Date Corrections to be Made: 03/13/2015

(If not corrected immediately)

Corrective Action to be Taken: Regulations require Forms 4473 on which a NICS denial was received be filed separately from completed Forms 4473, either chronologically or alphabetically. Licensee was instructed to file all "denied NICS" Forms 4473 separately from other forms 4473.

(If not corrected immediately)

Report of Violations

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|---|------------------------------------|-----------------------------|-------------|--|----------------|----------------------|
| Name of Proprietor Bricco, Craig G 1st Class Firearms | Street Address 2453 Sheridan Rd | City Zion | State IL | Zip Code 60099- | County Lake | Page 8 of 8 Pages |
| License/Permit/Registry Number <i>(If any)</i> 336097015G01601 | | Expiration Date 7/1/2015 | | Date(s) or Period of Inspection 02/01/2014 through 02/03/2015 | | |

Inspection Results

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

Number: 12

Date Corrections to be Made: 03/13/2015

(If not corrected immediately)

Nature of Violation:

REPEAT OF VIOLATIONS ISSUED IN 2013 AND 2009 INSPECTIONS

Corrective Action to be Taken: Licensee was instructed to immediately update the A&D record with the cited errors and omissions.
(If not corrected immediately)

The following errors and omissions were found in the licensee's electronic A&D records:

- (b)(7)(F) firearm in inventory was not logged into the A&D records as an acquisition
- (b)(7)(F) entries contained an incorrect serial number when compared with the firearm
- (b)(7)(F) entry contained an incorrect manufacturer when compared with the firearm
- (b)(7)(F) entry contained incorrect acquisition information
- (b)(7)(F) dispositions were incorrectly entered for firearms still in inventory
- (b)(7)(F) entries contained incorrect disposition information
- (b)(7)(F) dispositions were not entered into the A&D record for a firearm no longer in inventory
- (b)(7)(F) in the gunsmithing record, (b)(7)(F) in the main A&D record)
- (b)(7)(F) dispositions for (b)(7)(F) firearms could not be determined

Licensee will immediately report the four firearms as missing from inventory to ATF and the local police. If dispositions can be determined before required date of 3/13/2015, licensee will immediately notify ATF Senior IOI (b)(6) with supporting documentation.

(SEE ATTACHED LIST OF ITEMIZED INSTANCES)

Citation: 27 CFR 478.125(e)

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

Date

Signature and Title of ATF Officer

Date

April 9 Production

508

RIP

Notice of Revocation of License

In the matter of License Number 3-36-0097-01-5G-01601 as a Dealer, Including Pawnbroker, in Firearms Other Than

destructive devices issued to:

Name and Address of Licensee (Show number, street, city, State and ZIP Code) (Begin typing one space below line)

Craig G. Brien
d/b/a 1st Class Firearms
2453 Sheridan Road
Zion, Illinois 60099

Notice is Hereby Given That:

- (1) ☒ Pursuant to section 923(e) of Title 18, U.S.C., and for the reasons stated in the page(s) attached to this form, having been afforded proper opportunity for a hearing, the license described above is revoked effective _____
- (2) ☒ Pursuant to section 923(f)(2) of Title 18, U.S.C., you may file a request with the Director of Industry Operations (DIO), Bureau of Alcohol, Tobacco, Firearms and Explosives, 525 West Van Buren, Suite 600, Chicago, Illinois 60607
(Address)
in duplicate, within 15 days after receipt of this notice, for a hearing to review the revocation of your license;
- (3) ☒ If you request a hearing, it will be held as provided in 27 CFR Part 478; and
- (4) ☒ If your request for a hearing is filed on time, the effective date of revocation of your license will be stayed pending review pursuant to the hearing.

Date

Signature and Title of Bureau of Alcohol, Tobacco, Firearms and Explosives Official

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

☐ Delivering a copy of the notice to the address shown below.

☒ Certified mail to the address shown below.

Date Notice Served

Name of Person Served (Please state if served on partner or officer of corporation)

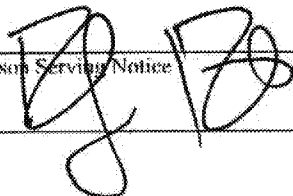
Address Where Notice Served

Craig G. Brien d/b/a 1st Class Firearms
2453 Sheridan Road
Zion, Illinois 60099

Date

6/3/2015

Signature of Person Serving Notice



Title

DIO - Chicago

Craig G. Bricco, d/b/a 1st Class Firearms
2453 Sheridan Road
Zion, Illinois 60099

3-36-0097-01-5G-01601

Under the provisions of 18 U.S.C. § 923(e) 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”), Chicago Field Division, has reason to believe that Craig G. Bricco, d/b/a 1st Class Firearms, 2453 Sheridan Road, Zion, Illinois 60099 (“Licensee”), 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 on approximately April 11, 2006. After the Licensee added the trade name 1st Class Firearms, ATF conducted an amended application inspection in approximately January of 2008. ATF also conducted a compliance inspection of the Licensee on approximately August 6, 2009 and a recall inspection on approximately June 5, 2013. Following both the compliance and the recall inspections, ATF issued a Report of Violations to the Licensee. As a result of these inspections, the Licensee, Mr. Craig G. Bricco, attended warning conferences with ATF on approximately January 28, 2010 and September 23, 2013. During the warning conferences, the Licensee discussed the cited violations and proposed corrective action with ATF. Following each 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

On February 3, 2015, ATF Industry Operations Investigators (“IOI”) (b)(6) and (b)(6) (b)(6) conducted a compliance inspection of the Licensee’s premises that covered the period February 1, 2014 through February 3, 2015. The inspection revealed the following:

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, 124 Stat. 552 firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix A, ¶ 1.
2. The licensee, by and through its agents and employees, willfully failed to obtain a complete Form 4473 from the transferee prior to making an over-the-counter transfer of a firearm to a non-licensee on (b)(3), Public Law 112-55, 124 Stat. 552 occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(1). See Appendix A, ¶ 2.

3. The licensee, by and through its agents and employees, willfully transferred a firearm to a non-licensee without recording required NICS information on the Form 4473 on (b)(3), Public Law 112-55, 124 Stat. 552 occasions, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.124(c)(3)(iv). See Appendix A, ¶ 3.
4. The Licensee, by and through its agents and employees willfully failed to execute Form 4473 as indicated by the headings on the form and the instructions on or pertaining to the form on (b)(3), Public Law 112-55, 124 Stat. 552, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.21(a). See Appendix A, ¶ 4.
5. The Licensee, by and through its agents and employees, willfully failed to timely and/or accurately record the acquisition of (b)(3), Public Law 112-55, 124 Stat. 552 firearms, in violation of 18 U.S.C. § 923(g)(1)(A) and 27 C.F.R. § 478.125(e). See Appendix A, ¶ 5.

Appendix A

Paragraph 1

Firearms for Which Licensee Could Account Following Inventory Reconciliation

(b)(3), Public Law 112-55, 124 Stat. 552



Firearms for Which Licensee Could Not Account Following Inventory Reconciliation

(b)(3), Public Law 112-55, 124 Stat. 552



| Transferee | Date | Discrepancy |
|--|------|-------------|
| (b)(3), Public Law 112-55, 124 Stat. 552, (b)(6) | | |

| <u>Transferee</u> | <u>Date</u> | <u>Discrepancy</u> |
|---|-------------|--------------------|
| (b)(3), Public Law 112-55, 124 Stat. 552,(b)(6) | | |

(b)(3), Public Law 112-55, 124 Stat. 552,(b)(6)



Paragraph 4

| <u>Transferee</u> | <u>Date</u> | <u>Discrepancy</u> |
|---|-------------|--------------------|
| (b)(3), Public Law 112-55, 124 Stat. 552,(b)(6) | | |



Paragraph 5

| <u>Firearm Description</u> | <u>Discrepancy</u> |
|--|--------------------|
| (b)(3), Public Law 112-55, 124 Stat. 552 | |



EXPLANATION OF THE HEARING PROCESS



Hearings

A determination has been made to deny your original or renewal application for a Federal firearms license or to revoke your existing Federal firearms license.

As indicated on the enclosed form, you have the right to request a hearing. This brochure provides general guidance and an overview of the hearing process for industry members that may assist you in making a decision to request a hearing, and to appropriately prepare for a hearing should you request one.

Background

The Gun Control Act of 1968 and its implementing regulations specify certain licensing requirements for those intending to engage in a firearms business.

ATF is authorized to deny a license when an inspection reveals the applicant is not qualified to receive or not qualified to continue to hold the license. ATF may also revoke a license when it is determined that a

current licensee is no longer eligible to continue licensed operations.

Your Rights

ATF has made one of the above determinations in your case, issuing you either a Notice of Denial or a Notice of Revocation of License. You have the right to request a hearing to review the proposed denial or revocation action found in the notice you received. This is done by submitting written notification to the Director, Industry Operations (DIO) who issued your Notice. Timeliness is important. ***You only have 15 days from your receipt of the Notice to request a hearing.***

Although you may hire an attorney, it is not required, although it may be in your interest to do so. That is your option.

Hearing Overview

If you submit a letter requesting a hearing to the DIO in time, the DIO or his/her representative will begin to make arrangements for the hearing. The date and time of the hearing will be set by ATF, but you will be consulted as to your availability. ATF will also notify you of the location of the hearing, taking into consideration convenience to you and the availability of government office space that is close to you to conduct the hearing. Once the date, time, and place are set, you will be notified in writing (via certified mail, return receipt requested).

NOTE: Under no circumstances will you, your representative, or witnesses be permitted to bring firearms or any other

EXPLANATION OF THE HEARING PROCESS

weapons to the hearing. The hearing will not begin, or will cease, if it is determined this policy has been violated.

The hearing is generally scheduled not later than 90 days from the date of the letter notifying you of the date, time, and location of the hearing. There are, however, limited circumstances that may require the hearing to be rescheduled for good cause, as determined by the DIO.

The hearing itself is informal in nature, and adherence to civil court rules and procedures is not required. There is no sworn testimony and formal courtroom procedures are not required. The hearing is recorded via audiotape recorder. The resulting tape, along with exhibits presented at the hearing, constitute the official record of the hearing.

ATF does not videotape the hearing proceedings and you will not be allowed to videotape the hearing. You may make an audiotape recording of the proceedings, or have the proceedings recorded by a stenographer at your own expense, provided this recording is not disruptive to the proceedings. However, the ATF recording of the hearing is the official record of the proceeding.

Hearing Officer

The hearing officer is designated by ATF. The selection of the hearing officer is dependent upon a number of factors, including the nature of your case. A hearing officer will be selected who has no prior knowledge of your case and has had no interactions with you or your licensed operations. In most cases, the assigned hearing officer will come from outside the

ATF field division in which your licensed business is located.

Conduct of the Hearing

The hearing officer will ensure the proceedings are conducted in an orderly and professional manner. The purpose of the hearing is to allow both parties to fully present all relevant evidence and arguments regarding the denial or revocation of a license or permit. Most hearings require less than a single day to complete.

The government will be represented by an attorney and will present its evidence first. The government will generally call as a witness the ATF industry operations investigator(s) who conducted your application or compliance inspection, or other ATF employees who have relevant information concerning your case.

At the conclusion of the government's presentation, you will have the opportunity to respond. Make sure you state your case as clearly and factually as possible. The case you present will receive the same consideration by the hearing officer as the government's case. Be willing and prepared to address each violation described in the Notice you received. You may call witnesses. Your witnesses should be able to speak to the findings in the Notice, and may be, for example, the store manager, an employee, bookkeeper, or clerk. You may also present relevant evidence. Relevant evidence is evidence which tends to prove or disprove an issue at the hearing, such as whether the alleged violation occurred as stated in the Government's Notice of Denial or Revocation.

EXPLANATION OF THE HEARING PROCESS

Both parties have the right to question all witnesses. The party calling a witness shall have the right to re-direct examination of the witness. You should need no legal training to state your case. The most important consideration is that both parties –you and the government – are given a chance to fully explain the findings and violations disclosed during the application inspection or compliance inspection.

When the hearing officer is satisfied all evidence and arguments have been fully presented by the parties, the hearing officer will advise you that the DIO will make a decision in the matter and will notify you of the final decision in writing.

Following completion of the hearing, the hearing officer prepares a factual report summarizing the proceedings. This report will be forwarded to the DIO, who makes the denial or revocation decision for ATF.

A license may be denied based on your failure to satisfy licensing requirements, or based on past willful violations.

Generally speaking, ATF will cite willful violations as the basis for revocation cases. Willful violations are those violations meeting the statutory requirement for denial or revocation. “Willfulness,” as defined by the courts means the purposeful disregard of a known legal duty, or plain indifference to a licensee’s legal obligation. ATF is not required to prove you *intended* to violate the law, only that you knew your legal obligation as a licensee, and you purposefully disregarded this obligation or were plainly indifferent to your obligation.

If, after review of the entire record, you failed to satisfy licensing requirements, or willful violations are found, the DIO may issue a final notice of denial or revocation, which will be sent to you via certified mail.

If you are not satisfied with the final decision of the DIO, you may appeal the decision to Federal district court within 60 days. The hearing proceedings may become part of the review.

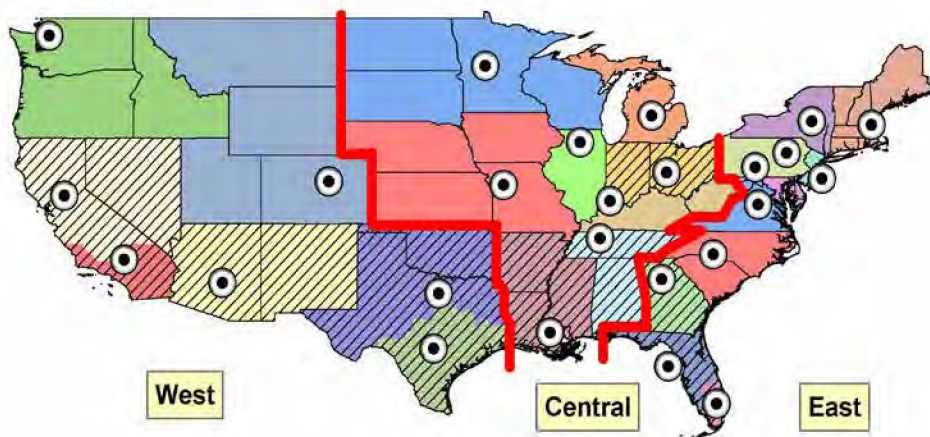
EXPLANATION OF THE HEARING PROCESS

If you have any questions concerning the hearing, please contact the DIO for the ATF division in which you are located.

| | |
|-----------------|----------------|
| Atlanta, GA | (404) 417-2600 |
| Baltimore, MD | (443) 965-2000 |
| Boston, MA | (617) 557-1200 |
| Charlotte, NC | (704) 716-1800 |
| Chicago, IL | (312) 846-7200 |
| Columbus, OH | (614) 827-8400 |
| Dallas, TX | (469) 227-4300 |
| Denver, CO | (303) 575-7600 |
| Detroit, MI | (313) 202-3400 |
| Houston, TX | (281) 716-8200 |
| Kansas City, MO | (816) 559-0700 |
| Los Angeles, CA | (818) 265-2500 |
| Louisville, KY | (502) 753-3400 |

| | |
|-------------------|----------------|
| Miami, FL | (305) 597-4800 |
| Nashville, TN | (615) 565-1400 |
| New Orleans, LA | (504) 841-7000 |
| New York, NY | (646) 335-9000 |
| Newark, NJ | (973) 413-1179 |
| Philadelphia, PA | (215) 446-7800 |
| Phoenix, AZ | (602) 776-5400 |
| San Francisco, CA | (925) 557-2800 |
| Seattle, WA | (206) 204-3205 |
| St. Paul, MN | (651) 726-0200 |
| Tampa, FL | (813) 202-7300 |
| Washington, DC | (202) 648-8020 |

ATF Field Divisions



Industry Operations Regions

North (No Hatching)

South (Hatching)

ATF Field Divisions

Atlanta
Baltimore
Boston
Charlotte
Chicago
Columbus

| | |
|-------------|---------------|
| Dallas | New York |
| Denver | Newark |
| Detroit | Philadelphia |
| Houston | Phoenix |
| Kansas City | Saint Paul |
| Los Angeles | San Francisco |
| Louisville | Seattle |
| Miami | Tampa |
| Nashville | Washington |
| New Orleans | |

Notice of Discontinuance of Business

Please consider the below listed License/Permit to be discontinued. I am no longer engaged in the type of activity which required the License/Permit. This discontinuance notice is submitted voluntarily.

Licensee/Permittee Information

Owner/Corporation: Bricco, Craig G
Trade Name: 1st Class Firearms
Address: 2453 Sheridan Rd
Zion, IL 60099
Permit/License# 336097015G01601
Original License/Permit: ☒ Attached
☐ Not Available (explain)

Required Records: ☒ Submitted to: *National Tracing Center
244 Needy Road
Martinsburg, WV 25405*

Date submitted: 10-2-2015

☒ Submitted to ATF Officer: (b)(6)

Date submitted: 10-2-2015

- ☐ No business activity, no records
☐ Records not available (explain)

Succession: ☐ Records Transferred to Successor Entity:
Name:
Address:
Succession Date:

Inventory: ☐ Transferred to another licensee/permittee
Name:
#:

- ☒ Inventory transferred to self
☐ Inventory sold to non-licensee or non-permittee
☐ No Inventory on hand

(b)(6)

Owner
Title

10-2-15
Date

For Official Use Only

In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 478), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 478.51.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF
Correspondence To
ATF - Chief, FFLC
244 Needy Road
Martinsburg, WV 25405-9431

License
Number
3-36-097-01-5G-01601

Chief, Federal Firearms Licensing Center (FFLC)
Name
Nancy Robertson
Expiration
Date
July 1, 2015

Name
1ST CLASS FIREARMS

Premises Address (Changes? Notify the FFLC at least 30 days before the move.)

**2453 SHERIDAN RD
ZION, IL 60099-**

Type of License

01-DEALER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES

Purchasing Certification Statement

The licensee named above shall use a copy of this license to assist a transferor of firearms to verify the identity and the licensed status of the licensee as provided by 27 CFR Part 478. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Firearms Licensee (FFL) or a responsible person of the FFL. I certify that this is a true copy of a license issued to the licensee named above to engage in the business specified above under "Type of License."

Mailing Address (Changes? Notify the FFLC of any changes.)

**BRICCO, CRAIG G
1ST CLASS FIREARMS
2453 SHERIDAN RD
ZION, IL 60099-**

Licensee/Responsible Person Signature

Position/Title

Printed Name

Date

ATF Form 8 (5310.11)
Revised October 2011

Previous Edition is Obsolete BRICCO, CRAIG G 2453 SHERIDAN RD 60099-3 36-097-01-5G-01601 July 1, 2015-01-DEALER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES

Federal Firearms License (FFL) Customer Service Information

Federal Firearms Licensing Center (FFLC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (866) 662-2750
Toll-free Fax Number: (866) 257-2749
E-mail: NLC@atf.gov

ATF Homepage: www.atf.gov
FFL eZ Check: www.atfonline.gov/fflezcheck

Change of Address (27 CFR 478.52). Licensees may during the term of their current license remove their business or activity to a new location at which they intend regularly to carry on such business or activity by filing an Application for an Amended Federal Firearms License, ATF Form 5300.38, in duplicate, not less than 30 days prior to such removal with the Chief, Federal Firearms Licensing Center. The application must be executed under the penalties of perjury and penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the licensee's original license. The license will be valid for the remainder of the term of the original license. **(The Chief, FFLC, shall, if the applicant is not qualified, refer the application for amended license to the Director of Industry Operations for denial in accordance with § 478.71.)**

Right of Succession (27 CFR 478.56). (a) Certain persons other than the licensee may secure the right to carry on the same firearms or ammunition business at the same address shown on, and for the remainder of the term of, a current license. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business shall furnish the license for that business for endorsement of such succession to the Chief, FFLC, within 30 days from the date on which the successor begins to carry on the business.

(Continued on reverse side)

Cut Here ✂

Federal Firearms License (FFL) Information Card

License Name: **BRICCO, CRAIG G**

Business Name: **1ST CLASS FIREARMS**

License Number: **3-36-097-01-5G-01601**

License Type: **01-DEALER IN FIREARMS OTHER THAN
DESTRUCTIVE DEVICES**

Expiration: **July 1, 2015**

Please Note: Not Valid for the Sale or Other Disposition of Firearms.

FFL Newsletter - Electronic Version Available

Sign-Up Today!

FFLs interested in receiving the electronic version of the FFL Newsletter, along with occasional additional information, should submit name, FFL number, and e-mail address to: FFLNewsletter@atf.gov.

The electronic FFL Newsletter will enable ATF to communicate information to licensees on a periodic basis.

FIREARMS INSPECTION REPORT

Name: Craig G. Bricco
Trade Name: 1st Class Firearms

UI#: 772060-2015-0052-B1B
FFL#: 3-36-0097-01-5G-01601

Address: 2453 Sheridan Road
Zion, Illinois 60099, Lake County

1 - Introduction

Inspection Profile:

This assignment was issued to Senior Investigator (b)(6) as a full scope recall compliance inspection of this firearms dealer who was subject to a Warning Conference after the last inspection conducted in June/July 2013. That inspection disclosed nine cited violations of the Gun Control Act's regulations. (b)(3) FIRE firearms were reported as missing.

This inspection was begun by IOIs (b)(6) on February 3, 2015 and a closing conference was held on March 5, 2015. Report of Violations was issued citing twelve violations, eight of which were repeat from previous inspections.

Business Profile:

1st Class Firearms is a retail gun shop located on a major highway in Zion, Illinois, a far northern suburb of Chicago, very near to the Wisconsin state line. The store sells handguns, long guns and receivers, as well as firearms accessories. During the 12 months prior to this inspection, 1st Class Firearms acquired (b)(4) firearms ((b)(4) handguns, (b)(4) long guns, (b)(4) receivers); and took in (b)(4) firearms for gunsmith work ((b)(4) handguns, (b)(4) long guns, (b)(4) receivers). During this same time period, the shop transferred (b)(4) firearms (not including the return of (b)(4) repair firearms), of which (b)(4) went to other FFLs. They do transfers of firearms purchased over the internet as well as provide new and used firearms to walk-in customers. This FFL is on the Demand Letter, therefore, the Used Firearms Objective (UFO) was not addressed during this inspection.

Craig Bricco also holds a Type 06-Manufacturer of Ammunition license at this same location. No inspection of that license was done at this time.

Ownership and Control:

This license is issued as a sole proprietor/individually owned to Craig G. Bricco. He uses the trade name of 1st Class Firearms. Mr. Bricco is a full-time employee at Naval Station Great Lakes working as a civilian in the IT department. 1st Class Firearms is run and managed on a day-to-day basis by Cristopher S. Bricco and employs at least two part time individuals. Craig Bricco is present at the shop in the late afternoons and evenings. He states he is primarily responsible for the required record keeping.

FIREARMS INSPECTION REPORT

Name: Craig G. Bricco
Trade Name: 1st Class Firearms

UI#: 772060-2015-0052-B1B
FFL#: 3-36-0097-01-5G-01601

Currently the responsible persons for the license are Craig Bricco, Cristopher Bricco, Marie Corley and Ariel Rivera. Cris Bricco stated that Ariel Rivera is not often present at the shop any more due to a full-time job elsewhere.

Variance:

Craig Bricco currently has two approved variances (#11-0179 and #11-0179A). Both deal with the use of the eForm 4473. (*See Exhibit #1*) The first one allows them to use an electronic signature for the firearm purchaser. The second allows for them to enter the NICS information onto the eForm 4473 by having it auto-populated by the NICS or appropriate State agency system. This inspection disclosed that on several occasions, the NICS information was entered into the eForm 4473 prior to the form being printed and signed by the purchaser. The approved electronic signature was not used. In addition, the approval requires that the license contact FBI NICS or appropriate State agency to request authorization to transfer specific NICS data from eCheck into their computerized system. Since the noted instances were actually manually entered into the eForm 4473 by Cristopher Bricco, this is not in compliance with the approved variance. In addition, the variance approvals could not be located by Cris Bricco and he had to request copies of them from ATF Firearm Industry Programs Branch.

When asked if their computerized system (AIMI eBook by Coloseum Software Corporation) had been approved previously by ATF or any other investigator, Cris and Craig Bricco produced a letter from Chief, Firearms Program Division dated 12/9/2008, advising them that if the eForm 4473 built into the AIMI eBook application meets all basic criteria outlined in ATF Ruling 2008-3, no additional variance approval is needed. (*See Exhibit #2*)

This inspection, as did previous inspections, found that the eForm 4473 built into the AIMI eBook does not meet requirements, specifically due to the fact that a repeat customer's information is auto-populated into Section A by the system. The clerk merely asks the customer to verify the information is correct. It is not personally entered by the customer each and every time, as is required by instructions on the Form 4473. **Licensee was cited for this violation.** (*See Report of Violations #9; Exhibit #3*)

2 - Recommendation

Due to the repeated and willful violations found during this inspection, Revocation of this license is recommended.

FIREARMS INSPECTION REPORT

Name: Craig G. Bricco
Trade Name: 1st Class Firearms

UI#: 772060-2015-0052-B1B
FFL#: 3-36-0097-01-5G-01601

3 - Inspection History

This license was first issued in 2006 and has been subject to several inspections since that time.

Date and Type of Inspection: June/July 2013 – Recall compliance inspection
UI#: 772060-2012-0233-B1B
Inspection Results: Nine violations were issued on Report of Violations; Warning Conference was held and recall inspection was recommended. *(See Exhibit #12)*
Cited Violations: 27 CFR 478.21(a) – REPEAT – Form 4473 errors/omissions
27 CFR 478.99(a) – transfer of handgun to out-of-state resident
27 CFR 478.102 – Failure to conduct NICS check
27 CFR 478.124(a) – Failure to obtain Form 4473 for transfer to non-licensee
27 CFR 478.124(c)(1) – REPEAT – Form 4473 omissions
27 CFR 478.124(c)(3)(iv) – REPEAT – Form 4473 NICS information omissions
27 CFR 478.124(c)(5) – REPEAT - Form 4473 errors/omissions
27 CFR 478.125(e) – REPEAT - errors/omissions in the bound A&D record, including [REDACTED] firearms reported as missing from inventory
27 CFR 478.126a – REPEAT – Failure to submit required multiple sale report on [REDACTED] occasions

Date and Type of Inspection: September 2009 – Full field compliance inspection
UI#: 772050-2009-0307-B1B
Inspection Results: Ten violations were issued on a Report of Violations; Warning Conference was held and recall inspection was recommended. *(See Exhibit #13)*
Cited Violations: 27 CFR 478.21a – Form 4473 errors/omissions
27 CFR 478.124(b) – Improper numbering/filing of Forms 4473
27 CFR 478.124(c)(1) – Form 4473 errors/omissions
27 CFR 478.124(c)(3)(ii) – failure to obtain 90-day residency documentation of alien purchaser
27 CFR 478.124(c)(3)(iv) – Form 4473 NICS information errors
27 CFR 478.124(c)(4) – Form 4473 omissions
27 CFR 478.124(c)(5) – Form 4473 errors/omissions

FIREARMS INSPECTION REPORT

Name: Craig G. Bricco
Trade Name: 1st Class Firearms

UI#: 772060-2015-0052-B1B
FFL#: 3-36-0097-01-5G-01601

27 CFR 478.125(e) – A&D record errors/omissions
27 CFR 478.126a – Failure to submit required multiple sale report
27 CFR 478.129(b) – Failure to retain Forms 4473 on which a NICS check was initiated but transfer did not occur

Date and Type of Inspection: February 22, 2008 – Telephone amended application
UI#: 772050-2008-0107-B1B
Inspection Results: Premises were moved to Zion, IL
Cited Violations: None

Date and Type of Inspection: December 11, 2006 – On-site application inspection
UI#: 772050-2006-0127-B1B
Inspection Results: Recommend issuance of license (*See Exhibit #14*)
Cited Violations: None

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

On February 3, 2015, IOIs (b)(6) began an unannounced inspection of this licensee at the premises listed above. A complete inventory was conducted, initially using a listed printed from 1st Class Firearms website showing available firearms. When Craig Bricco arrived at the shop, he was able to print up a current inventory list from the AIMI eBook system. The inventory was eventually reconciled with (b)(3) Pub firearms unaccounted for. A total of 269 firearms were on the business premises (251 business inventory, 18 repair guns). The A&D record contained (b)(3) Pub open entries, resulting in (b)(3) Pub unrecorded dispositions (b)(3) Pub of which were in the gunsmithing A&D record; (b)(3) Pub from the previous inspection) and (b)(3) Pub firearms that could not be accounted for and were reported as missing from inventory. (*See Report of Violations #12; Exhibit #4; Exhibit #5; Worksheet #1*)

Comparison of firearms in inventory to A&D record information resulted in (b)(3) Pub incorrect serial numbers, (b)(3) Pub incorrect manufacturer, (b)(3) Pub firearms in inventory incorrectly logged out, and (b)(3) Pub firearm not logged in as an acquisition. In addition, (b)(3) Pub entry contained incorrect acquisition information and (b)(3) Pub entries contained incorrect disposition information. (*See Report of Violations #12; Exhibit #4; Exhibit #5; Exhibit #6; Worksheet #1*)

Craig Bricco provided all acquisitions and/or dispositions that occurred during the inspection period of 2/1/2014 to 2/3/2015. During the Form 4473 review, a total of (b)(3) Pub dispositions were compared with A&D record entries and no discrepancies were noted.

FIREARMS INSPECTION REPORT

Name: Craig G. Bricco
Trade Name: 1st Class Firearms

UI#: 772060-2015-0052-B1B
FFL#: 3-36-0097-01-5G-01601

5 - ATF Forms 4473 – NICS & Other Dispositions

Craig Bricco maintains completed Forms 4473 in binders labeled by the forms serial numbers applied by the AIMI eBook system. Licensee was also filing Forms 4473 for denied NICS/FTIP checks in the same binders. However, these forms only consisted of page 1 and page 2. The third and subsequent instruction pages were not present for these denied transactions. This is contrary to criteria #7 and #11 in ATF Ruling 2008-3, and Section 478.129(b). *(See Report of Violations #9, #11; Exhibit #7)*

For the review period of February 1, 2014 through February 3, 2015, the licensee had [REDACTED] Forms 4473 on file, which were closely reviewed by IOIs (b)(6) [REDACTED] for accuracy and completion. During the review NICS/FTIP information was verified for [REDACTED] transactions. Errors and omissions were found and cited on the Report of Violations. They included the following:

- Incomplete name of purchaser
- Incomplete/incorrect address of purchaser
- Signatures/dates missing for both transferee and transferor
- NICS information errors and omissions
- Errors on Question 11a
- Firearms description errors

(See Report of Violations #4, #5, #6, #7, #8, #9; Exhibit #9; Worksheet #2)

In addition to the above, it was disclosed that the licensee transferred receivers to out-of-state residents and a purchaser under the age of 21. NICS was initiated on an incorrect Illinois FOID card on one occasion, resulting in the transfer of a firearm with no background check. On five occasions, a firearm was transferred more than 30 days after the initiation of a NICS check without a subsequent check being done. *(See Report of Violations #1, #2, #3; Exhibit #8; Exhibit #9; Worksheet #2)*

As stated in a previous section, this licensee uses an eForm 4473 as part of the AIMI eBook system by Colosseum Software. The licensee was occasionally allowing customers to use a laptop computer station on the gun counter which was not in the “kiosk” mode. This kiosk mode requires the customer to enter information in Section A personally each and every time. The laptop on the counter would be in the “administrator” mode and would auto-populate Section A for repeat customers. During the closing conference, Craig and Cris Bricco assured IOIs (b)(6) [REDACTED] that they would no longer allow customers to access eForm 4473 in any other mode except the “kiosk mode.”

It was also disclosed, by RP Cris Bricco, that on occasion, he would initiate NICS/FTIP background checks in the evening after customers had completed Section A of the form. He would then insert the information electronically on the Form 4473 and reprint the second page. When the customer returned to pick up the firearm, he

FIREARMS INSPECTION REPORT

Name: Craig G. Bricco
Trade Name: 1st Class Firearms

UI#: 772060-2015-0052-B1B
FFL#: 3-36-0097-01-5G-01601

would have them resign the newly printed page and back date it to the original date. He would then destroy the original page that was printed and signed prior to the NICS check. IOIs (b)(6) advised him that it could be viewed he was requiring his customers to "falsify" the Form 4473. He was advised to cease this practice.

During the closing conference, this situation was discussed with Craig Bricco and he denied this practice was occurring until he was told that Cris Bricco related it to the IOIs. Craig Bricco acknowledged that he had an approved variance to electronically insert the NICS information on the form, but was advised by IOIs that this should be used in conjunction with his approved variance for the electronic signature. At that point, he would have a Form 4473 completed and certified by the purchaser. Craig Bricco stated that he is still not set up with a proper signature pad to be able to use the electronic signature. He was cautioned to thoroughly read the variance approval and abide by all criteria specified in it.

6 – Multiple Sales

Craig G. Bricco d/b/a 1st Class Firearms reported (b)(3) multiple sale transactions involving (b)(3) firearms, according to the Violent Crime Analysis Branch. While reviewing the Forms 4473, it was determined that (b)(3) instances of a multiple sale involving (b)(3) handguns were not shown in the VCAB report. Forms 3310.4 were present for all (b)(3) instances, attached to the respective Forms 4473. During the closing conference, licensee was instructed to resubmit the forms to ATF.

Also during the Form 4473 review, it was disclosed that (b)(3) instance of a multiple sale was not reported by the licensee, as it was not shown in the VCAB report and a Form 3310.4 was not present with the Form 4473. (*See Report of Violations #10; Exhibit #10*)

7 – Suspicious/Prohibited Purchasers

No prohibited purchasers were disclosed during the Form 4473 review. The (b)(3) purchasers who had answered either "no" or failed to answer question 11a were run through eTrace and Illinois LEADS. No prohibitors or suspicious activity was disclosed. In all (b)(3) individuals were run through LEADS and eTrace for additional information. No suspicious information or activity was disclosed.

A review of the (b)(3) traces associated with this licensee for the previous 12 months did not disclose any suspicious individuals with the exception of (b)(3) Pub law 112-55 125 Stat. 552

Senior IOI (b)(6)

FIREARMS INSPECTION REPORT

Name: Craig G. Bricco
Trade Name: 1st Class Firearms

UI#: 772060-2015-0052-B1B
FFL#: 3-36-0097-01-5G-01601

checked Illinois LEADS and verified (b)(3) Pub law 112-55 125 Stat. 552
not associated with any other firearms traces.

Of the above (b)(3) traces, (b)(3) Pub law 112-55 125 Stat. 552 disclosed that the firearm was recovered from someone other than the purchaser. All (b)(3) Pub law 112-55 125 Stat. 552 of these individuals were run through eTrace for additional traces. Only (b)(3) Pub law 112-55 125 Stat. 552 individuals were found to be involved in (b)(3) Pub law 112-55 125 Stat. 552 additional trace. No suspicion of trafficking was evident.

8 - Trace Activity

During the 12 months prior to this inspection, 1st Class Firearms was the final licensee for (b)(3) Pub law 112-55 125 Stat. 552 traced firearms. These traces were analyzed and (b)(3) Pub law 112-55 125 Stat. 552

(b)(3) Pub law 112-55 125 Stat. 552 firearms traced were recovered in the possession of someone other than the purchaser. These (b)(3) Pub law 112-55 125 Stat. 552 individuals were all run through eTrace, and they were not involved in any other traces.

9 - NFA/Importer/Collector/Manufacturer

Craig G. Bricco d/b/a 1st Class Firearms does not pay NFA SOT and does not deal in or possess any NFA weapons. No firearms have been imported by this licensee, and he does not possess a Type 03 collector's license.

Manufacturing vs gunsmithing activities were discussed with the licensee and employee (b)(6). They were advised of when a manufacturing license is required and when their activities are considered by ATF to be gunsmithing, i.e., assembling and/or building firearms from receivers and/or parts already owned and provided by customers. They all indicated that this is how they conduct business. They were advised that comments by their customers on the shop's Facebook page indicated the possibility that custom firearms are being ordered and assembled by Mr. Bricco and then sold to the customers. They advised that the kind of customization or "building" referred to is on already completed firearms such as Anderson Manufacturing AR-15 type rifles wherein custom scopes, etc. are attached and then sold to the customer.

The licensee was provided with a copy of ATF Ruling 2015-5 to clarify ATF Ruling 2010-10 and any misconceptions about when activities may cross over into the realm of manufacturing.

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Just prior to and during the closing conference, it was disclosed by Craig Bricco that [REDACTED] firearm he had on the display shelf for sale was actually received by him as a receiver ((b)(3) Pub law 112-55 125 Stat. 552) and Craig built it into a rifle. IOI ((b)(6)) advised him that this was clearly within ATF's definition of manufacturing and that he should remove it from the display shelf for sale. Mr. Bricco advised that he would.

10 - Referrals

No referrals were made as a result of this recall inspection.

11 - Other

During the Form 4473 review, it was observed that numerous forms indicated that a firearm may have been transferred without the required state of Illinois waiting period. This was discussed with Cris Bricco who advised that they always wait the waiting period but according to the Illinois State Police website, it can begin when a customer purchases a firearm online in an auction or from an online website. By the time the firearm is shipped to and received by Bricco, the waiting would already have been met. IOIs ((b)(6)) suggested that they maintain some form of documentation to prove the waiting period had been met, should the need to do so ever arise.

12 - Closing Actions

On March 5, 2015, Senior IOI ((b)(6)) and IOI ((b)(6)) conducted a closing conference with Craig and Cris Bricco at the licensed premises. The Report of Violations was presented and explained in detail to both individuals. Craig Bricco was concerned that his employees were not properly trained on all aspects of the Form 4473, and he ensured that his son, Cris, would now convey all these issues to them. He advised that the one employee, ((b)(6)), will soon be leaving the state and will no longer work there.

It was also discussed with Mr. Bricco that his "employees" are not actual employees but are "contractors" to whom he provides a Form 1099 at the end of the year. IOIs ((b)(6)) explained that if employees are not actually on the payroll of the business to which the FFL is issued, they cannot be in charge of the firearms and their disposition without one of the responsible persons being present. Mr. Bricco stated he was not aware of this, but after a thorough explanation of the contents of ATF Ruling 2010-1, he indicated he understood and when replacements need to be found, they will be hired as actual employees. Until then, he stated that his son, Cris, will be present at the store.

Due to some of the issues disclosed with the AIMI eBook system, the eForm 4473 was

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examined at length. IOI (b)(6) completed a test form to see if the system would stop a possible sale when certification question 11a is answered “no.” This was found on at least ⁹⁹ occasions and cited in the Report of Violations. It was disclosed that the system would allow the transaction to continue and the Form 4473 to be printed. Craig Bricco emailed and telephonically contacted Coloseum Software and a representative was consulted via speaker phone in the presence of IOIs (b)(6). The representative stated that since question 11a is “an optional field,” there were no safeguards to prevent a transaction from continuing. IOIs (b)(6) agreed that in rare instances, question 11a is not required to be answered (i.e., return of a repair firearm to someone other than from whom it was received). However, Craig Bricco and IOIs (b)(6) also agreed that it is an item on the Form 4473 that needs to be correct and to be verified by the transferor for each transfer.

The *Acknowledgement of Federal Firearms Regulations* overview form was reviewed and discussed with both Craig and Cris Bricco. Craig Bricco wanted to ensure that Cris was privy to all aspects of this closing conference and clearly understands the regulations. All questions posed were answered. Mr. Craig Bricco signed and dated the form and was provided with a copy for his records. (See Exhibit #11)

13 - Violations

1. 27 CFR 478.99(a) – REPEAT OF VIOLATIONS IN 2013 AND 2009

Nature of Violation: During the review of completed Forms 4473, it was disclosed that the licensee transferred receivers on (b)(3) occasions to purchasers who were not residents of the state of the state of Illinois. (See Forms 4473 # (b)(3) Pub law 112-55 125 Stat. 552)

Licensee’s Response: Craig Bricco stated he does not remember ever hearing that receivers could not be sold to out-of-state purchasers. He stated he had a problem with the wording that said “repeat of violations in 2013 and 2009.” IOI (b)(6) searched the previous reports and found that it had only occurred during the 2013 inspection, so IOI (b)(6) removed the reference to the 2009 inspection.

Corrective Action: No corrective action is required for this violation. Licensee was provided with a copy of ATF Open Letter dated July 7, 2009, and instructed on the contents of the letter.

2. 27 CFR 478.99(b)(1)

Nature of Violation: During the review of completed Forms 4473, it was disclosed that the licensee transferred a receiver to (b)(3) purchaser who was not yet 21 years of age. (See Form 4473 (b)(3) Pub law 112-55 125 Stat. 552)

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Licensee's Response: Craig Bricco stated again that he does not remember ever hearing that receivers can only be sold to someone with his state (Illinois).

Corrective Action: No corrective action is required for this violation. Licensee was provided with a copy of ATF Open Letter dated July 7, 2009, and instructed on the contents of the letter.

3. 27 CFR 478.102(a) – REPEAT OF VIOLATION IN 2013

Nature of Violation: During the review of completed Forms 4473, it was disclosed that on (b)(3) Pub law 1 occasion, a firearm was transferred to a non-licensee and a NICS check was never initiated on this purchaser. (See Form 4473 # (b)(3) Pub law 1) The FOID identification number used in the NICS check was not for the purchaser identified on Form 4473 (b)(3) Pub law 1.

It was also disclosed that on (b)(3) occasions, licensee transferred a firearm more than 30 days after the initiation of a NICS check, and a subsequent NICS check was not conducted. (See Forms 4473 (b)(3) Pub law 112-55 125 Stat. 552)

Licensee's Response: Craig and Cris Bricco explained that the person with the FOID # that was used came in earlier that day and for some reason, they used that FOID # instead of the number of the actual purchaser. Cris said he does not know how that happened. Craig Bricco stated they all know better in regards to the 30 day time limitation on NICS checks. They are just not paying enough attention. IOI (b)(6) advised them the 30 days starts the day after the NIC call-in/initiation.

Corrective Action: No corrective action is required for this violation. Licensee was thoroughly instructed on all NICS requirements.

4. 27 CFR 478.124(c)(1) – REPEAT OF VIOLATIONS IN 2013 AND 2009

Nature of Violation: During the review of completed Forms 4473, the following errors/omissions were found:

- (b)(3) forms failed to contain complete (first/middle/last) name of purchaser in block #1
- (b)(3) forms failed to contain complete/correct purchaser address in block #2
- (b)(3) forms did not contain alien registration numbers in block #15 for resident alien purchasers
- (b)(3) forms did not contain a signature and date in certification blocks #16 & #17
- (b)(3) forms contained incorrect certification dates in block #17

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Licensee's Response: Craig Bricco stated that all his employees should and do know better and know how the form should be filled out.

Corrective action: No corrective action is required for this violation. Licensee was thoroughly advised on the proper completion and review of ATF Forms 4473.

5. **27 CFR 478.124(c)(3)(i)**

Nature of Violation: During the review of completed Forms 4473, (b)(3) Pub form (b)(3) Pub law 112-55 125 Stat. 552 was found that did not contain proper identification document information for an out-of-state purchaser. (b)(3) Pub law 112-55 125 Stat. 552

Licensee's Response: Cris Bricco stated the purchaser was active U. S. military and had the Washington driver's license. Both Cris and Craig Bricco indicated they did not know they needed to record the additional documentation on the Form 4473. They were advised that an active duty military member must show their PCS orders to prove residency in the state in which they are stationed. Neither indicated that these orders were presented in this transaction.

Corrective Action: No corrective action is required at this time. Licensee was thoroughly instructed on the proper identification required for firearms transfers and the need to properly document all identification documents used to positively identify each purchaser.

6. **27 CFR 478.124(c)(3)(iv) – REPEAT OF VIOLATIONS IN 2013 AND 2009**

Nature of Violation: During the review of completed Forms 4473, the following errors/omissions were found:

(b)(3) Pub forms contained incorrect or blank date of NICS call-in in block 21a
(b)(3) Pub forms failed to contain correct information in block 21c regarding NICS
(b)(3) Pub forms failed to contain correct information in block 21d regarding NICS

Licensee's Response: Craig Bricco stated that his employees know better and these errors/omissions should not have happened.

Corrective Action: No corrective action is required for this violation. Licensee was thoroughly advised on the proper completion and review of ATF Forms 4473.

7. **27 CFR 478.124(c)(4)**

Nature of Violation: During a review of completed Forms 4473, (b)(3) Pub forms were

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found to contain incorrect information in block #29 (type of firearm).

Licensee's Response: Craig Bricco stated that the type of firearm had probably been entered incorrectly into the computer system. He showed IOIs how the system had several different versions of the word "pistol" as well as the word "revolver," due to misspellings.

Corrective Action: No corrective action is required for this violation. Licensee was thoroughly advised on the proper completion and review of ATF Forms 4473.

8. 27 CFR 478.124(c)(5) – REPEAT OF VIOLATIONS IN 2013 AND 2009

Nature of Violation: During the review of completed Forms 4473, it was disclosed that (b)(3) form failed to contain the signature of the transferor in block #34; and (b)(3) forms failed to contain the date of transfer in block #36.

Licensee's Response: Neither Craig nor Cris Bricco had any response for this violation, but Craig acknowledged it by nodding his head.

Corrective Action: No corrective action is required for this violation. However, it was suggested the licensee make a photocopy of the referenced forms and insert the required signature and date on the copies, filing them with the original Forms 4473.

9. 27 CFR 478.21(a) – REPEAT OF VIOLATIONS IN 2013 AND 2009

Nature of Violation: During the review of completed Forms 4473, the following errors/omissions were found:

- (b)(3) forms contained "no" answers to question 11a; and 1 form contained blank Answer to question 11a
- (b)(3) form contained an error in block #18 (type of firearm)
- (b)(3) form failed to contain a signature and date in recertification blocks #24 & #25
- (b)(3) form failed to contain a recertification date in block #25
- (b)(3) form contained an incorrect recertification date in block #25

The review also disclosed that Forms 4473 for a NICS denial (b)(3) forms) only contained pages 1 and 2 (eForm), and page 3 was not present with the required information entered into blocks #33, #34, and #35, as required by instructions on the form. Use of eForm 4473 (Ruling 2008-3) requires in item #7 of the Ruling that all pages of the eForm 4473 be printed prior to the purchaser signing and dating in Section A, blocks 16 and 17. Item #11 again reiterates that all pages be printed, stapled and retained as a "complete package."

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Licensee is using an electronic Form 4473 which, when a repeat customer begins the process of completing the form, the system automatically populates the customer's information in blocks 1 through 10b of Section A, in violation of this section and the instructions on the form directly above Block 31 {Must be Completed Personally By Transferee (Buyer)}.

Licensee's Response: Craig Bricco explained that the computer might have been in management mode which may have allowed question 11a issues to be answered as "no" and the transaction to continue. After discussion with Coloseum Software, it was found that the program does not alert for this question. Craig had no excuse for the other errors. They will start printing out the complete form and enter the required information in blocks #33, #34 & #35 on denials. Also, Craig contacted the company and determined they need to have the customer use the separate kiosk terminal in order to complete the e4473. The kiosk does not allow for auto-populating of the Form 4473.

Corrective Action: No corrective action is required for Form 4473 errors/omissions in paragraph 1. Licensee was thoroughly advised on the proper completion and review of ATF Forms 4473.

Licensee was instructed to immediately begin printing out all Form 4473 pages for denied NICS inquiries and ensure that blocks #33, #34, and #35 are completed. Licensee was provided with a printed copy of ATF Ruling 2008-3.

10. 27 CFR 478.126a – REPEAT OF VIOLATIONS IN 2013 AND 2009

Nature of Violation: During the review of completed Forms 4473, it was disclosed that the licensee failed to complete and submit one Multiple Sale report (Form 3310.4) for the transfer of (b)(3) Pub law 112-55 125 Stat. 552, (b)(6)).

Licensee's Response: Craig Bricco had no excuse for this. He stated the system flags all multiple sales and generates the required report form. He stated he does not know why this one did not generate but verified that the report had not been created.

Corrective Action: Licensee is instructed to complete the required multiple sale report (Form 3310.4) as soon as possible and submit it to ATF as required, but NLT 3/13/2015. On 3/30/2015, it was verified that this report had been submitted.

11. 27 CFR 478.129(b)

Nature of Violation: During the review of completed Forms 4473, it was disclosed that Forms 4473 on which a NICS background check had been denied were filed numerically with the completed Forms 4473 for firearm transfers, contrary to

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regulation requirements.

Licensee's Response: Craig stated they keep a separate book for cancelled forms, but admitted there was not a separate one for the denied forms which were filed with the completed Forms 4473. He stated they will immediately begin filing them properly.

Corrective Action: Regulations required forms 4473 on which a NICS denial was received be filed separately from completed Forms 4473, either chronologically or alphabetically. Licensee was instructed to file all "denied NICS" Forms 4473 separately from other Forms 4473. On 3/30/2015, it was verified this had been done.

12. 27 CFR 478.125(e) – REPEAT OF VIOLATIONS IN 2013 AND 2009

Nature of Violation: The following errors and omissions were found in the licensee's electronic A&D records:

(b)(9) P firearm in inventory was not logged into the A&D records as an acquisition
entries contained an incorrect serial number when compared with the firearm
entry contained an incorrect manufacturer when compared with the firearm
entry contained incorrect acquisition information
disposition was incorrectly entered for a firearm still in inventory
entries contained incorrect disposition information
(b)(9) dispositions were not entered into the A&D record for a firearm no longer in
inventory (b)(9) in the gunsmithing record, (b)(9) in the main A&D record)
(b)(9) dispositions for (b)(9) firearms could not be determined

Licensee's Response: Craig and Cris Bricco had no excuse for these omissions in the A&D book. Craig stated it should not happen. As to the fact that five of the "failures to log out" were from the previous inspection, Craig indicated his brother, who no longer works there, was responsible for the record keeping at that time.

Corrective Action: Licensee was instructed to immediately update the A&D record with the cited errors and omissions. On 3/30/2015, it was verified this had been done.

Licensee will immediately report the (b)(9) firearms as missing from inventory to ATF and the local police. On 3/30/2015, it was verified this had been done.

(b)(6)

Signature

Senior Industry Operations Investigator

Title

3/30/2015

Date of Report

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Index of Worksheets and Exhibits

WORKSHEET #1 – Inventory and A&D Review Worksheet

WORKSHEET #2 – ATF Form 4473 (2012 Edition) Review Worksheet

EXHIBIT #1 – Variance approvals #11-0179 and 11-1079A dated October 20, 2014

EXHIBIT #2 – Letter from Chief, Firearms Program Division dated December 9, 2008

EXHIBIT #3 – Copy of email from FIPB dated 2/11/2015

EXHIBIT #4 – Computerized A&D record pages showing “failure to log out”

EXHIBIT #5 – Computerized gunsmith A&D record pages showing “failure to log out”

EXHIBIT #6 – Copies of A&D record pages with incorrect acquisition or disposition information

EXHIBIT #7 – Copies of sample Forms 4473 for denied NICS/FTIP checks

EXHIBIT #8 - Copies of ATF Forms 4473 with errors/omissions

EXHIBIT #9 – NICS/FTIP inquiry list from the Illinois State Police


EXHIBIT #10 – Copy of ATF Form 4473 , unreported multiple sale

EXHIBIT #11 – Signed/dated *Acknowledgement of Federal Firearms Regulations*

EXHIBIT #12 – Copy of Report of Violations issued 7/16/13; Acknowledgement of Federal Firearms Regulations signed & dated by Craig Bricco 7/16/2013; Warning Conference Letters dated 9/9/2013 and 9/25/2013; Warning Conference notes dated 9/23/2013; Certification of corrections by Craig Bricco dated 9/23/2013

EXHIBIT #13 – Copy of Report of Violations issued 9/18/2009; Acknowledgement of Federal Firearms Regulations signed & dated by Craig Bricco 9/19/2009; Warning Conference Letters dated 12/16/2009 and 1/29/2001; Warning Conference notes 1/29/2010

EXHIBIT #14 – Copy of signed/dated *Acknowledgement of Federal Firearms Regulations* overview form from 2006 application inspection.