

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) ACADEMY, LTD ACADEMY SPORTS & OUTDOORS #130 651 EAST TRENTON ROAD EDINBURG, TX 78539, HIDALGO		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 782110-2017-0124-B1B		
		3. PERMIT/LICENSE NUMBER 574215017C03487	4a. TARGET DATE	4b. TARGET HOURS
		5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		
6. ATF OFFICER(S) ASSIGNED (b)(6) - Assigned Investigator (b)(6) - Lead Investigator				
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6), Area Supervisor, 12/15/2016				
8. PURPOSE/SPECIAL INSTRUCTIONS				
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC				
NO. OF VIOLATIONS	3	NO. OF REFERRALS	3	10. TRAVEL EXPENSES (OPTIONAL)
NO. OF TECS CHECKS	21	NO. OF TECS HITS		2111 - PER DIEM
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2112 - P.O.A.
		\$ VALUE OF TAX DECREASES		2113 - COMM. AIR
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2114 - RENTAL CAR
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2115 - GPV EXPENSES
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		2116 - MISC.
				TOTAL \$ FOR INSP.
11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 01/25/2017 Viols WL ONLY and No Recall Inspection				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)		
JAN 2017		32.00		
ATF OFFICER'S SUBTOTAL		32.00	ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)		
JAN 2017		88.00		
ATF OFFICER'S SUBTOTAL		88.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS		120.00		
13. REVIEW AND ROUTING				
REVIEW COMMENTS AND RECOMMENDATION Concur with IOI finding and recommendation Viols WL ONLY and No Recall Inspection				
<input checked="" type="checkbox"/> REVIEWED		<input checked="" type="checkbox"/> CON		<input checked="" type="checkbox"/> FINAL DISPOSITION
SIGNATURE AND TITLE (b)(6) - Area Supervisor		(b)(6) S		REVIEW DATE 02/01/2017

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) ACADEMY, LTD ACADEMY SPORTS & OUTDOORS #130 651 EAST TRENTON ROAD EDINBURG, TX 78539, HIDALGO	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 782110-2017-0124-B1B		
	3. PERMIT/LICENSE NUMBER 574215017C03487	4a. TARGET DATE	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

McAllen II Field Office

FEB 01 2017

McAllen, TX 78504

www.atf.gov

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

782110: EDS
1000

Academy LTD
d/b/a Academy Sports & Outdoor #130
651 East Trenton Road
Edinburg, TX 78539

REF: 5-74-215-01-7C-03487

Dear Mr. Russemus:

During a recent compliance inspection at your firearms business covering the period of January 9, 2016 to January 8, 2017 you were cited for violations of 27 Code of Federal Regulations, Part 48. A copy of the Report of Violations, Form 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) IO Investigator(s). You indicated that you understood the requirements of the firearms laws and regulations. You further indicated 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 effort to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business. This is critical to carrying out our mission to protect the public and ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area, and 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.

Academy LTD

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

Sincerely yours,

(b)(6)

Area Supervisor, McAllen II

Enclosure

c: National Firearms Licensing Center
McAllen II Area Office

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 ACADEMY, LTD ACADEMY SPORTS & OUTDOORS #130	Street Address 651 EAST TRENTON ROAD	City EDINBURG	State TX	Zip Code 78539-	County HIDALGO	Page 1 of 2 Pages
License/Permit/Registry Number <i>(If any)</i> 574215017C03487	Expiration Date 3/1/2017	Date(s) or Period of Inspection 01/09/2017 through 01/19/2017				

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 retain ATF Forms 4473 for the prescribed period and after sale or disposition of firearm (b)(3), Public Law 112-55, 125 Stat 552, (b)(6) Missing denied form
(b)(3), Public Law 112-55, 125 Stat 552, (b)(6)
- Citation:** 27 CFR 478.129(b)
- Date Corrections to be Made:**
(If not corrected immediately)
- Corrective Action to be Taken:** Violation is uncorrectable. Preventive action was discussed with the licensee. The licensee will retain each ATF Forms 4473 in which NICS check was conducted for 5 years.
(If not corrected immediately)
- Number: 2**
- Nature of Violation:**
Failure to refrain from selling or otherwise disposing of a firearm to a person known or suspected to be prohibited (b)(3), Public Law 112-55, 125 Stat 552, (b)(6)
- Citation:** 27 CFR 478.99(c)
- Date Corrections to be Made:**
(If not corrected immediately)
- Corrective Action to be Taken:** Violation uncorrectable. Preventive action was discussed with licensee. In the future the licensee will not dispose of firearm to a person suspected to be prohibited.
(If not corrected immediately)

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 ACADEMY, LTD ACADEMY SPORTS & OUTDOORS #130	Street Address 651 EAST TRENTON ROAD	City EDINBURG	State TX	Zip Code 78539-	County HIDALGO	Page 2 of 2 Pages
License/Permit/Registry Number (If any) 574215017C03487		Expiration Date 3/1/2017		Date(s) or Period of Inspection 01/09/2017 through 01/19/2017		

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:

Each licensee shall, when required by letter issued by the Attorney General, and until notified to the contrary in writing by the Attorney General, submit on a form specified by the Attorney General, for periods and at the times specified in such letter, all record information required to be kept by this chapter or such lesser record information as the Attorney General in such letter may specify. No multiple long gun form.

(b)(3), Public Law 112-55, 125 Stat 552, (b)(6)

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 submitted an ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifles on 01/12/17 (b)(3), Public Law 112-55, 125 Stat 552). In the future the licensee will ensure to submit an ATF Form 3310.12 when 2 or more certain rifles are purchased by an individual.

I Have Received

Signature and

For Official Use Of

Proprietor's signature and title)

Store Director

IDI

Date

7-19-17

Date

1/19/17

FIREARMS INSPECTION REPORT

Name: Academy LTD
Trade Name: Academy Sports & Outdoor #130

UI#: 782110-2017-0124-B1B
FFL#: 5-74-215-01-7C-03487

Address: 651 East Trenton Road
Edinburg, TX. 78539- Hidalgo

1 - Introduction

Inspection Profile:

On January 9, 2017 Investigator (b) (6) conducted a Southwest Border DE inspection on Academy LTD dba Academy Sports & Outdoor #130 located at 651 East Trenton Road in Edinburg, Texas. The inspection was conducted with the assistance of Jeff Russemus, store manager, who was identified with TXDL # (b)(3) - 26 USC 6103 (Exhibit 1). NCIC was conducted on Mr. Russemus revealing no disabling information. The inspection period covered was from January 9, 2016 to January 8, 2017. The inspection commenced on January 9, 2017 and ended on January 19, 2017. There were no other State, Federal or local agencies assisting with the inspection. Advance notice was not given.

Business Profile:

Academy Sports & Outdoors is engaged in the business as a Dealer of Firearms Other Than Destructive Devices (Type 01). The store sells hunting, fishing and sporting equipment, apparel, and firearms. The business premises is in a commercial area which is leased. A copy of the lease is in the office file and expires on 12/31/2022. A review of the Acquisition and Disposition Record disclosed that during the inspection period, the licensee acquired (b) (4) firearms and disposed of (b) (4) firearms. All of the acquired firearms are new. The licensee does not participate in gun shows or internet sales. The licensee has a website academy.com but no firearms are sold on the website. The licensee does not have any other licenses with ATF and there is no offsite storage. The licensee is in compliance with all State and local laws. The licensee has had the license since 2008.

Ownership and Control:

Academy is a Texas Limited Partnership with its headquarters located at 1800 N. Mason Rd., Katy, Texas. Academy LTD is owned 1% by Academy Managing Co., LLC, and 99% by Associated Investors, LLC. Academy Managing Co. and Associated Investors are owned by New Academy Holding Co., LLC. A copy of the Certificate of Conversion for Academy changing from a corporation to a limited liability partnership, along with an Organizational Ownership Chart, are in the office file under UI#782110-2013-0158-B1B. The license information and responsible persons are correctly annotated. No hidden ownership is suspected. There have been no changes in ownership and no other individuals have been added as responsible persons. The licensee has an active Sales and Use Tax Permit, taxpayer (b)(3) - 26 USC 6103

FIREARMS INSPECTION REPORT

Name: Academy LTD
Trade Name: Academy Sports & Outdoor #130

UI#: 782110-2017-0124-B1B
FFL#: 5-74-215-01-7C-03487

and the Franchise Tax Account Status shows that Academy is in good standing with the State of Texas **(Exhibit 2)**. A query with Secretary of State revealed the licensee is conducting business as a domestic limited partnership LP **(Exhibit 3)**.

Variance:

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

2 - Recommendation

Viols, WL ONLY, No Recall Inspection

3 - Inspection History

Date of Inspection: February 24, 2015

Type of Inspection: Southwest Border DE Non VCIT inspection

UI#: 782110-2015-0165-B1B

Inspection Results: No violations, no further action, no referrals

Cited Violations:

Date of Inspection: March 20, 2013

Type of Inspection: Southwest Border DE inspection

UI#: 782110-2013-0158-B1B

Inspection Results: No violations, no further action, no referrals

Cited Violations:

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

A full inventory was conducted and there were 806 firearms in inventory and **(b)(3)** open entries. No discrepancies were found. There have been no theft or losses reported for the inspection period. The A&D record book is in the proper format, all the required information is accurate and the entries are made in a timely manner. There were 30 firearms traced through the licensee's records revealing no discrepancies. There were no obliterated serial numbers or illegal firearms. The standard operating procedures pertaining to the A&D record book consist of a manager or senior team associate open the firearm box and verify all the firearm information. Once verified, the information is

FIREARMS INSPECTION REPORT

Name: Academy LTD
Trade Name: Academy Sports & Outdoor #130

UI#: 782110-2017-0124-B1B
FFL#: 5-74-215-01-7C-03487

logged in the A&D record book. To log the disposition of the firearm, an associate who is ffl qualified, completes A&D template with firearm information and verifies the correct firearm is being purchased. Once the transaction is completed, a sales associate or manager takes the firearm to the register for purchase. Once sale is complete, the associate walks the firearm out the door to the purchaser. An inventory is conducted on a monthly basis.

5 - ATF Forms 4473 – NICS & Other Dispositions

There were (b)(3) Pub L 112 ATF Forms 4473 on file for the inspection period. There were discrepancies found. The licensee was cited for

27 CFR 478.129(b) (b)(3) Pub L 112 forms (ROV 1, WS 2, Exhibit 4)

There were no sales to other licensee's or law enforcement officers. The FFL Audit Log revealed 332 proceed, 252 denied, 11 open, 4 under appeal, 1 redo/ cancel and 2 delay transactions for the inspection period. The standard operating procedures for the ATF Form 4473 consist of the purchaser completes the Section A and the sales associate verifies the identification presented with the information on Section A. NICS is contacted via computer and the information from NICS is recorded on the ATF Form 4473. A copy of the NICS information is printed and attached to ATF Form 4473. The firearm information is entered in computer system. The sales associate reviews the ATF Form 4473 with a template located at the firearms department. A manager reviews the ATF Form 4473 for errors and the store director also reviews the ATF Form 4473. The forms are filed by month in locked cabinet the office area.

6 - Multiple Sales

A query of E-traced revealed (b)(3) Pub L 112 multiple sales to include (b)(3) Pub L 112 firearms. There was (b)(3) Pub L 112 multiple long gun sale not reported. The licensee was cited for:

18 USC 923(g)(5)(A) – (b)(3) Pub L 112 form (ROV 3, WS 2, Exhibit 4)

An ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifles, was submitted on January 12, 2017 and multiple (b)(3) Pub L 112-55 125 § 552 was generated.

7 - Suspicious/Prohibited Purchasers

There was (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)
The licensee was cited for:

27 CFR 478.99(c) – (b)(3) - 112 Public Law (ROV 2, WS 2, Exhibit 4)

FIREARMS INSPECTION REPORT

Name: Academy LTD
Trade Name: Academy Sports & Outdoor #130

UI#: 782110-2017-0124-B1B
FFL#: 5-74-215-01-7C-03487

The licensee contacted the purchaser and the firearm was returned to the store on 01/16/17.

8 - Trace Activity

A query of E-traced revealed (b)(3)(F) traces for the inspection period.

9 - NFA/Importer/Collector/Manufacturer

The licensee is not NFA, Importer, Collector or Manufacturer.

10 - Referrals

There were 3 referrals made as a result of the inspection.

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6), (b)(7)(C)

11 - Other

The licensee is in compliance with the Youth Handgun Safety Act and secure gun storage/safety devices.

12 - Closing Actions

A closing conference was held on January 19, 2017 with Jeff Russemus, store manager, to discuss inspection findings. A Report of Violations was issued, signed and given to Mr. Russemus for his records. The Acknowledgement of Federal Firearms Regulations was reviewed and a signed copy was given to Mr. Russemus for his records (**Exhibit 5**). The following reference materials was given to Mr. Russemus:

- ATF F 3310.11- FFL Firearms Inventory Theft/Loss Report
- ATF F 3310.4- Report of Multiple Sale or Other Disposition of Pistols/Revolvers
- ATF F 3310.12- Report of Multiple Sale or Other Disposition of Certain Rifles
- Youth Handgun Safety Notice
- Youth Handgun Safety Act Poster
- Gun Buyers Resolution Guide
- ATF Form 4473
- ATF Safety and Security Information for Federal Firearms Licensees

Mr. Russemus was advised to contact the area ATF office concerning any questions or go to ATF.gov for up to date information.

FIREARMS INSPECTION REPORT

Name: Academy LTD
Trade Name: Academy Sports & Outdoor #130

UI#: 782110-2017-0124-B1B
FFL#: 5-74-215-01-7C-03487

13 - Violations

1. 27 CFR 478.129(b)

Nature of violation:

Failure to retain ATF Forms 4473 for the prescribed period and after sale or disposition of firearm (b)(3)(C) forms). Missing denied form

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

Jeff Ressumes, store manager, stated "he thinks the denied ATF Forms 4473 were misfiled."

Corrective action:

Violation is uncorrectable. Preventive action was discussed with the licensee. The licensee will retain each ATF Forms 4473 in which NICS check was conducted for 5 years.

Worksheet 2, Exhibit 4

2. 27 CFR 478.99(c)

Nature of violation:

Failure to refrain from selling or otherwise disposing of a firearm to a person known or suspected to be prohibited (b)(3)(C) form).

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

Jeff Ressumes, store manager, stated "he could not believe the firearm got transferred, no one saw the deny response on the copy of the NICS paperwork."

Corrective action:

Violation uncorrectable. Preventive action was discussed with licensee. In the future the licensee will not dispose of firearm to a person suspected to be prohibited.

Worksheet 2, Exhibit 4

FIREARMS INSPECTION REPORT

Name: Academy LTD
Trade Name: Academy Sports & Outdoor #130

UI#: 782110-2017-0124-B1B
FFL#: 5-74-215-01-7C-03487

3. 18 USC 923(g)(5)(A)

Nature of violation:

Each licensee shall, when required by letter issued by the Attorney General, and until notified to the contrary in writing by the Attorney General, submit on a form specified by the Attorney General, for periods and at the times specified in such letter, all record information required to be kept by this chapter or such lesser record information as the Attorney General in such letter may specify (b)(3) form). No multiple long gun form.

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

Jeff Ressumes, store manager, stated "he did not know why the sales associated forgot to do the multiple rifle sale form."

Corrective action:

The licensee submitted an ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifles on 01/12/17 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6). In the future the licensee will ensure to submit an ATF Form 3310.12 when 2 or more certain rifles are purchased by an individual.

Worksheet 2, Exhibit 4

X

Industry Operations Investigator

Index of Worksheets and Exhibits

Informational Page

Worksheet 1- Inventory A& D Review

Worksheet 2- ATF F 4473 Review Worksheet (2012)

Worksheet 2- ATF F 4473 Review Worksheet (2016)

Statistical Page

FIREARMS INSPECTION REPORT

Name: Academy LTD
Trade Name: Academy Sports & Outdoor #130

UI#: 782110-2017-0124-B1B
FFL#: 5-74-215-01-7C-03487

Exhibits

Exhibit 1- TXDL

Exhibit 2- Texas Use and Sales tax

Exhibit 3- Secretary of State

Exhibit 4- ATF Forms 4473

Exhibit 5- Acknowledgement of Federal Firearms Regulations