U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Assignment and Report

1. OPERATING NAME AND ADDRESS				2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)					
(INCLUDE ZIP CODE AND COUNTY)				782075-2016-0207-B1B					
Boyert Shooting Center Katy, LLC 1200 South Mason Road				3. PERMIT/LICENSE NUMBER					
Katy,TX 77450, Harris						RE, TITLE AND DATE	=)		
•					(,	•		
6. ATF OFFICER(S) ASSIGN									
(/ (/	ad Investig								
7. ASSIGNED BY (SIGNATU									
(b)(6) , Invest	tigative Ana	alyst, 04/04/2016							
0. DUDDOCE/CDECIAL INCT	DUCTIONS								
8. PURPOSE/SPECIAL INST	RUCTIONS	,							
9. INSPECTION RESULTS		CK IF NO VIOLATIONS,	ADJUSTM	ENTS, ETC		RAVEL EXPENSES (OPTIONAL)		
NO. OF VIOLATIONS	9	NO. OF REFERRALS				- PER DIEM			
NO. OF TECS CHECKS	4	NO. OF TECS HITS				- P.O.A.			
NO. OF TAX		\$ VALUE OF TAX INCR	EASES		2113 -	- COMM. AIR			
ADJUSTMENTS		\$ VALUE OF TAX DECF	REASES		2114 -	- RENTAL CAR			
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSM	MENTS		2115	- GPV EXPENSES			
NO. OF CLAIMS		\$ VALUE OF CLAIMS			2116	- MISC.			
NO. OF TAX PERIODS		\$ VALUE OF TAXES VE	RIFIED		TOTA	L \$ FOR INSP.			
Submitted by (b)(6) Submitted on: 02/24/20 Viols WL ONLY and	17								
-		12. TI	ME ACCOL	JNTING DATA					
ATF OFFICER'S NAME (MC	NTH, YEAF								
APR 2016 4.00									
SEP 20		7.00							
NOV 20		2.50							
JAN 20		50.50							
FEB 20	J17	58.00							
ATF OFFICER'S SUBTOTAL		122.00 ATF OF	FICER'S S	IGNATURE					
TOTAL HOURS		122.00							
		13. [REVIEW AN	ND ROUTING					
REVIEW COMMENTS AND I Viols WL ONLY and									
⊠ RE	EVIEWED	⊠ concur	□ SI	EE COMMENTS	⊠ FINA	L DISPOSITION			
SIGNATURE AND TITLE	0=======	(b)	(6)	Digitally signed by(b)(6) Date: 2017.02.28 15:39:39 -06 00	REVIEW	/ DATE 02/27/20	117		
(b)(6) Industry	Operations	s Investigator (D)	(0)			02/2/1/20	11		

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Assignment and Report

OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 782075-2016-0207-B1B					
Boyert Shooting Center Katy, LLC 1200 South Mason Road	3. PERMIT/LICENSE NUMBER 4a. TARGET DATE 4b. TARGET HOURS 576201078G04862 6/30/2016					
Katy,TX 77450, Harris - 201	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)					
ROUTING SEQUENCE AND DATE						
	CONTROL FILE POSTED DATE					

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 Boyert Shooting Center Katy, LLC	Street Address	City	State	Zip Code	County	Page 1 of
	1200 South Mason Road	Katy	TX	77450-	Harris - 201	5 Pages
			D +-(-) on Pariod	of Inspection		

License/Permit/Registry Number (If any) 576201078G04862

Expiration Date 7/1/2018

Date(s) or Period of Inspection 01/24/2016 through 02/14/2017

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 record the disposition of a firearm to a licensee in the A&D Record.

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

instance.

Citation: 27 CFR 478.123(b)

Number: 2

Nature of Violation:

Failure to furnish all the required information on the ATF Form 4473.

A total of forms.

See Addendum to Violation No. 2.

Citation: 27 CFR 478.21(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

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

Corrective Action to be Taken:

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.

County Page 2 of Zip Code State City Street Address Name of Proprietor Harris - 201 5 Pages 77450-TX Katy 1200 South Mason Road Boyert Shooting Center Katy, LLC

License/Permit/Registry Number (If any) 576201078G04862

Expiration Date 7/1/2018

Date(s) or Period of Inspection 01/24/2016 through 02/14/2017

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:

Failure to obtain the transferee's required information on the ATF Form 4473.

A total of forms.

See Addendum to Violation No. 3.

Citation: 27 CFR 478.124(c)(1)

Number: 4

Nature of Violation:

Failure to identify the transferee by examining the identification document and noting the type of identification used on the ATF Form 4473.

A total of forms.

See Addendum to Violation No. 4.

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)

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

Corrective Action to be Taken:

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.

Zip Code County Page 3 of State City Street Address Name of Proprietor Harris - 201 TX 77450-5 Pages Katy Boyert Shooting Center Katy, LLC 1200 South Mason Road Date(s) or Period of Inspection Expiration Date License/Permit/Registry Number (If any) 01/24/2016 through 02/14/2017 7/1/2018 576201078G04862

Inspection Results

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

Number: 5

Nature of Violation:

Failure to correctly and completely record the NICS response on the ATF Form 4473.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

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

A total of O(3), P forms.

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

Number: 6

Nature of Violation:

Failure to identify the firearms to be transferred on the ATF Form 4473.

A total of forms.

See Addendum to Violation No. 6.

Citation: 27 CFR 478.124(c)(4)

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

Corrective Action to be Taken:

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.

County State Zip Code Page 4 of City Street Address Name of Proprietor Harris - 201 77450-TX 5 Pages Katy 1200 South Mason Road Boyert Shooting Center Katy, LLC Date(s) or Period of Inspection **Expiration Date** License/Permit/Registry Number (If any) 01/24/2016 through 02/14/2017

Inspection Results

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

7/1/2018

Number: 7

Nature of Violation:

576201078G04862

Failure to sign and date the ATF Form 4473.

A total of forms.

See Addendum to Violation No. 7.

Citation: 27 CFR 478.124(c)(5)

Number: 8

Nature of Violation:

Failure to report the multiple sales of pistols and revolvers.

A total of forms involving five handguns.

See Addendum to Violation No. 8.

Citation: 27 CFR 478.126a

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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 Street Address City State Zip Code County Page 5 of Boyert Shooting Center Katy, LLC TX 77450-Harris - 201 1200 South Mason Road Katy 5 Pages License/Permit/Registry Number (If any) **Expiration Date** Date(s) or Period of Inspection 576201078G04862 7/1/2018 01/24/2016 through 02/14/2017 Inspection Results An examination of your premises, records and operations has disclosed the following violations which have been explained to you: Number: 9 Date Corrections to be Made: (If not corrected immediately) Nature of Violation: Corrective Action to be Taken: Failure to record the firearm on the ATF Form 4473 prior to the transfer to a non-licensee. (If not corrected immediately) firearm. On 11/15/15, a NICS background check was conducted for attempted firearms purchase. The response was originally returned as "delayed", but then returned as "denied" on 11/16/15. The licensee failed to retain the ATF Form 4473 documenting the customer information, NICS background check, and firearms identifiers, but the NICS transaction date and number were recorded on the FFL Audit Log. Citation: 27 CFR 478.124(a)

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

Responsible Person

Signature and Title of ATE Officer

Date

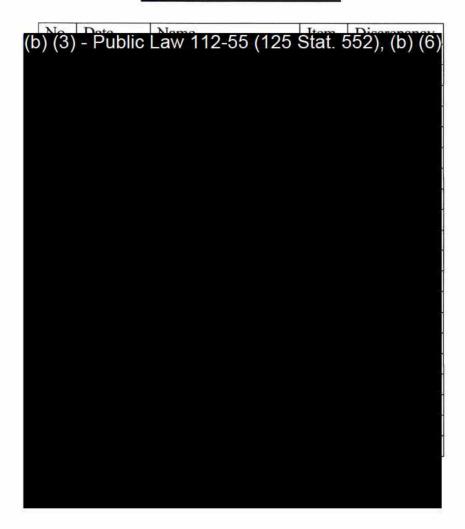
Industry Operation 55 Investigator

Date

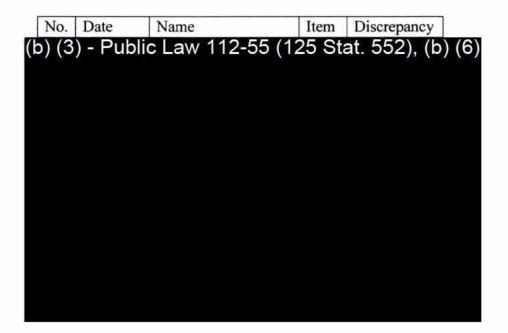
2/14/17

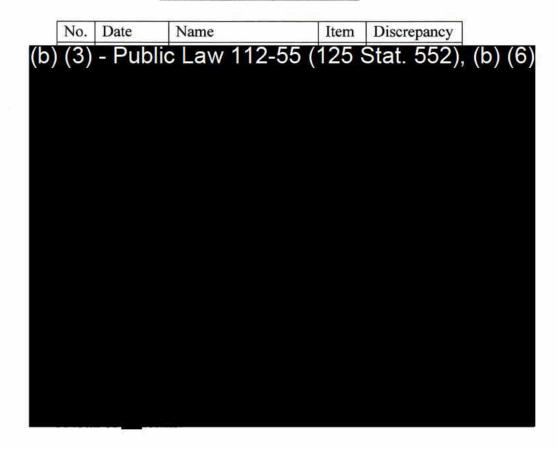
ATF E-Form 5030.5 Revised April 2005











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

A total of forms involving handguns.



U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives 5825 N. Sam Houston Parkway West, Suite 300 Houston, Texas 77086

www.atf.gov

March 1, 2017

782075: ASF:tdg 5373

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Boyert Shooting Center Katy, LLC **Attn: John Boyert, Member** 9099 Westheimer Rd. Suite C Houston, Texas 77063

REF: FFL # 5-76-201-07-8G-04862

Dear Mr. Boyert:

During a recent compliance inspection at your firearms business covering the period of **January 24, 2016 through February 24, 2017**, you were cited for violations of 27 Code of Federal Regulations, Part 478. 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) investigator. 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.

Boyert Shooting Center Katy, LLC

FFL # 5-76-201-07-8G-04862

Should you have any questions regarding this matter, please contact myself or Investigator (b)(6) at (b)(6).

Sincerely yours,



(b)(6)
Acting Area Supervisor
Houston VII Field Office

Enclosure: Report of Violations

cc: Federal Firearms Licensing Center Houston VII Field Office

Address: 1200 South Mason Road

Katy, Texas 77450

1 - Introduction

Inspection Profile:

An ATF Southwest Border Full Compliance Inspection was conducted at the licensed business premises of Boyert Shooting Center Katy, LLC, holder of a Type 07 (Manufacturer of Firearms Other Than Destructive Devices), license. Industry Operations Investigator (IOI) (b) (6) conducted the on-site inspection from 01/24/17 to 02/24/17. This inspection is the licensee's second and covered the period 01/24/16 through 01/23/17. Responsible Persons Store Manager Travis Clark and Assistant Manager Cameron Sander were interviewed and provided assistance throughout the inspection. They were identified by Texas Driver's License Nos. (b)(6) and (b)(6) respectively. Responsible Persons John Boyert and Curtis Alberts provided information regarding the business, and attended the closing conference. They were identified by Texas Driver's License Nos. (b) (6) and (b) (6) respectively. Attorney (b)(6) , Partner of Pagel, Davis & Hill, P.C. provided additional information regarding the new business structure and organization, resulting from change of ownership and control, which occurred during the inspection. He was identified by Texas Bar Card No. (6) Advanced notification was not provided prior to beginning this inspection.

On 02/14/17, IOI (b)(6) completed the review of the inventory and required records for the licensee, which consisted of the following:

- 1. A review of the inventory, including a comparison of the serial numbers to the Acquisition and Disposition (A&D) Record,
- 2. A review of the A&D Record,
- 3. A review of the completed ATF Forms 4473, including a comparison of a random sample of the forms to the A&D Record,
- 4. A review of the ATF Forms 4473, for which a Denial was provided as a NICS response, for the last 19 months.
- 5. A review of the ATF forms related to National Firearms Act (NFA) weapons in inventory.

Business Profile:

Boyert Shooting Center Katy, LLC has conducted business as a manufacturer and dealer of firearms and NFA weapons for 19 months. Employer Identification No. [b)(3)-26 USC 6103] was assigned by the Department of the Treasury, Internal Revenue Service (see Exhibit 1). Sales and Use Tax Permit No., [b)(3)-26 USC 6103] was activated with the Texas Comptroller of Public Accounts on 02/01/16, and the franchise tax account status remains active (see Exhibits 2 and 3). The business maintains official Internet websites at www.boyert.com

Name: Boyert Shooting Center Katy, LLC UI#: 782075-2016-0207-B1B Trade Name: FFL#: 5-76-201-07-8G-04862

and www.facebook.com/boyertshootingcenter (see Exhibits 4 and 5). Boyert Shooting Center Katy, LLC also holds a 2017 Special Tax Stamp, Type 62 (NFA Firearms Manufacturer, Control No., (b)(3) - 26 USC 6103 (see Exhibit 6). Prior to the issuance of the current license, an application for a dealer of firearms license was filed and withdrawn (see Exhibit 7 and Federal Firearms License No. 5-76-201-01-WI-04861).

Boyert Shooting Center Katy, LLC offers new handguns, long guns, NFA weapons, firearms accessories, and ammunition for sale to the general public. In addition to retail sales, the business offers concealed handgun and firearm safety classes, and operates a shooting range. Primary suppliers include (b)(4)

Although the business advertises the sale of firearms on its websites, Internet transfers, sales, and dispositions to non-licenses are discouraged and incidental. Most firearms sales occur at the licensed business premises, but sales at gun shows are conducted periodically. During the past year, approximately (b)(4) new firearms were acquired and (b)(4) were disposed. Of the total dispositions, approximately (b)(4) were handguns (b)(4) were long guns, and very NFA weapons. The business does not utilize off-site storage facilities.

In December 2014, John Boyert was appointed General Manager and Responsible Person of CTLI, LLC, pursuant to the Manager Purchases and Service Agreement approved by the United States Bankruptcy Court for the Southern District of Texas, Houston Division (see UI# 782075-2015-0384-B1B). CTLI, LLC, doing business as Tactical Firearms, holds a Type 07 (Manufacturer of Firearms Other Than Destructive Devices), license (see Exhibit 8 and Federal Firearms License No. 5-76-201-07-7L-03234). The business also holds a 2016 Special Tax Stamp, Type 62 (NFA Firearms Manufacturer, Control No., (b)(3)-26 USC 6103, (see Exhibit 9). CTLI, LLC has not acquired any new firearms or NFA weapons, but the firearms license and special tax stamp remain active pending the final disposition of all NFA weapons in inventory at the time Mr. Boyert assumed control. (b)(4)

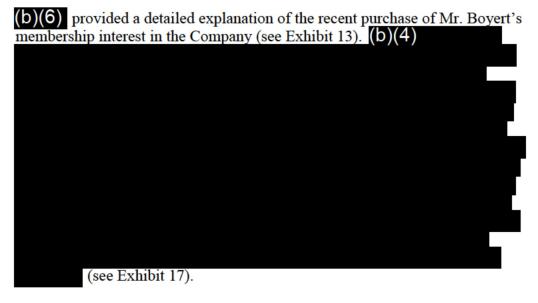
Boyert Shooting Center Katy, LLC owns the licensed business premises, which are located behind a commercial strip center, in an urban, unincorporated area of Harris County, south of the Katy City Limits (see Exhibit 10). CTLI, LLC continues to operate independently from the same premises. The licensee does not hold any other licenses or permits and was found to be in compliance with known State and local laws.

Ownership and Control:

John Boyert was previously the Director of Boyert Shooting Operations, LLC, a domestic, limited liability company, which manages and controls Boyert Shooting Center Katy, LLC, and Boyert Shooting Center Westheimer, LLC, which are also domestic, limited liability companies (see Exhibit 11). Boyert Shooting Center Westheimer, LLC (formerly Aegis Concepts of Houston, LLC), holds Federal Firearms License No. 5-76-201-01-9E-03904, a Type 01 (Dealer of Firearms Other Than Destructive Devices) license, and a Special Occupational Tax permit. On 02/16/17, IOI (b)(6) informed Legal Examiner (b)(6) the NFA Branch of the change of name from Aegis Concepts of Houston, LLC, to Boyert Shooting Center Westheimer, LLC.

During the process of determining the percentages of ownership and control of these businesses, IOI (b)(6) was informed by John Boyert of the sale of his membership interests of Boyert Shooting Operations, LLC to Portmore Sport One, LLC, on 01/30/17. IOI (b)(6) spoke at length with Attorney (b)(6).

(b)(6) Partner of Pagel, Davis & Hill, P.C., which represents Portmore Sport One, LLC, and owner Charles Burnett III.



Portmore Sport One, LLC, is a domestic, limited liability company. A certificate of formation was filed with the Texas Secretary of State on 07/23/13, identifying William Stender as the manager (Exhibit 18). He is also identified on the Texas Comptroller of Public Accounts List of Officers and Directors (see Exhibit 19). John Boyert and Curtis Alberts are identified as the responsible persons on the Federal License Registration Report (see the Federal License Registration Report). The business will continue under the Boyert name, and Mr. Boyert and Mr. Alberts will continue in their respective roles as

 Name:
 Boyert Shooting Center Katy, LLC
 UI#:
 782075-2016-0207-B1B

 Trade Name:
 FFL#:
 5-76-201-07-8G-04862

responsible persons; however, Mr. Hill stated Mr. Cobb will also be added as a third responsible person (see Exhibit 16).

John Boyert previously served as a responsible person for Athena Gun Club of Houston, but the license is no longer active (see FFL# 5-76-201-01-5B-03302). He is also a member of Huginn Concepts, LLC, a consulting business, which does not maintain a fiduciary relationship with Boyert Shooting Center Katy, LLC, or any related businesses. Curtis Alberts is a member of C.J. Alberts Holdings, LLC, which does not maintain a fiduciary relationship with Boyert Shooting Center Katy, LLC, or any related businesses (see Exhibit 20 for all).

Variance:

A variance was not requested in conjunction with the issuance of this license, or during this compliance inspection.

2 - Recommendation

Violations, Warning Letter Only, and No Recall Inspection

3 - Inspection History

Date of Inspection: May 15, 2015 **Type of Inspection:** Qualification

UI#: 782075-2015-0384-B1B
Inspection Results: Application Approved

Cited Violations: NA

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

On 01/31/17 and 02/01/17, IOI (b)(6) conducted a full and complete gun-to-book inventory of all firearms at the licensed business premises. The physical count disclosed 583 firearms in inventory and open dispositions in the A&D Record, resulting in one discrepancy. The inventory reconciliation disclosed one firearm the licensee failed to record as a disposition when it was returned to the manufacturer for repair. The licensee was cited under 27 CFR 478.123(b) – failure to record the disposition of a firearm to a licensee (see Violation #1 and the ATF Form 5030.5, Report of Violations, and the Inventory and A&D Review Worksheet).

The A&D Record is maintained electronically with the Counter Point software system and meets the requirements under **27 CFR 478.123**. Five purchase invoices were compared to their entries as acquisitions in the A&D Record, and there were zero discrepancies. Five sales receipts were compared to their entries as dispositions in the A&D Record, and there were zero discrepancies. Ten firearms were compared to their identifiers recorded on the ATF Forms 4773, and there were zero discrepancies. There

 Name:
 Boyert Shooting Center Katy, LLC
 UI#:
 782075-2016-0207-B1B

 Trade Name:
 FFL#:
 5-76-201-07-8G-04862

were zero illegal firearms, or firearms with obliterated serial numbers, in inventory. There was one Interstate Theft Consignee Report involving three firearms filed during the year proceeding this inspection, but they have not been recovered.

Mr. Clark, Mr. Sander, and the store employees are responsible for maintaining internal controls regarding the business records. Mr. Clark and Mr. Sander are responsible for recording firearms acquisition and disposition entries in the A&D Record within seven business days and ensuring complete physical inventories are conducted monthly. The store employees are responsible for comparing the A&D Record entries to the ATF Forms 4473, and do so during firearms dispositions.

5 - ATF Forms 4473 - NICS & Other Dispositions

There were completed ATF Forms 4473 reviewed during the inspection period, and contained errors, or 5%. The licensee was cited under 27 CFR 478.21(a) – failure to furnish all the required information on forms (see Violation #2 and the ATF Form 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(1) – failure to obtain the transferee's required information on forms (see Violation #3 and the ATF Form 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(3)(i) – failure to identify the transferee by examining the identification document and noting the type of identification used on forms (see Violation #4 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(3)(iv) – failure to record the NICS response completely and correctly on forms (see Violation #5 and the ATF Form 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(4) – failure to identify the firearms to be transferred on forms (see Violation #6 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(5) – failure to sign and date forms (see Violation #7 and the ATF F 5030.5 Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.129(b) – failure to retain the ATF Form 4473 for a period of not less than five years after the date of the NICS inquiry, when the proposed sale, delivery, or transfer of a firearm does not occur, in instance (see Violation #8 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21).

There were 175 NICS transactions completed with a response of "Proceed", and one identified as "Delayed" recorded during the 60-day period preceding the start of the inspection. There were eight NICS transactions completed with a response of "Denied" recorded since the issuance of the license 19 months ago. The NICS transaction numbers were compared from the ATF Forms 4473 to the FFL Audit Log, resulting in zero discrepancies.

Mr. Clark, Mr. Sander, and the store employees are responsible for maintaining internal controls regarding the business records. Store employees and supervisors are responsible for completing the ATF Forms 4473, and checking them for completeness and accuracy. Mr. Clark and Mr. Sander are responsible for rechecking the forms and comparing them to the A&D Record each month.

6 - Multiple Sales

There were multiple sales transactions involving firearms reported to the National Tracing Center during the year proceeding this inspection. There were multiple sales transactions involving handguns the licensee failed to report. The licensee was cited under 27 CFR 478.126a – failure to report the multiple sale of pistols and revolvers on forms involving handguns (see Violation #9 and the ATF F 5030.5 Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21).

7 - Suspicious/Prohibited Purchasers

There were two suspicious purchasers identified during this inspection (see Section 10 of this report).

8 - Trace Activity

There was successful traced recorded during the year proceeding this inspection.

9 - NFA/Importer/Collector/Manufacturer

Boyert Shooting Center Katy, LLC also holds a 2017 Special Tax Stamp, Type 62 (NFA Firearms Manufacturer, Control No., (b)(3) - 26 USC 6103 (see Exhibit 6). On 02/01/17, there were 88 NFA weapons in inventory. The NFA Forms 3 were reviewed and there were zero discrepancies. There were (b)(4) NFA weapons disposed during the year proceeding this inspection. The ATF Forms 4 were reviewed and there were zero discrepancies. The 2015 Annual Firearms Manufacturing and Exportation Report was timely filed and recorded zero firearms manufactured (see Exhibit 22). The business does not conduct any importer or collector operations.

Mr. Boyert failed to register the business with the Directorate of Defense Trade Controls and pay the mandatory fees pursuant to **22 CFR 122.1**; he was provided with the registration forms and advised to do so.

10 - Referrals

No. 2017-0016 – (b)(6), (b)(7)(C)

11 - Other

John Bryan Boyert, Curtis James Alberts, Van Allen Mayorga, and Penny Jean Mayorga were queried in the Open Fox database and no prohibited information was disclosed.

(b)(4), (b)(6)

12 - Closing Actions

On 02/14/17, IOI (b)(6) conducted a closing conference with Mr. Boyert, Mr. Alberts, and Mr. Clark at the license business premises. They were provided with a comprehensive explanation of Federal Firearms Regulations, including required records and reports, conduct of business, licenses, miscellaneous provisions, state laws and local ordinances, gunsmith activities, firearms and ammunition manufacturers, NFA dealer, and general questions and answers (see Exhibit 24). They were also provided with the Notice of Selling Firearms After Revocation, Expiration, or Surrender of a License (see Exhibit 25). Mr. Boyert and Mr. Alberts stated they understand their obligations as responsible persons for a federal firearms licensee. Mr. Boyert signed the ATF E-Form 5030.5, Report of Violations, the ATF Form 5300.4 Acknowledgement of Federal Firearms Regulations, and the Notice of Selling Firearms After Revocation, Expiration, or Surrender of a License. Mr. Boyert and Mr. Alberts were encouraged to contact the local ATF Office with any questions regarding firearms regulations and policies.

On 02/23/17, IOI (b)(6) was notified by Attorney Martyn B. Hill of his intention to notify the Federal Firearms Licensing Center of the change of ownership and control, and of the addition of Paul Cobb and Travis Clark as responsible persons, for the license. Mr. Hill stated he would notify the licensing center in writing the following day.

On 02/24/17, IOI (b)(6) conducted a second closing conference with Mr. Boyert, Mr. Alberts, and Mr. Clark at the license business premises, specifically to review the ATF E-Form 5030.5, Amended Report of Violations, which Mr. Boyert signed. Mr. Boyert and Mr. Alberts were encouraged to contact the local ATF Office with any questions regarding firearms regulations and policies.

13 - Violations

1. **27 CFR 478.123(b)**

Nature of violation: Failure to record the disposition of a firearm to a licensee in the A&D Record.

No. Date Gun Manf. Model SN# Type Cal. Date Nature of Discrepancy
Acq. No. Disp.

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



Licensee's response: Mr. Boyert stated the error was an oversight and occurred because the store employees and management team failed to cross-check the A&D Record to ensure the disposition was recorded.

Corrective Action: Mr. Boyert stated the store employees and management team will cross-check the A&D Record to ensure any firearm returned to the manufacturer for repair is recorded as a disposition. IOI (b)(6) verified the disposition was recorded in the A&D Record during the inventory conducted on 01/31/17.

See Violation #1 and the ATF F 5030.5, Report of Violations, and the Inventory and A&D Review Worksheet 1.

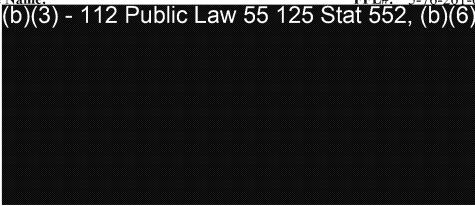
2. **27 CFR 478.21(a)**

Nature of violation: Failure to furnish all the required information on the ATF Form 4473.



 Name:
 Boyert Shooting Center Katy, LLC
 UI#:
 782075-2016-0207-B1B

 Trade Name:
 FFL#:
 5-76-201-07-8G-04862



A total of forms.

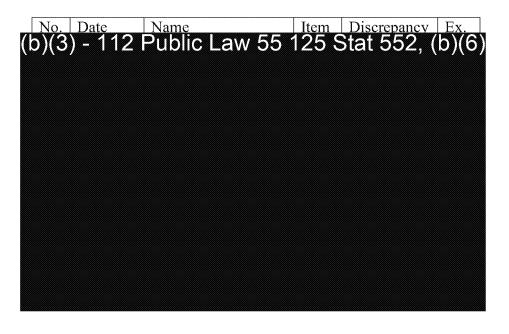
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #2 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

3. **27 CFR 478.124(c)(1)**

Nature of violation: Failure to obtain the transferee's required information on the ATF Form 4473.





A total of forms.

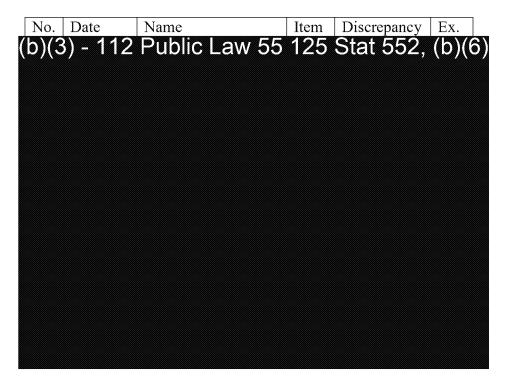
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #3 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

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

Nature of violation: Failure to identify the transferee by examining the identification document and noting the type of identification used on the ATF Form 4473.



 Name:
 Boyert Shooting Center Katy, LLC
 UI#:
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 Trade Name:
 FFL#:
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A total of forms.

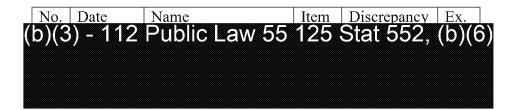
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #4 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

5. 27 CFR 478.124(c)(iv)

Nature of violation: Failure to correctly and completely record the NICS response on the ATF Form 4473.



A total of two forms.

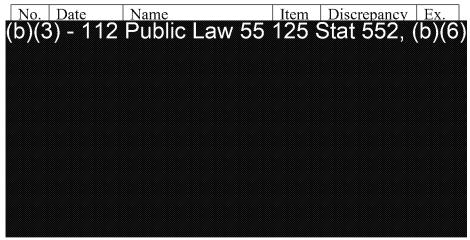
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #5 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

6. **27 CFR 478.124(c)(4)**

Nature of violation: Failure to identify the firearms to be transferred on the ATF Form 4473.



A total of forms.

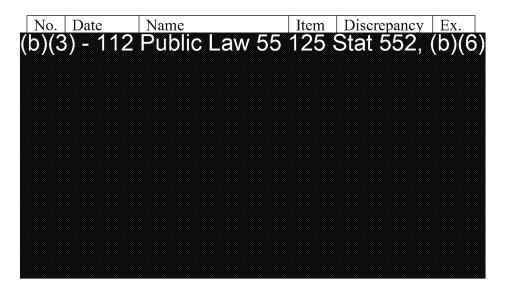
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team. On 02/24/17, IOI (b)(6) verified the firearms identifiers were added as addendums to the original forms.

See Violation #6 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

7. **27 CFR 478.124(c)(5)**

Nature of violation: Failure to sign and date the ATF Form 4473.



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

A total of 15 forms.

Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #7 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

8. **27 CFR 478.129(b)**

Nature of violation: Failure to retain the ATF Form 4473 for a period of not less than five years after the date of the NICS inquiry, when the proposed sale, delivery, or transfer of a firearm does not occur.

instance.

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

The licensee failed to retain the ATF Form 4473 documenting the customer information, NICS background check, and firearms identifiers, but the NICS transaction date and number were recorded on the FFL Audit Log.

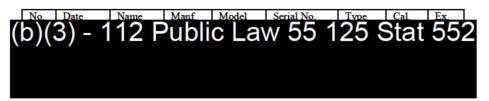
Licensee's response: Mr. Boyert stated the error occurred because a store employee failed to retain the form.

Corrective Action: Mr. Boyert stated the employee who serviced the customer during the attempted purchase and NICS background check was terminated and no longer works for the company.

See Violation #8 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

9. **27 CFR 478.126(a)**

Nature of violation: Failure to report the multiple sales of pistols and revolvers.



A total of forms involving handguns.

Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team were using the E-Fax software system to forward the reports, but E-Fax did not notify them when some of the faxes failed.

Corrective Action: Mr. Boyert stated the business has upgraded to a more reliable software system and no longer uses E-Fax. The reports of multiple sales were forwarded to the National Tracing Center and this was verified by IOI (b)(6) on 02/14/17.

See Violation #9 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

X

Industry Operations Investigator

Index of Worksheets and Exhibits

- 1. Report of Violations
- 2. Amended Report of Violations
- 3. Firearms Worksheets Workbook
- 4. Exhibit 1 Department of the Treasury, Internal Revenue Service Federal Employer Identification Number
- 5. Exhibit 2 Texas Comptroller of Public Accounts Sales Use and Tax Permit
- 6. Exhibit 3 Texas Comptroller of Public Accounts Franchise Tax Account Status
- 7. Exhibit 4 Official Internet Website
- 8. Exhibit 5 Official Internet Facebook Website
- 9. Exhibit 6 Boyert Shooting Center Katy, LLC, 2017 Special Tax Stamp
- 10. Exhibit 7 Boyert Shooting Center Katy, LLC, Federal Firearms License No. 5-76-201-01-WI-04861 filed 04/25/15 and withdrawn 06/01/15
- 11. Exhibit 8 CTLI, LLC, Federal Firearms License No. 5-76-201-07-7L-03234 issued 10/26/11
- 12. Exhibit 9 Aegis Concepts of Houston, LLC, 2017 Special Tax Stamp
- 13. Exhibit 10 Harris County Appraisal District Real Property Tax Record
- 14. Exhibit 11 Texas Secretary of State Business Organizations Inquiries of Boyert Shooting Operations, LLC, Boyert Shooting Center Katy, LLC, and Boyert Shooting Center Westheimer, LLC
- 15. Exhibit 12 Aegis Concepts of Houston, LLC, Federal Firearms License No. 5-76-201-07-9E-03904 issued 04/23/13
- 16. Exhibit 13 Statement from Attorney Martyn B. Hill, Partner of Pagel, Davis & Hill, P.C., Regarding Change of Ownership and Control
- 17. Exhibit 14 Membership Interest Purchase & Call Option Agreement
- 18. Exhibit 15 Assignment of Limited Liability Company Membership Interests

- 19. Exhibit 16 Written Consent of the Membership and the Manager of Boyert Shooting Operations, LLC, Boyert Shooting Center Katy, LLC, and Boyert Shooting Center Westheimer, LLC
- 20. Exhibit 17 Chart of Restructured Portmore Entities
- 21. Exhibit 18 Texas Secretary of State Business Organizations Inquiry of Portmore Sport One, LLC
- 22. Exhibit 19 Texas Comptroller of Public Accounts List of Officers and Directors
- 23. Exhibit 20 Additional Firearms Licensee and Management Positions Formerly or Currently Held by John Bryan Boyert and Curtis James Alberts
- 24. Exhibit 21 Copies of ATF Forms 4473
- 25. Exhibit 22 2015 Annual Firearms Manufacturing and Exportation Report
- 26. Exhibit 23 (b)(4)
- 27. Exhibit 24 Acknowledgement of Federal Firearms Regulations
- 28. Exhibit 25 Notice of Selling Firearms After Revocation, Expiration, or Surrender of a Federal Firearms License
- 29. Referral of Information

Address: 1200 South Mason Road

Katy, Texas 77450

1 - Introduction

Inspection Profile:

An ATF Southwest Border Full Compliance Inspection was conducted at the licensed business premises of Boyert Shooting Center Katy, LLC, holder of a Type 07 (Manufacturer of Firearms Other Than Destructive Devices), license. Industry Operations Investigator (IOI) (b) (6) conducted the on-site inspection from 01/24/17 to 02/24/17. This inspection is the licensee's second and covered the period 01/24/16 through 01/23/17. Responsible Persons Store Manager (b)(6) and Assistant Manager (b)(6) interviewed and provided assistance throughout the inspection. They were identified by Texas Driver's License Nos. (b)(6) and (b)(6) respectively. Responsible Persons John Boyert and Curtis Alberts provided information regarding the business, and attended the closing conference. They were identified by Texas Driver's License Nos. (b) (6) and (b) (6) respectively. Attorney (b)(6) Partner of Pagel, Davis & Hill, P.C. provided additional information regarding the new business structure and organization, resulting from change of ownership and control, which occurred during the inspection. He was identified by Texas Bar Card No. (6) Advanced notification was not provided prior to beginning this inspection.

On 02/14/17, IOI (b)(6) completed the review of the inventory and required records for the licensee, which consisted of the following:

- 1. A review of the inventory, including a comparison of the serial numbers to the Acquisition and Disposition (A&D) Record,
- 2. A review of the A&D Record,
- 3. A review of the completed ATF Forms 4473, including a comparison of a random sample of the forms to the A&D Record,
- 4. A review of the ATF Forms 4473, for which a Denial was provided as a NICS response, for the last 19 months.
- 5. A review of the ATF forms related to National Firearms Act (NFA) weapons in inventory.

Business Profile:

Boyert Shooting Center Katy, LLC has conducted business as a manufacturer and dealer of firearms and NFA weapons for 19 months. Employer Identification No. [6](3)-26 USC 6103 as activated with the Texas Comptroller of Public Accounts on 02/01/16, and the franchise tax account status remains active (see Exhibits 2 and 3). The business maintains official Internet websites at www.boyert.com

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and <u>www.facebook.com/boyertshootingcenter</u> (see Exhibits 4 and 5). Boyert Shooting Center Katy, LLC also holds a 2017 Special Tax Stamp, Type 62 (NFA Firearms Manufacturer, Control No., (b)(3) - 26 USC 6103 (see Exhibit 6). Prior to the issuance of the current license, an application for a dealer of firearms license was filed and withdrawn (see Exhibit 7 and Federal Firearms License No. 5-76-201-01-WI-04861).

Boyert Shooting Center Katy, LLC offers new handguns, long guns, NFA weapons, firearms accessories, and ammunition for sale to the general public. In addition to retail sales, the business offers concealed handgun and firearm safety classes, and operates a shooting range. Primary suppliers include (b)(4)

Although the business advertises the sale of firearms on its websites, Internet transfers, sales, and dispositions to non-licenses are discouraged and incidental. Most firearms sales occur at the licensed business premises, but sales at gun shows are conducted periodically. During the past year, approximately (b)(4) new firearms were acquired and (b)(4) were disposed. Of the total dispositions, approximately (b)(4) were handguns (b)(4) were long guns, and (b)(4) were NFA weapons. The business does not utilize off-site storage facilities.

In December 2014, John Boyert was appointed General Manager and Responsible Person of CTLI, LLC, pursuant to the Manager Purchases and Service Agreement approved by the United States Bankruptcy Court for the Southern District of Texas, Houston Division (see UI# 782075-2015-0384-B1B). CTLI, LLC, doing business as Tactical Firearms, holds a Type 07 (Manufacturer of Firearms Other Than Destructive Devices), license (see Exhibit 8 and Federal Firearms License No. 5-76-201-07-7L-03234). The business also holds a 2016 Special Tax Stamp, Type 62 (NFA Firearms Manufacturer, Control No., (b)(3) - 26 USC 6103 (see Exhibit 9). CTLI, LLC has not acquired any new firearms or NFA weapons, but the firearms license and special tax stamp remain active pending the final disposition of all NFA weapons in inventory at the time Mr. Boyert assumed control. Boyert Shooting Center Katy, LLC and CTLI, LLC continue to operate from the same licensed business premises, which were formerly owned by the latter, prior to reorganizing under Chapter 11 Bankruptcy proceedings.

Boyert Shooting Center Katy, LLC owns the licensed business premises, which are located behind a commercial strip center, in an urban, unincorporated area of Harris County, south of the Katy City Limits (see Exhibit 10). CTLI, LLC continues to operate independently from the same premises. The licensee does not hold any other licenses or permits and was found to be in compliance with known State and local laws.

Ownership and Control:

John Boyert was previously the Director of Boyert Shooting Operations, LLC, a domestic, limited liability company, which manages and controls Boyert Shooting Center Katy, LLC, and Boyert Shooting Center Westheimer, LLC, which are also domestic, limited liability companies (see Exhibit 11). Boyert Shooting Center Westheimer, LLC (formerly Aegis Concepts of Houston, LLC), holds Federal Firearms License No. 5-76-201-01-9E-03904, a Type 01 (Dealer of Firearms Other Than Destructive Devices) license, and a Special Occupational Tax permit. On 02/16/17, IOI (b)(6) informed Legal Examiner (b)(6) of the Federal Licensing Center and Specialist (b)(6) of the NFA Branch of the change of name from Aegis Concepts of Houston, LLC, to Boyert Shooting Center Westheimer, LLC.

During the process of determining the percentages of ownership and control of these businesses, IOI (b)(6) was informed by John Boyert of the sale of his membership interests of Boyert Shooting Operations, LLC to Portmore Sport One, LLC, on 01/30/17. IOI (b)(6) spoke at length with Attorne (b)(6).

(b)(6) Partner of Pagel, Davis & Hill, P.C., which represents Portmore Sport One, LLC, and owner Charles Burnett III.

Mr. Hill provided a detailed explanation of the recent purchase of Mr. Boyert's membership interest in the Company (see Exhibit 13). (b)(4)

Mr. Hill

provided the Chart of Restructured Portmore Entities, which identifies Boyert Shooting Center Katy, LLC, and Boyert Shooting Center Westheimer, LLC, as subsidiaries of Boyert Shooting Operations, LLC, which is a subsidiary of Portmore Sport One, LLC, which is owned and controlled solely by Charles Burnett III (see Exhibit 17).

Portmore Sport One, LLC, is a domestic, limited liability company. A certificate of formation was filed with the Texas Secretary of State on 07/23/13, identifying (b)(6) as the manager (Exhibit 18). He is also identified on the Texas Comptroller of Public Accounts List of Officers and Directors (see Exhibit 19). John Boyert and Curtis Alberts are identified as the responsible persons on the Federal License Registration Report (see the Federal License Registration Report). The business will continue under the Boyert name, and Mr. Boyert and Mr. Alberts will continue in their respective roles as

responsible persons; however, Mr. Hill stated Mr. Cobb will also be added as a third responsible person (see Exhibit 16).

John Boyert previously served as a responsible person for Athena Gun Club of Houston, but the license is no longer active (see FFL# 5-76-201-01-5B-03302). He is also a member of Huginn Concepts, LLC, a consulting business, which does not maintain a fiduciary relationship with Boyert Shooting Center Katy, LLC, or any related businesses. Curtis Alberts is a member of C.J. Alberts Holdings, LLC, which does not maintain a fiduciary relationship with Boyert Shooting Center Katy, LLC, or any related businesses (see Exhibit 20 for all).

Variance:

A variance was not requested in conjunction with the issuance of this license, or during this compliance inspection.

2 - Recommendation

Violations, Warning Letter Only, and No Recall Inspection

3 - Inspection History

Date of Inspection: May 15, 2015 **Type of Inspection:** Qualification

UI#: 782075-2015-0384-B1B
Inspection Results: Application Approved

Cited Violations: NA

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

On 01/31/17 and 02/01/17, IOI (b)(6) (b)(6), and (b)(6) conducted a full and complete gun-to-book inventory of all firearms at the licensed business premises. The physical count disclosed 583 firearms in inventory and open dispositions in the A&D Record, resulting in discrepancy. The inventory reconciliation disclosed firearm the licensee failed to record as a disposition when it was returned to the manufacturer for repair. The licensee was cited under 27 CFR 478.123(b) – failure to record the disposition of a firearm to a licensee (see Violation #1 and the ATF Form 5030.5, Report of Violations, and the Inventory and A&D Review Worksheet).

The A&D Record is maintained electronically with the Counter Point software system and meets the requirements under **27 CFR 478.123**. Five purchase invoices were compared to their entries as acquisitions in the A&D Record, and there were zero discrepancies. Five sales receipts were compared to their entries as dispositions in the A&D Record, and there were zero discrepancies. Ten firearms were compared to their identifiers recorded on the ATF Forms 4773, and there were zero discrepancies. There

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were zero illegal firearms, or firearms with obliterated serial numbers, in inventory. There was Interstate Theft Consignee Report involving three firearms filed during the year proceeding this inspection, but they have not been recovered.

Mr. Clark, Mr. Sander, and the store employees are responsible for maintaining internal controls regarding the business records. Mr. Clark and Mr. Sander are responsible for recording firearms acquisition and disposition entries in the A&D Record within seven business days and ensuring complete physical inventories are conducted monthly. The store employees are responsible for comparing the A&D Record entries to the ATF Forms 4473, and do so during firearms dispositions.

5 - ATF Forms 4473 – NICS & Other Dispositions

There were completed ATF Forms 4473 reviewed during the inspection period, and contained errors, or 5%. The licensee was cited under 27 CFR 478.21(a) – failure to furnish all the required information on forms (see Violation #2 and the ATF Form 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(1) – failure to obtain the transferee's required information on forms (see Violation #3 and the ATF Form 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(3)(i) – failure to identify the transferee by examining the identification document and noting the type of identification used on forms (see Violation #4 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(3)(iv) – failure to record the NICS response completely and correctly on forms (see Violation #5 and the ATF Form 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(4) – failure to identify the firearms to be transferred on forms (see Violation #6 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.124(c)(5) – failure to sign and date forms (see Violation #7 and the ATF F 5030.5 Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21). The licensee was cited under 27 CFR 478.129(b) – failure to retain the ATF Form 4473 for a period of not less than five years after the date of the NICS inquiry, when the proposed sale, delivery, or transfer of a firearm does not occur, in instance (see Violation #8 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21).

There were 175 NICS transactions completed with a response of "Proceed", and one identified as "Delayed" recorded during the 60-day period preceding the start of the inspection. There were eight NICS transactions completed with a response of "Denied" recorded since the issuance of the license 19 months ago. The NICS transaction numbers were compared from the ATF Forms 4473 to the FFL Audit Log, resulting in zero discrepancies.

Mr. Clark, Mr. Sander, and the store employees are responsible for maintaining internal controls regarding the business records. Store employees and supervisors are responsible for completing the ATF Forms 4473, and checking them for completeness and accuracy. Mr. Clark and Mr. Sander are responsible for rechecking the forms and comparing them to the A&D Record each month.

6 - Multiple Sales

There were multiple sales transactions involving firearms reported to the National Tracing Center during the year proceeding this inspection. There were multiple sales transactions involving handguns the licensee failed to report. The licensee was cited under 27 CFR 478.126a – failure to report the multiple sale of pistols and revolvers on forms involving handguns (see Violation #9 and the ATF F 5030.5 Report of Violations, the ATF Form 4473 Review Worksheets, and Exhibit 21).

7 - Suspicious/Prohibited Purchasers

There were two suspicious purchasers identified during this inspection (see Section 10 of this report).

8 - Trace Activity

There was successful traced recorded during the year proceeding this inspection.

9 - NFA/Importer/Collector/Manufacturer

Boyert Shooting Center Katy, LLC also holds a 2017 Special Tax Stamp, Type 62 (NFA Firearms Manufacturer, Control No., (b)(3) - 26 USC 6103 see Exhibit 6). On 02/01/17, there were 88 NFA weapons in inventory. The NFA Forms 3 were reviewed and there were zero discrepancies. There were eight NFA weapons disposed during the year proceeding this inspection. The ATF Forms 4 were reviewed and there were zero discrepancies. The 2015 Annual Firearms Manufacturing and Exportation Report was timely filed and recorded zero firearms manufactured (see Exhibit 22). The business does not conduct any importer or collector operations.

Mr. Boyert failed to register the business with the Directorate of Defense Trade Controls and pay the mandatory fees pursuant to **22 CFR 122.1**; he was provided with the registration forms and advised to do so.

10 - Referrals

No. 2017-0016 – (b)(6), (b)(7)(E)

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11 - Other

John Bryan Boyert, Curtis James Alberts (b)(6)
were queried in the Open Fox database and no prohibited information was disclosed.

(b)(6)

12 - Closing Actions

On 02/14/17, IOI (b)(6) conducted a closing conference with Mr. Boyert, Mr. Alberts, and Mr. Clark at the license business premises. They were provided with a comprehensive explanation of Federal Firearms Regulations, including required records and reports, conduct of business, licenses, miscellaneous provisions, state laws and local ordinances, gunsmith activities, firearms and ammunition manufacturers, NFA dealer, and general questions and answers (see Exhibit 24). They were also provided with the Notice of Selling Firearms After Revocation, Expiration, or Surrender of a License (see Exhibit 25). Mr. Boyert and Mr. Alberts stated they understand their obligations as responsible persons for a federal firearms licensee. Mr. Boyert signed the ATF E-Form 5030.5, Report of Violations, the ATF Form 5300.4 Acknowledgement of Federal Firearms Regulations, and the Notice of Selling Firearms After Revocation, Expiration, or Surrender of a License. Mr. Boyert and Mr. Alberts were encouraged to contact the local ATF Office with any questions regarding firearms regulations and policies.

On 02/23/17, IOI (b)(6) was notified by Attorney (b)(6) f his intention to notify the Federal Firearms Licensing Center of the change of ownership and control, and of the addition of Paul Cobb and Travis Clark as responsible persons, for the license. Mr. Hill stated he would notify the licensing center in writing the following day.

On 02/24/17, IOI (b)(6) conducted a second closing conference with Mr. Boyert, Mr. Alberts, and Mr. Clark at the license business premises, specifically to review the ATF E-Form 5030.5, Amended Report of Violations, which Mr. Boyert signed. Mr. Boyert and Mr. Alberts were encouraged to contact the local ATF Office with any questions regarding firearms regulations and policies.

13 - Violations

1. **27 CFR 478.123(b)**

Nature of violation: Failure to record the disposition of a firearm to a licensee in the A&D Record.

No. Date Gun Manf. Model SN# Type Cal. Date Nature of Discrepancy
Acq. No. Disp.

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

One instance.

Licensee's response: Mr. Boyert stated the error was an oversight and occurred because the store employees and management team failed to cross-check the A&D Record to ensure the disposition was recorded.

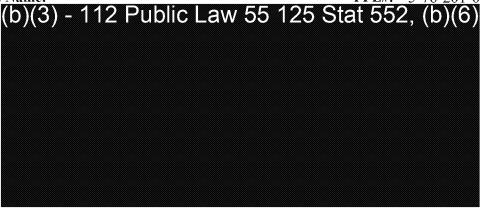
Corrective Action: Mr. Boyert stated the store employees and management team will cross-check the A&D Record to ensure any firearm returned to the manufacturer for repair is recorded as a disposition. IOI (b)(6) verified the disposition was recorded in the A&D Record during the inventory conducted on 01/31/17.

See Violation #1 and the ATF F 5030.5, Report of Violations, and the Inventory and A&D Review Worksheet 1.

2. **27 CFR 478.21(a)**

Nature of violation: Failure to furnish all the required information on the ATF Form 4473.





A total of forms.

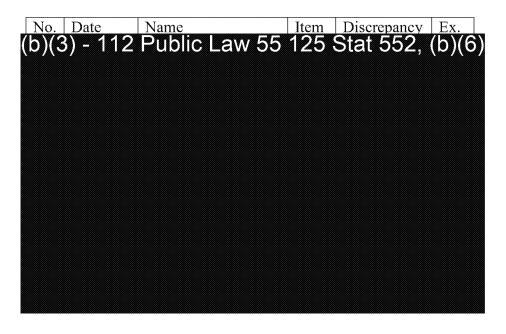
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #2 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

3. **27 CFR 478.124(c)(1)**

Nature of violation: Failure to obtain the transferee's required information on the ATF Form 4473.





A total of forms.

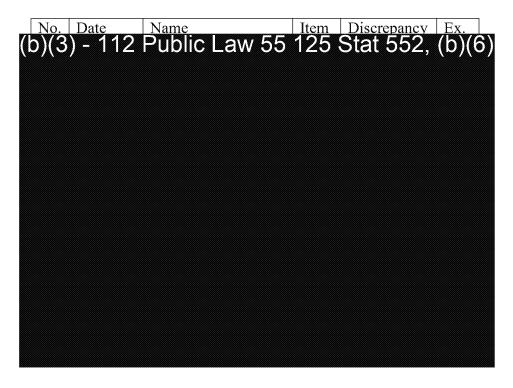
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #3 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

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

Nature of violation: Failure to identify the transferee by examining the identification document and noting the type of identification used on the ATF Form 4473.



A total of forms.

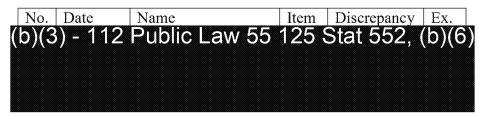
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #4 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

5. **27 CFR 478.124(c)(iv)**

Nature of violation: Failure to correctly and completely record the NICS response on the ATF Form 4473.



A total of forms.

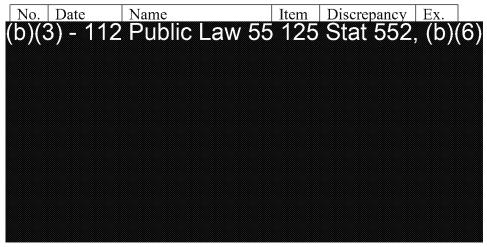
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #5 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

6. **27 CFR 478.124(c)(4)**

Nature of violation: Failure to identify the firearms to be transferred on the ATF Form 4473.



A total of forms.

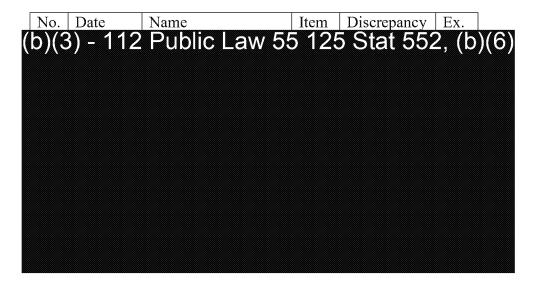
Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team. On 02/24/17, IOI Gray verified the firearms identifiers were added as addendums to the original forms.

See Violation #6 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

7. **27 CFR 478.124(c)(5)**

Nature of violation: Failure to sign and date the ATF Form 4473.



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

A total of forms.

Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team failed to identify them during the three-tiered form-checking process.

Corrective Action: Mr. Boyert stated he will obtain layover templates for the ATF Form 4473 for use during firearms dispositions, and implement monthly retraining sessions the employees and the management team.

See Violation #7 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

8. **27 CFR 478.129(b)**

Nature of violation: Failure to retain the ATF Form 4473 for a period of not less than five years after the date of the NICS inquiry, when the proposed sale, delivery, or transfer of a firearm does not occur.

instance.

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

The licensee failed to retain the ATF Form 4473 documenting the customer information, NICS background check, and firearms identifiers, but the NICS transaction date and number were recorded on the FFL Audit Log.

Licensee's response: Mr. Boyert stated the error occurred because a store employee failed to retain the form.

Corrective Action: Mr. Boyert stated the employee who serviced the customer during the attempted purchase and NICS background check was terminated and no longer works for the company.

See Violation #8 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

9. **27 CFR 478.126(a)**

Nature of violation: Failure to report the multiple sales of pistols and revolvers.



A total of forms involving handguns.

Licensee's response: Mr. Boyert stated the errors occurred because the store employees and the management team were using the E-Fax software system to forward the reports, but E-Fax did not notify them when some of the faxes failed.

Corrective Action: Mr. Boyert stated the business has upgraded to a more reliable software system and no longer uses E-Fax. The reports of multiple sales were forwarded to the National Tracing Center and this was verified by IOI (b)(6) on 02/14/17.

See Violation #9 and the ATF F 5030.5, Report of Violations, the ATF Form 4473 Review Worksheet, and Exhibit 21.

X

Industry Operations Investigator

 Name:
 Boyert Shooting Center Katy, LLC
 UI#:
 782075-2016-0207-B1B

 Trade Name:
 FFL#:
 5-76-201-07-8G-04862

Index of Worksheets and Exhibits

- 1. Report of Violations
- 2. Amended Report of Violations
- 3. Firearms Worksheets Workbook
- 4. Exhibit 1 Department of the Treasury, Internal Revenue Service Federal Employer Identification Number
- 5. Exhibit 2 Texas Comptroller of Public Accounts Sales Use and Tax Permit
- 6. Exhibit 3 Texas Comptroller of Public Accounts Franchise Tax Account Status
- 7. Exhibit 4 Official Internet Website
- 8. Exhibit 5 Official Internet Facebook Website
- 9. Exhibit 6 Boyert Shooting Center Katy, LLC, 2017 Special Tax Stamp
- 10. Exhibit 7 Boyert Shooting Center Katy, LLC, Federal Firearms License No. 5-76-201-01-WI-04861 filed 04/25/15 and withdrawn 06/01/15
- 11. Exhibit 8 CTLI, LLC, Federal Firearms License No. 5-76-201-07-7L-03234 issued 10/26/11
- 12. Exhibit 9 Aegis Concepts of Houston, LLC, 2017 Special Tax Stamp
- 13. Exhibit 10 Harris County Appraisal District Real Property Tax Record
- 14. Exhibit 11 Texas Secretary of State Business Organizations Inquiries of Boyert Shooting Operations, LLC, Boyert Shooting Center Katy, LLC, and Boyert Shooting Center Westheimer, LLC
- 15. Exhibit 12 Aegis Concepts of Houston, LLC, Federal Firearms License No. 5-76-201-07-9E-03904 issued 04/23/13
- 16. Exhibit 13 Statement from Attorney (b) (6), Partner of Pagel, Davis & Hill, P.C., Regarding Change of Ownership and Control
- 17. Exhibit 14 Membership Interest Purchase & Call Option Agreement
- 18. Exhibit 15 Assignment of Limited Liability Company Membership Interests

 Name:
 Boyert Shooting Center Katy, LLC
 UI#:
 782075-2016-0207-B1B

 Trade Name:
 FFL#:
 5-76-201-07-8G-04862

- 19. Exhibit 16 Written Consent of the Membership and the Manager of Boyert Shooting Operations, LLC, Boyert Shooting Center Katy, LLC, and Boyert Shooting Center Westheimer, LLC
- 20. Exhibit 17 Chart of Restructured Portmore Entities
- 21. Exhibit 18 Texas Secretary of State Business Organizations Inquiry of Portmore Sport One, LLC
- 22. Exhibit 19 Texas Comptroller of Public Accounts List of Officers and Directors
- 23. Exhibit 20 Additional Firearms Licensee and Management Positions Formerly or Currently Held by John Bryan Boyert and Curtis James Alberts
- 24. Exhibit 21 Copies of ATF Forms 4473
- 25. Exhibit 22 2015 Annual Firearms Manufacturing and Exportation Report
- 26. Exhibit 23 Lexis-Nexis Record of Uniform Commercial Code Lien filed against John Brian Boyert
- 27. Exhibit 24 Acknowledgement of Federal Firearms Regulations
- 28. Exhibit 25 Notice of Selling Firearms After Revocation, Expiration, or Surrender of a Federal Firearms License
- 29. Referral of Information