

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Roadrunner Gunsmithing LLC 2634 Apache Circle Cottonwood, AZ 86326, Yavapai	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) <p style="text-align: center;">785050-2016-0250-B1B</p>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 986025017M03242</td> <td style="width: 33%;">4a. TARGET DATE 9/23/2016</td> <td style="width: 33%;">4b. TARGET HOURS 80</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 986025017M03242	4a. TARGET DATE 9/23/2016	4b. TARGET HOURS 80
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5. REQUESTED BY (SIGNATURE, TITLE AND DATE)				

6. ATF OFFICER(S) ASSIGNED
(b)(6) - Lead Investigator

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)
(b)(6), Acting Area Supervisor, 07/06/2016

8. PURPOSE/SPECIAL INSTRUCTIONS
 Conduct a full scope SWB-DE compliance inspection while evaluating for trafficking indicators; Assure compliance with current provisions of GCA. *NOTE: Demand Letter 3 has been issued to licensee. Retain hardcopies of issued ROV (if any) and/or Acknowledgement of Regulations for file retention.

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	3	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	2	NO. OF TECS HITS		2112 - P.O.A.
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR
		\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.

11. ATF OFFICER'S RECOMMENDATION
 Submitted by **(b)(6)** - Industry Operations Investigator

 Submitted on: 09/28/2016
 Please note: Request for addition of **(b)(6)** as responsible person to FFL (Exh 2). Required information (plus fingerprint card) sent under separate cover.

 Viols WL ONLY and Recall Inspection

12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)	
JUL 2016	1.50		
AUG 2016	6.50		
SEP 2016	13.00		
ATF OFFICER'S SUBTOTAL	21.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	21.00		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION
 Field inspection performed 09/21-09/23/16; a ROV was issued for three recordkeeping violations. A Warning Letter was generated and sent to the licensee (via certified post w/ return receipt) on 09/28/16. No further field action required.

 Viols WL ONLY and No Recall Inspection

REVIEWED
 CONCUR
 SEE COMMENTS
 FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	(b)(6)	Digitally signed by (b)(6) DN: cn= (b)(6) , o=PFD - Phoenix III Field Office, ou=BOJ/ Bureau of ATF, email= (b)(6) , c=US Date: 2016.09.29 10:34:48 -07'00'	REVIEW DATE 09/28/2016
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1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Roadrunner Gunsmithing LLC 2634 Apache Circle Cottonwood, AZ 86326, Yavapai	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 785050-2016-0250-B1B		
	3. PERMIT/LICENSE NUMBER 986025017M03242	4a. TARGET DATE 9/23/2016	4b. TARGET HOURS 80
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

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 Roadrunner Gunsmithing LLC	Street Address 2634 Apache Circle	City Cottonwood	State AZ	Zip Code 86326-	County Yavapai	Page 1 of 2 Pages
License/Permit/Registry Number (If any) 986025017M03242	Expiration Date 12/1/2017	Date(s) or Period of Inspection 09/21/2015 through 09/21/2016				

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 timely record required acquisition and disposition information in an Acquisition and Disposition (A&D) Record in ^{(b)(3), (b)(7)(C)} instance. Specifically, failure to timely record the disposition of ^{(b)(3), (b)(7)(C)} firearm in the A&D record.

Citation: 27 CFR 478.125(e)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Always ensure acquisition and disposition information is timely recorded in the A&D Record.

Number: 2

Nature of Violation:

Failure to record proper transferee identification documentation on ^{(b)(3), (b)(7)(C)} ATF Forms 4473.

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)

Always ensure all required information is recorded on the ATF Form 4473. Specifically, the licensee will ensure complete government identification is obtained.

Number: 3

Nature of Violation:

Failure to record all required NICS transaction information on ^{(b)(3), (b)(7)(C)} ATF Form 4473.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Always ensure all required information is recorded on the ATF Form 4473. Specifically, the licensee will ensure the Item 21c of the ATF Form is completed.

Report of Violations

Instructions

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Name of Proprietor Roadrunner Gunsmithing LLC	Street Address 2634 Apache Circle	City Cottonwood	State AZ	Zip Code 86326-	County Yavapai	Page 2 of 2 Pages
License/Permit/Registry Number (If any) 986025017M03242	Expiration Date 12/1/2017	Date(s) or Period of Inspection 09/21/2015 through 09/21/2016				

Inspection Results

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

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

Ray Clinton Herbert OWNER

9-23-16

I Have Received a Copy of This Report of Violations (Proprietor's signature and title)	Date
Signature and Title of ATF Officer (b)(6) <i>al industry operations investigator</i>	Date 9-23-16



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

Roadrunner Gunsmithing LLC
2634 Apache Circle
Cottonwood, AZ 86326
RE: 9-86-025-01-7M-03242

September 29, 2016

Mr. Roy C. Herbert:

During a recent inspection at your firearms business covering the period of September 21, 2015 to September 21, 2016 you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, ATF F 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator. You indicated that you understood the requirements of the firearms laws and regulations and that corrective actions would be taken to eliminate future violations.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business. This is critical to carrying out our mission to protect the public and to ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area. We look forward to continuing to work with you in that regard.

You are reminded that retention of your Federal firearms license is conditioned upon your compliance with Federal laws and regulations. Any future violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license. Please ensure that future compliance is achieved.

Roadrunner Gunsmithing LLC

Should you have any questions regarding this matter, please contact me directly at (b)(6).

Sincerely

(b)(6)

Phoenix III Area Supervisor

Enclosure

c: Federal Firearms Licensing Center
Phoenix III (IO) Field Office

FIREARMS INSPECTION REPORT

Name: Roadrunner Gunsmithing LLC
Trade Name:

UI#: 785050 2016 0250 B1B
FFL#: 9 86 025 01 7M 03242

Address: 2634 Apache Circle
Cottonwood, AZ 86326

1 - Introduction

Inspection Profile:

On September 21, 2016, Senior Industry Operations Investigator (SIOI) (b)(6) (b)(6) initiated a Federal firearms compliance inspection of Roadrunner Gunsmithing, LLC doing business as Roadrunner Gunsmithing, located at 2634 Apache Circle, Cottonwood, AZ 86326.

The full scope Southwest Border – compliance inspection was conducted to ensure the licensee is in compliance with the provisions of the GCA and all ATF regulations. The period of inspection covered the dates of September 21, 2015 through September 21, 2016.

The inspection was conducted with Member and Responsible Person Roy Clinton Herbert, identified by his Arizona driver's license (b)(6) expiration date 8/21/2038 and date of birth (b)(6) and (b)(6), identified by an Arizona driver's license (b)(6), expiration date 9/22/2018, date of birth (b)(6).

Advance notification was provided for this inspection. SIOI (b)(6) initially attempted to conduct the inspection on August 11, 2016. Mr. Roy Lee Herbert was present. Mr. Roy Lee Herbert is not listed as a responsible person on the license, but is the dad of responsible person (RP), Roy Clinton Herbert and assists with the business. Mr. Herbert advised SIOI (b)(6) (b)(6) (b)(6) D(b)(6) ry and the uncertainty of RP Roy Herbert's return in 30 days for an out brief, SIOI (b)(6) decided to postpone the inspection until Roy C. Herbert was available. On September 19, 2016, SIOI (b)(6) received a call from Roy C. Herbert and an appointment was scheduled for September 21, 2016.

Business Profile:

Roadrunner Gunsmithing, LLC doing business as Roadrunner Gunsmithing, has been licensed as a Type 01 licensee, Dealer of Firearms Other Than Destructive Devices, since November 2008. The licensee operates the business from an office/workshop located at Roy L. Herbert's residence. The licensee retails firearms over the internet on websites such as gunbroker.com and

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Name: Roadrunner Gunsmithing LLC
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gunsamerica.com and makes transfers to local customers. The licensee does not have a website.

Since September 21, 2015, Roadrunner, LLC has acquired:

- (b)(4) firearms

During this same period, the licensee has disposed of:

- (b)(4) firearms, including dispositions to licensees

The licensee uses (b)(4) as their primary supplier and is also registered on (b)(4). The licensee estimates his business to be split approximately (b)(4) between long guns and handguns with (b)(4) percent of the firearms retailed and (b)(4) percent gunsmithing activities. The licensee does not sell ammunition, black powder, participate in gun shows, conduct pawn brokering or NFA activities. There are no consignment sales. The licensee does not have a website. No offsite storage was disclosed during this inspection.

The licensee is in possession of the following state/local licenses:

- Arizona Transaction Privilege Tax License: (b)(3) - 26 USC 6103 Exp 12/31/16
- Cottonwood Zoning Clearance & Building Permit: P12006000734, no exp.

The licensee's trade name is registered with the Arizona Secretary of State.

Queries of the Federal Firearms Licensing System (FLS) does not disclose any additional licenses. The licensee has the appropriate license for his business.

Ownership and Control:

The licensee is a limited liability company (LLC) (**Exhibit 1**) with Mr. Roy C. Herbert listed as member and manager. The LLC is in good standing with the Arizona Corporation Commission. No unreported changes or indicators of hidden ownership were disclosed during this inspection.

FLS lists Roy C. Herbert as responsible person. Mr. Roy C. Herbert has requested to add his father, Roy Lee Herbert to the Federal firearms license as a responsible person. Required information, photo (copy at **Exhibit 2**), and a finger print card were obtained during this inspection and are being forwarded under separate cover. Preliminary NCIC checks disclosed no prohibiting

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Name: Roadrunner Gunsmithing LLC
Trade Name:

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information. No additional responsible persons were identified as needing to be added to the database.

Variance:

There are no variances currently in place nor disclosed as being necessary as a result of this inspection. The licensee did not request any variances during the inspection.

2 - Recommendation

Violations, Warning Letter only, with Recall inspection. Please note: Request for addition of Roy Lee Herbert as responsible person to FFL (Exhibit 2). Required information sent by separate cover.

3 - Inspection History

Date of Inspection: Start and End Date: November 30, 2011
Type of Inspection: Full scope SWB Compliance inspection
UI#: 785050 2012 0048 B1B
Inspection Results: No violations, no further action, no referrals
Cited Violations: N/A

**Acknowledgement of Regulations was reviewed and signed by the licensee on 11/30/2011 and a copy is located in the area office file.*

Date of Inspection: Start and End: November 13, 2008
Type of Inspection: Qualification inspection
UI#: 785050 2009 0079 B1B
Inspection Results: License issued.
Cited Violations: N/A

**Acknowledgement of Regulations was reviewed and signed by the licensee on November 13, 2008 and a copy is located in the area office files.*

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

One hundred percent inventory was conducted disclosing two firearms in inventory. The A&D record disclosed (b)(3) - (1)(2)F open entries. Comparison of the firearms to the A&D record disclosed no discrepancies. Comparison of the (b)(3) - (1)(2)F open entries in the A&D record to the firearms in inventory disclosed (b)(3) - (1)(2)F open entry with no corresponding firearm (Exhibit 3). This open entry was reconciled by the licensee who researched his records and presented an ATF Form 4473 disclosing the firearm had been transferred.

FIREARMS INSPECTION REPORT

Name: Roadrunner Gunsmithing LLC
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At the conclusion of the inspection, the licensee was cited in violation of 27 CFR 478.125(e) for failure to timely record the disposition of [REDACTED] firearm in the A&D record.

The licensee maintains a manual A&D record. The A&D records are in the proper format, contain required information and entries are being timely made with the exception of the [REDACTED] firearm that was not logged out of the A&D record. There have been no thefts or losses of inventory in the past 12 months.

Twenty firearms were traced through the A&D record to ATF Form 4473 or inventory. There were no discrepancies.

The inventory is received by Mr. Roy Lee Herbert. Mr. Herbert states when he receives a firearm, he immediately opens the box to view the serial number and then records the information in the A&D record. Mr. Roy Lee Herbert states that when he ships a firearm sold on gunbroker.com to an FFL, once he returns to the shop he immediately records the disposition as well as immediately recording the dispositions for walk-in transfers. Minimal inventory is maintained. Firearms advertised on the internet are not ordered until there is a buyer. Mr. Roy Clinton Herbert maintains additional documentation of transfers for tax purposes, although these documents do not contain the serial number of the firearm. Firearms are stored in a safe.

5 – ATF Forms 4473 – NICS & Other Dispositions

SIOI (b)(6) reviewed a total of [REDACTED] ATF Forms 4473 on file for the period September 21, 2015 through September 21, 2016. The review of these forms disclosed the following violations:

Failure on [REDACTED] ATF Forms 4473 to record proper transferee identification documentation. The licensee accepted a government document (military identification) that did not document an address. At the conclusion of the inspection, the licensee was cited in violation of 27 CFR 478.124(c)(3)(i). See Worksheet 2, Exhibit 4.

Failure on [REDACTED] ATF Form 4473 to record all required NICS transaction information. On [REDACTED] occasion, the licensee failed to record the NICS response. At the conclusion of the inspection, the licensee was cited in violation of 27 CFR 478.124(c)(3)(iv). See Worksheet 2, Exhibit 5.

The licensee was instructed to attempt to obtain a copy of address documentation for the transfers without proper identification if he was able to reach the purchaser.

One hundred percent of the NICS Audit Log for the period requested was reviewed. This included two (2) “proceed” NICS Transaction Numbers (NTNs) for the requested period and one “open” transaction occurring during 2014. There were no discrepancies

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Name: Roadrunner Gunsmithing LLC
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when comparing the audit log to the ATF Form 4473. The licensee was advised to maintain ATF Forms 4473 for denied and transfers not completed for five years and to maintain the forms in a separate folder in the event that situation occurs.

The licensee is properly conducting transfers to other licensees. The licensee did not have any transfers to law enforcement during the inspection period.

ATF Forms 4473 are maintained in chronological order by month and are numbered sequentially. Day to day operations are managed by and transfers are conducted by Roy Lee Herbert.

6 - Multiple Sales

The Violent Crime Analysis Branch (VCAB) Report disclosed zero multiple sales of firearms conducted during the inspection period. No unreported multiple sales of handguns or rifles were disclosed as a result of this inspection.

7 - Suspicious/Prohibited Purchasers

No suspicious or prohibited purchasers were disclosed as a result of this inspection.

8 - Trace Activity

The VCAB Report did not disclose any traces for this licensee since issuance of the license.

There were no used firearms in inventory and none were queried.

9 - NFA/Importer/Collector/Manufacturer

The licensee does not conduct NFA, Importer or Collector activities. The licensee does not manufacture firearms.

10 - Referrals

No referrals were generated as a result of this inspection.

11 - Other

The licensee has his FFL posted. The licensee is in possession of trigger locks, has a Youth Handgun Safety Act Notice posted and is in possession of Youth Handgun Safety Act Pamphlets.

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The following queries were conducted for Mr. Roy Clinton Herbert:

- NForce – no hits.
- CGIG Query - Negative
- Open Fox – no hits.
- Accurint – No suspicious information disclosed.
- Apps.supremecourt.az.gov/publicaccess/caselookup.aspx – no prohibiting information disclosed.

12 - Closing Actions

A 45-minute closing conference was held with Roy Clinton Herbert and Roy Lee Herbert. SIOI (b)(6) reviewed the Report of Violations with the Herberts, discussing the violations. The Herberts acknowledged they understood the violations. SIOI (b)(6) reviewed the Acknowledgement of Federal Firearms Regulations with the Herberts allowing for questions and discussions. Mr. Herbert signed the Acknowledgement (Exhibit 6) and was provided a copy. The following documents were provided to the licensee and/or reviewed:

ATF Publication 5300.4 Federal Firearms Regulations Reference Guide, 2014
(Information provided regarding online availability)
ATF Form 4473 Firearms Transaction Record Part 1 – Over the Counter
ATF F 3310.4 Report of Multiple Sale or Other Disposition of Pistols & Revolvers
ATF F 3310.12 Report of Multiple Rifle Sales
ATF F 3310.11 FFL Firearms Inventory Theft/Loss Report
FBI NICS Informational Brochures
ATF I 5300.23A Important Notice to Dealers and Other Participants at This Gun Show
ATF I 5300.1 Youth Handgun Safety Act Poster
ATF I 5300.2 Youth Handgun Safety Act Notice
ATF F 5300.38 Application Failure to furnish or obtain all information as required by headings and instructions on two ATF Forms 4473.n for an Amended Federal Firearms License
ATF P 5300.11 Curios & Relics.
ATF P 5310.1 Gun Free School Zone Notice
Department of the Treasury Internal Revenue Service Publication 1544 Reporting Cash Payments of Over \$10,000.00 Specifically, on ATF Form 3404 and 3416, the licensee failed to complete type of firearm (item 18) that was purchased.

The licensee was provided with the summary page of the final rulings for: Commerce in Firearms and Ammunition-Reporting Theft or Loss of Firearms in Transit (2007R-9P).

13 - Violations

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

Nature of Violation:

Failure to timely record required acquisition and disposition information in an Acquisition and Disposition (A&D) record in (b)(3)-11 instance. Specifically, failure to timely record the disposition of (b)(3)-11 firearm in the A&D record. (b)(3) - 112 Public Law 55 125 Stat 552 was disclosed to have been sold to (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's Response:

"I will triple check in the future (to ensure all firearms are logged out)."

Corrective Action:

Always ensure all required acquisition and disposition information is timely recorded in the A&D record. The licensee will record the disposition of the (b)(3) - 112 Public Law 55 125 Stat 552 immediately. SIOI (b)(6) verified that this information was recorded in the A&D Record on September 23, 2016.

Reference Worksheet 1, Exhibit 3.

2. **27 CFR 478.124(c)(3)(i)**

Nature of Violation:

Failure to record proper transferee identification documentation on three ATF Forms 4473. Specifically, the licensee accepted a government identification (military ID card) that did not verify the transferee's address and did not obtain supplemental identification. Transfers to William Troy Scherr on three occasions: 12/30/2015, Transaction #206; 4/26/16, Transfer # 209; and 5/2/16, Transfer # 210.

Licensee's Response:

Initially when brought to his attention, Mr. (Roy Lee) Herbert stated he knew him and knew he was a neighbor. SIOI (b)(6) advised him that he still needed to make sure he obtained documentation of the purchaser's address. At the out brief, Mr. (Roy Lee) Herbert stated "my stupidity, I will accept a driver's license only in the future.

Corrective Action:

Always ensure all required information is recorded on the ATF Form 4473. Specifically, the licensee will ensure complete government identification is obtained.

(b)(6). The licensee has an email address for him and will attempt to get a copy of his driver's license.

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SIOI (b)(6) advised the licensee that government issued documents could be combined to obtain all required information.

Reference Worksheet 2, Exhibit 4.

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

Nature of Violation:

Failure to record all required NICS transaction information (b)(6) ATF Form 4473. The licensee failed to record the response when a background check was called in on ATF (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6).

Licensee's Response:

"Look over after they (purchaser) leave, but will look over again."

Corrective Action:

Always ensure all required information is recorded on the ATF Form 4473. Specifically, the licensee will ensure that Item 21c of the ATF Form is completed.

SIOI (b)(6) queried (b)(6) NCIC There were no hits.

Reference Worksheet 2, Exhibit 5.

X

Industry Operations Investigator

Index of Worksheets and Exhibits

Worksheet 1 Inventory and A&D Review Worksheet

Worksheet 2 ATF Forms 4473 Review Worksheet

Exhibit 1. ACC Documentation

Exhibit 2. Copy of Letter & Information to Add RP

Exhibit 3. A&D Record, Open Disposition w/No Corresponding Firearm

Exhibit 4. ATF Forms, Violation of 27 CFR 478.124(c)(3)(i)

FIREARMS INSPECTION REPORT

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Exhibit 5. ATF Forms, Violation of 27 CFR 478.124(c)(3)(iv)
Exhibit 6. Acknowledgement of Federal Firearms Regulations