

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  Michael E. Budzien WEST COAST SURVIVAL ARMS 939 Monserate Ave. Chula Vista, CA 91911, San Diego	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 784050-2016-0208-B1B		
	3. PERMIT/LICENSE NUMBER 933073018B04195	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS 35
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

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

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

8. PURPOSE/SPECIAL INSTRUCTIONS  
Conduct full scope firearm compliance inspection (last inspection 11/2011). Please ensure that your investigation is conducted in alignment with the requirements established by the Industry Operations Handbook (ATF H 5030.2C). Obtain and verify the following:

- Provide ATF Rulings that apply to license.
- Verify EIN or SSN for N-Spect.
- Identify and input all R/P's in N-Spect.
- Verify business entity and trade name.
- Verify offsite storage/ other business locations.
- Obtain GPS for N-Spect.
- Verify business is in compliance with State and local licensing requirements.
- Verify trace history, NFA records, DROS/NICS checks.

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	8	NO. OF REFERRALS		2111 - PER DIEM	
NO. OF TECS CHECKS		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: 01/0  
On 11/30/2016 IOI (b)(6) and IOI (b)(6) travelled to the licensed premises and met in person with Michael Budzien concerning a Type 01 FFL Compliance Inspection for West Coast Survival Arms. The scope of this inspection was a full-scope compliance inspection to ensure compliance with Federal firearms laws and regulations. This inspection covered the licensee's entire A&D Record and ATF Fs 4473 from 12/1/2015 through 11/30/2016.

The on-site inspection ended with a closing conference and the issuance of a Report of Violations on 1/4/2017.

See Narrative Report for further information.  
Viols WC with WL and Recall

12. TIME ACCOUNTING DATA		
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)	
JUN 2016	4.00	
JUL 2016	1.50	
AUG 2016	3.00	
NOV 2016	26.00	
DEC 2016	32.00	

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	3. PERMIT/LICENSE NUMBER 933073018B04195	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS 35
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

### 12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)	
JAN 2017	24.00
ATF OFFICER'S SUBTOTAL	90.50
ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)	
DEC 2015	12.00
OCT 2016	2.00
NOV 2016	8.00
DEC 2016	47.00
ATF OFFICER'S SUBTOTAL	69.00
ATF OFFICER'S SIGNATURE	
TOTAL HOURS	159.50

### 13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION Alternate recommendation of WL and No recall. WL sent 2/8/2017  Viols WL ONLY and No Recall Inspection	
<input checked="" type="checkbox"/> REVIEWED <input checked="" type="checkbox"/> CONCUR <input checked="" type="checkbox"/> SEE COMMENTS <input checked="" type="checkbox"/> FINAL DISPOSITION	
SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 01/11/2017

#### 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 Michael E. Budzien WEST COAST SURVIVAL ARMS	Street Address 939 Monserate Ave.	City Chula Vista	State CA	Zip Code 91911-	County San Diego	Page 1 of 7 Pages
License/Permit/Registry Number (If any) 933073018B04195		Expiration Date 2/1/2018		Date(s) or Period of Inspection 12/06/2016 through 12/07/2016		

### 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:

(b)(3) instances of failure by a licensed dealer to accurately or timely record the acquisition or disposition of a firearm.

There were (b)(3) entries in the licensee's A&D Record containing incomplete or inaccurate acquisition information. These errors consisted of (b)(3), Public Law 112-55, 125 Stat. 552

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

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

There were (b)(3) entries in the licensee's A&D Record containing incomplete or inaccurate disposition information. These errors included (b)(3), Public Law 112-55, 125 Stat. 552

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

Citation: 27 CFR 478.125(e)

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall immediately make the appropriate corrections to the incomplete and inaccurate A&D Record entries identified. In all future instances, the licensee shall ensure that acquisition and disposition information is recorded completely and accurately in the A&D Record.

## Report of Violations

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Name of Proprietor Michael E. Budzien WEST COAST SURVIVAL ARMS	Street Address 939 Monserate Ave.	City Chula Vista	State CA	Zip Code 91911-	County San Diego	Page 2 of 7 Pages
License/Permit/Registry Number (If any) 933073018B04195		Expiration Date 2/1/2018		Date(s) or Period of Inspection 12/06/2016 through 12/07/2016		

### Inspection Results

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

Number: 2

#### Nature of Violation:

(b)(3), P.L. instances of failure by a licensed dealer to require a purchaser to properly and accurately complete all required information on an ATF F 4473 prior to the over-the-counter transfer of a firearm, as per the instructions and headings on the form.

On (b)(3), ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser incompletely or inaccurately completed Item 1. On (b)(3), ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser incompletely or inaccurately completed Item 2. On (b)(3), ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser incompletely answered Item 3. On (b)(3), ATF F 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 6. On (1) ATF F 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 7. On (b)(3), ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Items 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 11j and 11k. On (b)(3), ATF F 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 11b. On (b)(3), ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 11c. On (b)(3), ATF F 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 11e. On (b)(3), ATF F 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 11i. On (b)(3), ATF F 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 11k. On (b)(3), ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser incompletely or inaccurately completed Item 14. On (b)(3), ATF F 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 15. On (b)(3), ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the purchaser left blank Item 17.

It should be noted that any above listed ATF Fs 4473 containing multiple discrepancies were

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

In all future instances, the licensee shall ensure the proper completion of Section A of the ATF F 4473 by the purchaser prior to the transfer of a firearm. The licensee shall not transfer a firearm to an individual who fails to properly and accurately complete all required information on an ATF F 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 Michael E. Budzien WEST COAST SURVIVAL ARMS	Street Address 939 Monserate Ave.	City Chula Vista	State CA	Zip Code 91911-	County San Diego	Page 3 of 7 Pages
License/Permit/Registry Number (If any) 933073018B04195		Expiration Date 2/1/2018	Date(s) or Period of Inspection 12/06/2016 through 12/07/2016			

### Inspection Results

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

cited as one instance per form.

**Citation:** 27 CFR 478.124(c)(1)

**Number:** 3

#### Nature of Violation:

(b)(3), Pub L 112-55, 125 Stat. 552 instances of failure by a licensed dealer to properly and accurately complete or require purchasers to properly complete all required information on an ATF F 4473, as per the instructions and headings on the form, including (b)(3), Pub L 112-55, 125 Stat. 552 instances of transferring a firearm to an individual who indicated that they were not the actual transferee or buyer of the firearm being transferred.

On (b)(3), Pub L 112-55, 125 Stat. 552 ATF Fs 4473 (b)(3), Pub L 112-55, 125 Stat. 552 the purchaser marked "No" in response to Item 11a. On (b)(3), Pub L 112-55, 125 Stat. 552 ATF F 4473 (b)(3), Pub L 112-55, 125 Stat. 552 the purchaser left blank Item 11a. On (b)(3), Pub L 112-55, 125 Stat. 552 ATF Fs 4473 (b)(3), Pub L 112-55, 125 Stat. 552 Item 25 was incomplete or incorrect. On (b)(3), Pub L 112-55, 125 Stat. 552 ATF Fs 4473 the licensee left blank Items 31 and 32. On (b)(3), Pub L 112-55, 125 Stat. 552 ATF F 4473 (b)(3), Pub L 112-55, 125 Stat. 552 the licensee left blank Item 33

It should be noted that any above listed ATF Fs 4473 containing multiple discrepancies were cited as one instance per form.

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

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

In all future instances, the licensee shall ensure the proper completion of ATF Fs 4473. The licensee shall not transfer a firearm to an individual who answers "No" in response to Item 11a, indicating that they are not the actual transferee or buyer of the firearm. Additionally, the licensee shall amend copies of all above listed ATF Fs 4473 containing violations in Section D. These copies are to be attached to the original forms.

## 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 Michael E. Budzien WEST COAST SURVIVAL ARMS	Street Address 939 Monserate Ave.	City Chula Vista	State CA	Zip Code 91911-	County San Diego	Page 4 of 7 Pages
License/Permit/Registry Number (If any) 933073018B04195	Expiration Date 2/1/2018	Date(s) or Period of Inspection 12/06/2016 through 12/07/2016				

### 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:

(b)(3) instance of failure by a licensed dealer to properly and accurately complete all required information on an ATF F 4473, as per the instructions and headings on the form.

On (b)(3) ATF F 4473 ((b)(3), Public Law 101-646) the licensee left blank the Expiration Date of Identification in Item 20.

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

Number: 5

#### Nature of Violation:

(b)(3) instances of failure by a licensed dealer to properly and accurately complete all required information on an ATF F 4473, as required per the instructions and headings on the form.

On (b)(3) ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 5) the licensee left blank Item 26.

Citation: 27 CFR 478.124(c)(4)

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

In all future instances, the licensee shall ensure the proper and accurate completion of ATF Fs 4473. Additionally, the licensee shall amend a copy of the above ATF F 4473 containing the violation in Section B. This copy is to be attached to the original form.

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

In all future instances, the licensee shall ensure the proper and accurate completion of ATF Fs 4473. Additionally, the licensee shall amend copies of the above listed ATF Fs 4473 containing violations in Section D. These copies are to be attached to the original forms.

## 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 Michael E. Budzien WEST COAST SURVIVAL ARMS	Street Address 939 Monserate Ave.	City Chula Vista	State CA	Zip Code 91911-	County San Diego	Page 5 of 7 Pages
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### Inspection Results

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

**Number:** 6

**Nature of Violation:**

(b)(3) instances of failure by a licensed dealer to properly and accurately complete all required information on an ATF F 4473, as required per the instructions and headings on the form.

On (b)(3) ATF Fs 4473 ((b)(3), Public Law 112-55, 125 Stat. 552) the licensee left blank Item 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)

In all future instances, the licensee shall ensure the proper and accurate completion of ATF Fs 4473. Additionally, the licensee shall amend copies of the above listed ATF Fs 4473 containing violations in Section D. These copies are to be attached to the original forms.

## 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 Michael E. Budzien WEST COAST SURVIVAL ARMS	Street Address 939 Monserate Ave.	City Chula Vista	State CA	Zip Code 91911-	County San Diego	Page 6 of 7 Pages
License/Permit/Registry Number (If any) 933073018B04195		Expiration Date 2/1/2018	Date(s) or Period of Inspection 12/06/2016 through 12/07/2016			

### Inspection Results

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

Number: 7

#### Nature of Violation:

(b)(3), P instances of failure by a licensed dealer to properly report a multiple handgun sale when transferring two or more handguns to an unlicensed individual at the same time or within five consecutive business days by filing an ATF F 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers).

On September 15, 2016 the licensee transferred (b)(3), P pistols to the same unlicensed person on one ATF F 4473 (b)(3), P. On July 17, 2016 the licensee transferred (b)(3), P pistols to the same unlicensed person on (b)(3), P ATF F 4473 (b)(3), P. On May 28, 2016 the licensee transferred (b)(3), P pistols to the same unlicensed person on (b)(3), P ATF F 4473 (b)(3), P. On May 25, 2016 the licensee transferred (b)(3), P pistols to the same unlicensed person on one ATF F 4473 (b)(3), P. On August 3, 2016 the licensee transferred (b)(3), P pistols to the same unlicensed person on (b)(3), P ATF F 4473 (b)(3), P. On September 14, 2016 the licensee transferred (b)(3), P pistols to the same unlicensed person on (b)(3), P ATF F 4473 (b)(3), P. On February 22, 2016 the licensee transferred (b)(3), P pistols to the same unlicensed person on (b)(3), P ATF F 4473 (b)(3), P. On January 13, 2016 the licensee transferred (b)(3), P pistols to the same unlicensed person on (b)(3), P ATF F 4473 (b)(3), P.

In each of these instances, the licensee failed to submit the required Report of Multiple Sale.

Citation: 27 CFR 478.126a

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall immediately complete and submit an ATF F 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for each of these unreported multiple sale transactions. In all future instances when transferring two or more handguns to an unlicensed person within five consecutive business days, the licensee shall submit an ATF F 3310.4 not later than the close of business on the day that the multiple sale or other disposition occurs.



## 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.

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License/Permit/Registry Number (If any) 933073018B04195		Expiration Date 2/1/2018	Date(s) or Period of Inspection 12/06/2016 through 12/07/2016			

### Inspection Results

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

Number: 8

#### Nature of Violation:

(b)(3), Public Law instances of failure by a licensed dealer to properly report a multiple sale of certain rifles when transferring two or more semi-automatic rifles larger than .22 caliber with the ability to accept a detachable magazine to an unlicensed person at the same time or within five consecutive business days by filing an ATF F 3310.12 (Report of Multiple Sale or Other Disposition of Certain Rifles).

On January 10, 2016 ((b)(3), Public Law), November 27, 2016 ((b)(3), Public Law), November 27, 2016 ((b)(3), Public Law), June 10, 2016 ((b)(3), Public Law), October 9, 2016 ((b)(3), Public Law) and August 22, 2016 ((b)(3), Public Law) the licensee conducted transactions in which he transferred two such rifles to individuals on ((b)(3), Public Law) ATF F 4473.

In each of these instances, the licensee failed to submit the required Report of Multiple Sale, as he is required to do per Demand Letter 3.

Citation: 18 U.S.C. 923(g)(5)(A)

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall immediately complete and submit an ATF F 3310.12 (Report of Multiple Sale or Other Disposition of Certain Rifles) for each of these unreported multiple sale transactions. In all future instances when transferring two or more rifles meeting the requisite characteristics set forth in Demand Letter 3, the licensee shall submit an ATF F 3310.12 not later than the close of business on the day that the multiple sale or other disposition occurs.

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

Signature and Title of ATF Officer

July 9 2018 Document

For Official Use Only

Date

Date



**DEPARTMENT OF JUSTICE**  
*Bureau of Alcohol, Tobacco,  
Firearms and Explosives*  
9449 Balboa Avenue, Suite 200  
San Diego, California 92123

February 8, 2017

784050: JJL  
5300

Michael E. Budzien  
DBA- WEST COAST SURVIVAL ARMS  
939 Monserate Ave.  
Chula Vista, California 91911

RE: 9-33-073-01-8B-04195

Dear Mr. Budzien:

During a recent inspection at your firearms business covering the period December 1, 2015 through November 30, 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 or your designated responsible person by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator. You or your responsible person indicated that you understood the requirements of the firearms laws and regulations and that corrective actions would be taken to eliminate future violations.

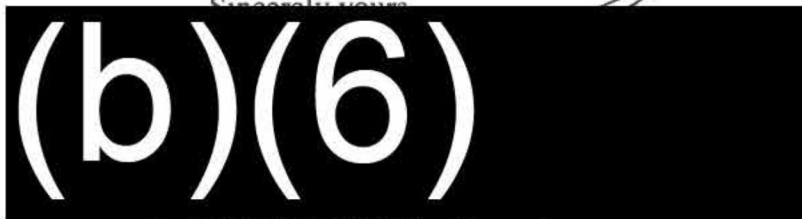
The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business. This is critical to carrying out our mission to protect the public and 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.



**DEPARTMENT OF JUSTICE**  
*Bureau of Alcohol, Tobacco,  
Firearms and Explosives*  
9449 Balboa Avenue, Suite 200  
San Diego, California 92123

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

Sincerely yours  
  
(b)(6)

Area Supervisor

Enclosure  
cc: Federal Firearms Licensing Center  
San Diego III (IO) Field Office

**Address:** 939 Monserate Avenue  
Chula Vista, CA 91911

Phone: (619) 870-6992 (Business/Residence),  
(b)(6) (Mr. Budzien's Cell)

## **1 - Introduction**

### **Inspection Profile:**

On November 30, 2016 Industry Operations Investigator (IOI) (b)(6) and IOI (b)(6) travelled to the licensed premises and met in person with Michael Budzien (CA DL # (b)(6) ) concerning a Type 01 (Dealer) FFL Compliance Inspection for *West Coast Survival Arms*. The scope of this inspection was a full-scope compliance inspection to ensure compliance with Federal firearms laws and regulations. This inspection covered the licensee's entire A&D Record and ATF Fs 4473 from December 1, 2015 through November 30, 2016.

Michael Budzien is the owner and sole proprietor of this business, which he operates under the registered trade name of *West Coast Survival Arms*, and is the only Responsible Person currently associated with this FFL.

The licensee was given advance notice of this inspection following an unsuccessful attempt to initiate an unannounced inspection. Mr. Budzien operates this business part time, and holds additional employment. The on-site inspection ended with a closing conference and the issuance of a **Report of Violations** on January 4, 2017.

N-Force and FLS queries for this FFL were conducted prior to the initiation of this inspection, and met with negative results for any special attention flags or open investigations.

No additional Federal, State or local agencies were involved in this inspection.

### **Business Profile:**

*West Coast Survival Arms* is a home-based business, located in a residential area of Chula Vista, California. The licensee engages in the sale of new and used firearms to the general public, and generally operates by appointment only. The licensee also conducts occasional consignment sales and private-party transfers.

There were (137) firearms in the licensee's inventory at the time of inspection. During the 12 months prior to this inspection the licensee has acquired approximately (b)(4) firearms and disposed of approximately (b)(4).

The licensee's inventory at the time of inspection consisted of (b)(4) handguns, (b)(4) long guns and (b)(4) receivers. The licensee's inventory was comprised of approximately (b)(4)% new firearms for sale and (b)(4)% used firearms, primarily private-party transfers.

Mr. Budzien stated that he has yet to operate at any gun shows, and does not utilize any off-site storage.

*West Coast Survival Arms* acquires firearms for sale from various distributors, including (b)(4) among others.

The licensee provided copies of his California State Board of Equalization Seller's Permit (**Exhibit 1**- Seller's Permit), City of Chula Vista Business License #070077 (**Exhibit 2**- City Business License) and City of Chula Vista Local Firearms Dealer License #4503 (**Exhibit 3**- Local Firearms Dealer License).

Mr. Budzien stated that no additional businesses are operated from the licensed premises, and that he holds no additional ATF licenses. Mr. Budzien further stated that he holds additional employment with *Cox Cable*, installing cable, internet and video equipment.

Mr. Budzien stated that he maintains his own website for this business at [www.westcoastsurvivalarms.com](http://www.westcoastsurvivalarms.com), and conducts some transfers through that site, along with [www.gunbroker.com](http://www.gunbroker.com).

Michael Budzien has held this FFL since January 4, 2012, and stated that he has not been involved with any other ATF licenses.

All firearms sold by Mr. Budzien are sold as retail sales, and most transactions involving used firearms are FFL transfers from other states or private-party transfers.

#### **Ownership and Control:**

Michael Budzien operates *West Coast Survival Arms* as a sole proprietor, and remains the only Responsible Person for this FFL. A query with San Diego County showed *West Coast Survival Arms* to be a registered fictitious business name belonging to Mr. Budzien (**Exhibit 4**- Fictitious Business Name Registration Search Results). No unreported changes in control or indicators of hidden ownership were identified during this inspection. No individuals were identified as needing to be added as Responsible Persons.

No changes were identified as required to the Federal Licensing System (FLS) database.

#### **Variance:**

*West Coast Survival Arms* currently holds no approved ATF variances. No potential needs for variances were identified during this inspection.

## **2 - Recommendation**

Viols WC with WL and Recall

## **3 - Inspection History**

A review of the Area Office file for Michael Budzien d/b/a *West Coast Survival Arms* revealed the following inspection history:

<b>Date of Inspection:</b>	December 20, 2011
<b>Type of Inspection:</b>	Qualification Inspection
<b>UI#:</b>	784050-2012-0054-B1B
<b>Inspection Results:</b>	New Type 01 FFL issued
<b>Cited Violations:</b>	No violations were cited, as this was a qualification only.

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

IOI (b)(6) conducted a 100% inventory of the licensee's firearms and compared these results to the licensee's A&D Record, which is maintained in written format. The licensee's A&D Record was in the proper format and contained fields for all required information. There were (137) total firearms on hand, which corresponded to the licensee's A&D Records, containing a total of (b)(3) Pub law 112-55 125 Stat. 552 open entries.

The following discrepancies pertaining to the licensee's A&D Record were discovered and cited on a **Report of Violations**:

**Firearms receipt and disposition by dealers-** There were (b)(3) entries in the licensee's A&D Record containing incomplete or inaccurate acquisition information. These errors consisted of failure to record the date a firearm was acquired (b)(3) Pub law 112-55 125 Stat. 552 and recording an incorrect serial number of (b)(3) Pub law 112-55 125 Stat. 552. There were (b)(3) entries in the licensee's A&D Record containing incomplete or inaccurate disposition information. These errors included failure to record the address or 4473 number of an individual to whom a firearm was transferred (b)(3) Pub law 112-55 125 Stat. 552, failure to record the FFL number of a licensee to whom a firearm was transferred (b)(3) Pub law 112-55 125 Stat. 552, and mistakenly logging a firearm out (b)(3) Pub law 112-55 125 Stat. 552 when it remained in the licensee's inventory.

Accordingly, the licensee was cited in violation of 27 CFR 478.125(e) for (b)(3) instances of failure by a licensed dealer to accurately or timely record the acquisition or disposition of a firearm.

Additional information on this violation can be found on **Worksheet 1**. Sample copies of the A&D Record pages containing these discrepancies were obtained (**Exhibit 5-A&D Record Sample Pages Pertaining to Violation 1**).

See **Report of Violations**, Violation 1, **Worksheet 1** and **Exhibit 5** for further information.

No theft or loss reports were submitted by the licensee during this inspection period, and none were submitted as a result of this inspection.

No trafficking issues, obliterated serial numbers or illegal firearms were discovered during this inspection.

IOI (b)(6) traced (b)(6) firearms through the licensee's required records from acquisition through disposition. This process entailed randomly selecting firearms from the licensee's A&D Record and comparing those entries to their corresponding ATF Fs 4473, and randomly selecting A&D Record entries for comparison to their corresponding ATF Fs 4473. No discrepancies were discovered as a result of this process.

IOI (b)(6) and IOI (b)(6) discussed with Michael Budzien his standard operating procedures relevant to his A&D Record and inventory practices. Mr. Budzien stated that all firearms acquisitions were recorded either the day of receipt or the following day, adding that he always recorded firearm dispositions at the time of transfer. Mr. Budzien added that, although he did not have a system for conducting regular inventories, he reviewed the A&D Record daily for accuracy and completeness. IOI (b)(6) observed that some acquisition dates in the licensee's A&D Record seemed to be out of order. IOI (b)(6) and IOI (b)(6) discussed this discrepancy with Mr. Budzien, and recommended closer scrutiny.

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

The licensee had (b)(3) ATF Fs 4473 on file for this inspection period, all of which were examined by either IOI (b)(6) or IOI (b)(6).

The following discrepancies pertaining to the licensee's ATF Fs 4473 were discovered and cited on a **Report of Violations**:

### **Section A-**

On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 (b)(3) the purchaser incompletely or inaccurately completed Item 1 (*Transferee's Full Name*). These errors included leaving blank the *Middle Name* and providing only an initial in *Middle Name* when the purchaser was determined to have a full middle name.



On (b)(3) ATF Fs 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser incompletely or inaccurately completed Item 2 (*Current Residence Address*). These errors included leaving blank the *County* and writing “USA” for *County*.

On (b)(3) ATF Fs 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser incompletely answered Item 3 (*Place of Birth*), providing only partial responses of (b)(3) Pub law 112-55 and (b)(3) Pub law 112-55 in *U.S. City and State*.

On (b)(3) ATF F 4473 ((b)(3) Pub law 112-55) the purchaser left blank Item 6 (*Gender*).

On (b)(3) ATF F 4473 ((b)(3) Pub law 112-55) the purchaser left blank Item 7 (*Birth Date*).

On (b)(3) ATF Fs 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser left blank Item 10b (*Race*).

On (b)(3) ATF F 4473 ((b)(3) Pub law 112-55) the purchaser left blank Items 11b (*Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year?*), 11c (*Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?*), 11d (*Are you a fugitive from justice?*), 11e (*Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?*), 11f (*Have you ever been adjudicated mentally defective OR have you ever been committed to a mental institution?*), 11g (*Have you ever been discharged from the Armed Forces under dishonorable conditions?*), 11h (*Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner?*), 11i (*Have you ever been convicted in any court of a misdemeanor crime of domestic violence?*), 11j (*Have you ever renounced your United States citizenship?*) and 11k (*Are you an alien illegally in the United States?*). On (b)(3) additional ATF F 4473 ((b)(3) Pub law 112-55) the purchaser left blank Item 11b. On (b)(3) additional ATF Fs 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser left blank Item 11c. On (b)(3) additional ATF F 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser left blank Item 11e. On (b)(3) additional ATF F 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser left blank Item 11j. On (b)(3) additional ATF F 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser left blank Item 11k.

On (b)(3) ATF Fs 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser incompletely or inaccurately completed Item 14 (*What is your country of citizenship?*), including leaving blank Item 14 and providing an incorrect response of “Permanent Resident”.

On (b)(3) ATF F 4473 ((b)(3) Pub law 112-55) the purchaser left blank Item 15 (*If you are not a citizen of the United States, what is your U.S.-Issued alien number or admission number?*) after having indicated that they were not a United States citizen.

On (b)(3) ATF Fs 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser left blank Item 17 (*Certification Date*).



Accordingly, the licensee was cited in violation of **27 CFR 478.124(c)(1)** for failure to require purchasers to properly complete the required information on an ATF F 4473 prior to the over-the-counter transfer of a firearm, as per the instructions and headings on the form.

Sample copies of the above listed ATF Fs 4473 were obtained (**Exhibit 6-** Sample Copies of ATF Fs 4473 Pertaining to Violation 2).

See **Report of Violations**, Violation 2, **Worksheet 2** and **Exhibit 6** for further information.

On (b)(3) ATF Fs 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the purchaser marked “No” in response to Item 11a (*Are you the actual transferee/buyer of the firearm(s) listed on this form?*) and the licensee proceeded to transfer the firearm to the individual. On (b)(3) additional ATF F 4473 ((b)(3) Pub law 112-55) the purchaser left blank Item 11a.

Accordingly, the licensee was cited in violation of **27 CFR 478.21(a)** for failure to require purchasers to properly complete the required information on an ATF F 4473 prior to the over-the-counter transfer of a firearm, as per the instructions and headings on the form, as well as making over-the-counter transfers of firearms to individuals who indicated on ATF Fs 4473 that they were not the actual transferees or buyers of the firearms being transferred.

Sample copies of the above listed ATF Fs 4473 were obtained (**Exhibit 7-** Sample Copies of ATF Fs 4473 Pertaining to Violation 3).

See **Report of Violations**, Violation 3, **Worksheet 2** and **Exhibit 7** for further information.

#### **Section B-**

On (b)(3) ATF F 4473 ((b)(3) Pub law 112-55 12) the licensee left blank the *Expiration Date of Identification* in Item 20 (*Identification*).

Accordingly, the licensee was cited in violation of **27 CFR 478.124(c)(3)(i)** for failure to properly and accurately furnish all required information on an ATF F 4473, as per the instructions and headings on the form.

A copy of the above ATF F 4473 was obtained (**Exhibit 8-** Copy of ATF F 4473 Pertaining to Violation 4).

See **Report of Violations**, Violation 4, **Worksheet 2** and **Exhibit 8** for further information.

#### **Section C-**

On (b)(3) ATF F 4473 (b)(3) Pub law 112-55) the purchaser left blank Item 25 (*Recertification Date*).  
On (b)(3) additional ATF F 4473 (b)(3) Pub law 112-55) an incorrect date had been provided in Item 25.

Accordingly, the licensee was cited in violation of **27 CFR 478.21(a)** for failure to require purchasers to properly complete the required information on an ATF F 4473 prior to the over-the-counter transfer of a firearm, as per the instructions and headings on the form.

A copy of the above ATF F 4473 was obtained (**Exhibit 7- Sample Copies of ATF Fs 4473 Pertaining to Violation 3**).

See **Report of Violations**, Violation 3, **Worksheet 2** and **Exhibit 7** for further information.

#### **Section D-**

On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552) the licensee left blank Item 26 (*Manufacturer and/or Importer*).

Accordingly, the licensee was cited in violation of **27 CFR 478.124(c)(4)** for failure to properly and accurately furnish all required information on an ATF F 4473, as required per the instructions and headings on the form.

Copies of the above listed ATF Fs 4473 were obtained (**Exhibit 9- Sample Copies of ATF Fs 4473 Pertaining to Violation 5**).

See **Report of Violations**, Violation 5, **Worksheet 2** and **Exhibit 9** for further information.

On (b)(3) ATF Fs 4473 (See **Worksheet 2** for form numbers) the licensee left blank Item 31 (*Trade/corporate name and address of transferor*) and Item 32 (*Federal Firearms License Number*).

On (b)(3) ATF F 4473 (b)(3) Pub law 112-55) the licensee left blank Item 33 (*Transferor's/Seller's Name*).

Accordingly, the licensee was cited in violation of **27 CFR 478.21(a)** for failure to properly and accurately furnish all required information on an ATF F 4473, as required per the instructions and headings on the form.

Sample copies of the above listed ATF Fs 4473 were obtained (**Exhibit 7- Sample Copies of ATF Fs 4473 Pertaining to Violation 3**).

See **Report of Violations**, Violation 3, **Worksheet 2** and **Exhibit 7** for further information.

On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552) the licensee left blank Item 36 (*Date Transferred*).

Accordingly, the licensee was cited in violation of **27 CFR 478.124(c)(5)** for failure to properly and accurately furnish all required information on an ATF F 4473, as required per the instructions and headings on the form.

Sample copies of the above listed ATF Fs 4473 were obtained (**Exhibit 10- Sample Copies of ATF Fs 4473 Pertaining to Violation 6**).

See **Report of Violations**, Violation 6, **Worksheet 2** and **Exhibit 10** for further information.

There were (b)(3) DROS transaction numbers with proceed responses reported on the licensee's DROS Audit Log for this inspection period. A sample consisting of all transactions from the licensee's busiest month, June 2016, was selected for verification. All (b)(3) DROS transaction numbers within this period were verified as accurately appearing on the licensee's ATF Fs 4473.

There were (b)(3) DROS transaction numbers with denied responses reported on the licensee's DROS Audit Log since the issuance of this FFL. All (b)(3) of these DROS transaction numbers were verified as accurately appearing on the licensee's ATF Fs 4473 for denied transactions.

IOI (b)(6) and IOI (b)(6) noted that the licensee appropriately maintains ATF Fs 4473 sequentially by transaction number, with DROS denials and voided forms maintained separately.

No law enforcement transfers were found to have been conducted by the licensee during this inspection period. Mr. Budzien stated that he is aware of the proper way to conduct law enforcement transfers.

The licensee conducts and records licensee-to-licensee transfers appropriately.

Multiple weaknesses pertaining to the licensee's dispositions and ATF F 4473 completion were identified and discussed with Mr. Budzien during this inspection. Mr. Budzien stated that he did not have any specific measures in place to check ATF Fs 4473 for accuracy and completeness, instead sporadically reviewing forms when time allowed. Mr. Budzien added that he often became distracted when assisting multiple customers at once, as he was the only person involved with this business. Throughout this compliance inspection, particularly during the closing conference, IOI (b)(6) and IOI (b)(6) discussed with Mr. Budzien the importance of ensuring the accurate completion of ATF Fs 4473 for all transfers to non-licensees and offered suggestions to the licensee on how to do so. The measures suggested to Mr. Budzien by IOI (b)(6) and IOI (b)(6) included checking forms for accuracy and completeness once at the

time of completion by the purchaser, once during the ten-day waiting period, and once more at the time of transfer or when logging the firearm disposition.

#### 6 - Multiple Sales

Queries in *e-Trace*, combined with a review of the VCAB Report, showed *West Coast Survival Arms* as having reported no multiple sales of handguns and no multiple sale of certain rifles during this inspection period. The following discrepancies pertaining to unreported multiple sales were discovered and cited on a **Report of Violations**:

**Reporting multiple sales or other disposition of pistols and revolvers-** On (b)(3) instances and involving (b)(3) total firearms, the licensee failed to file the appropriate reports of multiple sales or disposition when transferring two or more handguns to an unlicensed person at the same time or within five consecutive business days.

(b)(3) Pub law 112-55 125 Stat. 552

In each of these instances, the licensee failed to submit the required Report of Multiple Sale.

Accordingly, the licensee was cited in violation of **27 CFR 478.126a** for failure to submit an ATF F 3310.4 (*Report of Multiple Sale or Other Disposition of Pistols and Revolvers*) when disposing of multiple handguns to an unlicensed individual within five consecutive business days.

Copies of all above listed ATF Fs 4473 were obtained. Sample copies are included with this report (**Exhibit 11-** Sample Copies of ATF Fs 4473 Pertaining to Violation 7).

See **Report of Violations, Worksheet 2**, Violation 7 and **Exhibit 11** for further information.

**Licensing-** On (b)(3) instances and involving (b)(3) total firearms, the licensee failed to file the appropriate reports of multiple sales or disposition when transferring two or more semi-automatic rifles larger than .22 caliber with the ability to accept a detachable magazine to the same unlicensed person at the same time or within five consecutive business days.

## (b)(3) Pub law 112-55 125 Stat. 552

In each of these instances, the licensee failed to submit the required Report of Multiple Sale, as he is required to do per Demand Letter 3.

Accordingly, the licensee was cited in violation of **Title 18 USC 923(g)(5)(A)** for failure to submit an ATF F 3310.12 (*Report of Multiple Sale or Other Disposition of Certain Rifles*) when disposing of multiple rifles meeting the requisite characteristics outlined in Demand Letter 3 to an unlicensed individual within five consecutive business days.

Copies of all above listed ATF Fs 4473 were obtained. Sample copies are included with this report (**Exhibit 12**- Sample Copies of ATF Fs 4473 Pertaining to Violation 8).

See **Report of Violations, Worksheet 2**, Violation 8 and **Exhibit 12** for further information.

### 7 - Suspicious/Prohibited Purchasers

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

### 8 - Trace Activity

A records search was conducted by the ATF Violent Crime Analysis Branch (VCAB) for trace activity and showed *West Coast Survival Arms* as having been associated with [REDACTED] successfully completed firearm trace request during this inspection period. The VCAB Report further indicated that the licensee has no unresolved or pending traces.

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

*West Coast Survival Arms* does not maintain an SOT or deal in NFA items, nor do they engage in any importer, collector or manufacturer activities. No unauthorized NFA firearms, importations or manufacturing activity were discovered as a result of this inspection.

### 10 - Referrals

No referrals were generated as a result of this inspection.

### 11 - Other



Information on the Arms Export Control Act relating to the import and export of firearms, firearms parts, ammunition and ammunition components was provided to Michael Budzien, and he stated he understood.

IOI (b)(6) noted that the licensee's FFL and Youth Handgun Safety Act poster were properly displayed.

## **12 - Closing Actions**

IOI (b)(6) and IOI (b)(6) held a closing conference with the licensee on January 4, 2017. IOI (b)(6) reviewed the Acknowledgement of Federal Firearms Regulations (**Exhibit 13- Acknowledgement of Federal Firearms Regulations**) with Michael Budzien, who signed the acknowledgement and stated that he understood. Additional statements made by Mr. Budzien pertaining to the violations cited are listed below in Narrative Section 13 (Violations).

Mr. Budzien stated that he had not attended any recent ATF-held seminars for Federal Firearms Licensees.

The following forms and publications were provided to and reviewed with Mr. Budzien during this inspection:

- ATF I 5300.23A (Important Notice to Dealers and Other Participants at This Gun Show)
- ATF I 5300.2 (Youth Handgun Safety Act Notice)
- ATF I 5300.1 (Youth Handgun Safety Act Poster)
- ATF P 3312.8 (Personal Firearms Record)
- ATF F 4473 (Firearms Transaction Record)
- ATF F 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers)
- ATF F 3310.12 (Report of Multiple Sale or Other Disposition of Certain Rifles)
- ATF F 5300.38 (Application for an Amended Federal Firearms License)
- ATF F 3310.11 (Federal Firearms Licensee Firearms Inventory Theft/Loss Report)
- ATF F 3310.11A (Federal Firearms Licensee Firearms Inventory Theft/Loss Continuation Sheet)
- ATF P 5300.15 (Federal Firearms Licensee Quick Reference and Best Practices Guide)
- ATF P 5300.5 (ATF State Laws and Published Ordinances) (Cover Page Only)
- ATF P 5300.11 (Firearms Curios or Relics List) (Cover Page Only)
- ATF P 5320.8 (ATF National Firearms Act Handbook) (Cover Page Only)
- ATF P 5310.1 (Gun Free School Zone Notice)
- ATF P 3317.7 (Disaster Preparedness for Federal Firearms Licensees)
- ATF P 5300.4 (Federal Firearms Regulations Reference Guide)



- ATF F 6-Part 1 (Application and Permit for Importation of Firearms Ammunition and Implements of War)
- ATF F 5630.7 (Special Tax Registration and Return NFA)
- ATF P 5380.1 (Loss Prevention for Firearms Retailers)
- ATF P 5380.2 (How to Conduct a Firearms Inventory)
- FFL Newsletter, February 1999 (Age Restrictions on Firearms Transactions)
- Tax & Trade Bureau/Firearms & Ammunition Excise Tax Handout

Requirements regarding secure gun storage and safety devices were reviewed with Mr. Budzien, and he stated he understood.

The following ATF Rulings were provided to and reviewed with Mr. Budzien during this inspection:

- ATF Rul. 2016-1 (Requirements to Keep Firearms Records Electronically)
- ATF Rul. 2016-2 (Electronic ATF Form 4473)
- ATF Rul. 2010-10 (Manufacturing Activity by Licensed Dealers/Gunsmiths on Behalf of Licensed Manufacturers)

Michael Budzien was provided with pertinent ATF phone numbers, to include contact information for IOI (b)(6) and San Diego Industry Operations. IOI (b)(6) discussed with Mr. Budzien the importance of contacting Industry Operations if he had any future questions or concerns, and he stated he understood.

### **13 - Violations**

#### **1. 27 CFR 478.125(e) Firearms receipt and disposition by dealers**

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

(b)(3) instances of failure by a licensed dealer to accurately or timely record the acquisition or disposition of a firearm.

There were (b)(3) entries in the licensee's A&D Record containing incomplete or inaccurate acquisition information. These errors consisted of failure to record the date a firearm was acquired ((b)(3) Pub law 112-55 125 Stat. 552) and recording an incorrect serial number of ((b)(3) Pub law 112-55 125 Stat. 552). There were (b)(3) entries in the licensee's A&D Record containing incomplete or inaccurate disposition information. These errors included failure to record the address or 4473 number of an individual to whom a firearm was transferred ((b)(3) Pub law 112-55 125 Stat. 552), failure to record the FFL number of a licensee to whom a firearm was transferred ((b)(3) Pub law 112-55 125 Stat. 552) and mistakenly logging a firearm out ((b)(3) Pub law 112-55 125 Stat. 552) when it remained in the licensee's inventory.

##### **Licensee Response:**

Mr. Budzien stated that he understood the nature of this violation as well as the corrective action, adding that he will review the A&D Record more regularly and more closely.

**Corrective Action:**

The licensee shall immediately make the appropriate corrections to the incomplete and inaccurate A&D Record entries identified. In all future instances, the licensee shall ensure that acquisition and disposition information is recorded completely and accurately in the A&D Record.

Reference Narrative Section 4, **Report of Violations, Worksheet 1**, and **Exhibit 5** for further information.

2. **27 CFR 478.124(c)(1) Firearms transaction record**

**Nature of Violation:**

(b)(3) instances of failure by a licensed dealer to require a purchaser to properly and accurately complete all required information on an ATF F 4473 prior to the over-the-counter transfer of a firearm, as per the instructions and headings on the form.

On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser incompletely or inaccurately completed Item 1. On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser incompletely or inaccurately completed Item 2. On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser incompletely answered Item 3. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 6. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 7. On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 10b. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Items 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 11j and 11k. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 11b. On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 11c. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 11e. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 11j. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 11k. On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser incompletely or inaccurately completed Item 14. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 15. On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 the purchaser left blank Item 17.

It should be noted that any above listed ATF Fs 4473 containing multiple discrepancies were cited as one instance per form.

**Licensee Response:**

Mr. Budzien stated that he understood the nature of this violation as well as the corrective action, adding that he would be taking more time to make sure that each form was reviewed at least once when it was initially completed and again during the ten-day waiting period.

**Corrective Action:**



In all future instances, the licensee shall ensure the proper completion of Section A of the ATF F 4473 by the purchaser prior to the transfer of a firearm. The licensee shall not transfer a firearm to an individual who fails to properly and accurately complete all required information on an ATF F 4473.

Reference Narrative Section 5, **Report of Violations, Worksheet 2**, and **Exhibit 6** for further information.

3. **27 CFR 478.21(a) Forms prescribed**

**Nature of Violation:**

(b)(3) instances of failure by a licensed dealer to properly and accurately complete or require purchasers to properly complete all required information on an ATF F 4473, as per the instructions and headings on the form, including (b)(3) instances of transferring a firearm to an individual who indicated that they were not the actual transferee or buyer of the firearm being transferred.

On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552) the purchaser marked "No" in response to Item 11a. On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 1 the purchaser left blank Item 11a. On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552) Item 25 was incomplete or incorrect. On (b)(3) ATF Fs 4473 the licensee left blank Items 31 and 32. On (b)(3) ATF F 4473 (b)(3) Pu the licensee left blank Item 33

It should be noted that any above listed ATF Fs 4473 containing multiple discrepancies were cited as one instance per form.

**Licensee Response:**

Mr. Budzien stated that he understood the nature of this violation as well as the corrective action, adding that he would be taking more time to make sure that each form was reviewed at least once when it was initially completed and again during the ten-day waiting period. Mr. Budzien also stated that he had ordered a stamp for use in completing Items 31 and 32.

**Corrective Action:**

In all future instances, the licensee shall ensure the proper completion of ATF Fs 4473. The licensee shall not transfer a firearm to an individual who answers "No" in response to Item 11a, indicating that they are not the actual transferee or buyer of the firearm. Additionally, the licensee shall amend copies of all above listed ATF Fs 4473 containing violations in Section D. These copies are to be attached to the original forms.

Reference Narrative Section 5, **Report of Violations, Worksheet 2**, and **Exhibit 7** for further information.

4. **27 CFR 478.124(c)(3)(i) Firearms transaction record**

**Nature of Violation:**

(b)(3) instance of failure by a licensed dealer to properly and accurately complete all required information on an ATF F 4473, as per the instructions and headings on the form.

On (b)(3) ATF F 4473 (b)(3) Pub law 112-55 the licensee left blank the *Expiration Date of Identification* in Item 20.

**Licensee Response:**

Mr. Budzien stated that he understood the nature of this violation as well as the corrective action, adding that he would be taking more time to make sure that each form was reviewed at least once when it was initially completed and again during the ten-day waiting period.

**Corrective Action:**

In all future instances, the licensee shall ensure the proper and accurate completion of ATF Fs 4473. Additionally, the licensee shall amend a copy of the above ATF F 4473 containing the violation in Section B. This copy is to be attached to the original form.

Reference Narrative Section 5, **Report of Violations, Worksheet 2**, and **Exhibit 8** for further information.

5. **27 CFR 478.124(c)(4) Firearms transaction record**

**Nature of Violation:**

(b)(3) instances of failure by a licensed dealer to properly and accurately complete all required information on an ATF F 4473, as required per the instructions and headings on the form.

On (b)(3) ATF Fs 4473 (b)(3) Pub law 112-55 125 Stat. 552 the licensee left blank Item 26.

**Licensee Response:**

Mr. Budzien stated that he understood the nature of this violation as well as the corrective action, adding that he would be taking more time to make sure that each form was reviewed at least once when it was initially completed and again during the ten-day waiting period.

**Corrective Action:**

In all future instances, the licensee shall ensure the proper and accurate completion of ATF Fs 4473. Additionally, the licensee shall amend copies of the above listed ATF Fs 4473 containing violations in Section D. These copies are to be attached to the original forms.

Reference Narrative Section 5, **Report of Violations, Worksheet 2**, and **Exhibit 9** for further information.

6. **27 CFR 478.124(c)(5) Firearms transaction record**

**Nature of Violation:**

(b)(7) instances of failure by a licensed dealer to properly and accurately complete all required information on an ATF F 4473, as required per the instructions and headings on the form.

On (b)(3) ATF Fs 4473 ((b)(3) Pub law 112-55 125 Stat. 552) the licensee left blank Item 36.

**Licensee Response:**

Mr. Budzien stated that he understood the nature of this violation as well as the corrective action, adding that he would be taking more time to make sure that each form was reviewed at least once when it was initially completed and again during the ten-day waiting period.

**Corrective Action:**

In all future instances, the licensee shall ensure the proper and accurate completion of ATF Fs 4473. Additionally, the licensee shall amend copies of the above listed ATF Fs 4473 containing violations in Section D. These copies are to be attached to the original forms.

Reference Narrative Section 5, **Report of Violations, Worksheet 2**, and **Exhibit 10** for further information.

7. **27 CFR 478.126a Reporting multiple sales or other disposition of pistols and revolvers**

**Nature of Violation:**

(b)(7) instances of failure by a licensed dealer to properly report a multiple handgun sale when transferring two or more handguns to an unlicensed individual at the same time or within five consecutive business days by filing an ATF F 3310.4 (*Report of Multiple Sale or Other Disposition of Pistols and Revolvers*).

(b)(3) Pub law 112-55 125 Stat. 552

## (b)(3) Pub law 112-55 125 Stat. 552

In each of these instances, the licensee failed to submit the required Report of Multiple Sale.

### **Licensee Response:**

Mr. Budzien stated that he understood the nature of this violation as well as the corrective action. Mr. Budzien further stated that he had been under the misconception that multiple handgun reports were required only for transactions involving five or more handguns.

IOI (b)(6) provided Mr. Budzien with a handout showing the e-mail address to which he could submit these forms electronically, and he stated he understood.

### **Corrective Action:**

The licensee shall immediately complete and submit an ATF F 3310.4 (*Report of Multiple Sale or Other Disposition of Pistols and Revolvers*) for each of these unreported multiple sale transactions. In all future instances when transferring two or more handguns to an unlicensed person within five consecutive business days, the licensee shall submit an ATF F 3310.4 not later than the close of business on the day that the multiple sale or other disposition occurs.

Reference Narrative Section 6, **Report of Violations, Worksheet 2**, and **Exhibit 11** for further information.

## 8. **Title 18 USC 923(g)(5)(A) Licensing**

### **Nature of Violation:**

(b)(3) instances of failure by a licensed dealer to properly report a multiple sale of certain rifles when transferring two or more semi-automatic rifles larger than .22 caliber with the ability to accept a detachable magazine to an unlicensed person at the same time or within five consecutive business days by filing an ATF F 3310.12 (*Report of Multiple Sale or Other Disposition of Certain Rifles*).

## (b)(3) Pub law 112-55 125 Stat. 552

In each of these instances, the licensee failed to submit the required Report of Multiple Sale, as he is required to do per Demand Letter 3.

### **Licensee Response:**

Mr. Budzien stated that he understood the nature of this violation as well as the corrective action. Mr. Budzien further stated that he had been under the misconception



that multiple sale reports were required only for transactions involving five or more firearms meeting the requirements.

IOI (b)(6) provided Mr. Budzien with a handout showing the e-mail address to which he could submit these forms electronically, and he stated he understood.

**Corrective Action:**

The licensee shall immediately complete and submit an ATF F 3310.12 (*Report of Multiple Sale or Other Disposition of Certain Rifles*) for each of these unreported multiple sale transactions. In all future instances when transferring two or more rifles meeting the requisite characteristics set forth in Demand Letter 3, the licensee shall submit an ATF F 3310.12 not later than the close of business on the day that the multiple sale or other disposition occurs.

Reference Narrative Section 6, **Report of Violations, Worksheet 2**, and **Exhibit 12** for further information.

X

(b)(6)

Industry Operations Investigator

**Index of Worksheets and Exhibits**

**Worksheets:**

1. Inventory and A&D Review Worksheet
2. ATF Form 4473 (2012 Edition) Review Worksheet

**Exhibits:**

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2. City Business License
3. Local Firearms Dealer License
4. Fictitious Business Name Registration Search Results
5. A&D Record Sample Pages Pertaining to Violation 1
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13. Acknowledgement of Federal Firearms Regulations