

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Alamo Tactical, LLC 4754 Shavano Oak, Suite 103 San Antonio, TX 78249, BEXAR- 029		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 782065-2015-0556-B1B																																																		
		3. PERMIT/LICENSE NUMBER 574029076C05836	4a. TARGET DATE 9/30/2015	4b. TARGET HOURS																																																
		5. REQUESTED BY (SIGNATURE, TITLE AND DATE)																																																		
6. ATF OFFICER(S) ASSIGNED (b)(6) - Lead Investigator (b)(6) - Assigned Investigator (b)(6) - Assigned Investigator																																																				
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6), Acting Area Supervisor, 08/07/2015																																																				
8. PURPOSE/SPECIAL INSTRUCTIONS Please conduct an inspection according to the SWDE guidelines of a full compliance inspection, incorporating trafficking detection strategies from the D/E inspection program. Make referrals according to SWBI guidelines. Determine if any change in ownership or control has taken place. Update phone/fax numbers and information on responsible persons. Obtain latest copy of variance letter if applicable.																																																				
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td colspan="2" style="padding: 2px;">9. INSPECTION RESULTS</td><td colspan="2" style="padding: 2px;"><input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC</td><td colspan="2" style="padding: 2px;">10. TRAVEL EXPENSES (OPTIONAL)</td></tr><tr><td style="padding: 2px;">NO. OF VIOLATIONS</td><td style="padding: 2px;">5</td><td style="padding: 2px;">NO. OF REFERRALS</td><td style="padding: 2px;"></td><td style="padding: 2px;">2111 - PER DIEM</td><td style="padding: 2px;"></td></tr><tr><td style="padding: 2px;">NO. OF TECS CHECKS</td><td style="padding: 2px;">45</td><td style="padding: 2px;">NO. OF TECS HITS</td><td style="padding: 2px;"></td><td style="padding: 2px;">2112 - P.O.A.</td><td style="padding: 2px;"></td></tr><tr><td style="padding: 2px;">NO. OF TAX ADJUSTMENTS</td><td style="padding: 2px;"></td><td style="padding: 2px;">\$ VALUE OF TAX INCREASES</td><td style="padding: 2px;"></td><td style="padding: 2px;">2113 - COMM. AIR</td><td style="padding: 2px;"></td></tr><tr><td style="padding: 2px;"></td><td style="padding: 2px;"></td><td style="padding: 2px;">\$ VALUE OF TAX DECREASES</td><td style="padding: 2px;"></td><td style="padding: 2px;">2114 - RENTAL CAR</td><td style="padding: 2px;"></td></tr><tr><td style="padding: 2px;">NO. OF ASSESSMENTS</td><td style="padding: 2px;"></td><td style="padding: 2px;">\$ VALUE OF ASSESSMENTS</td><td style="padding: 2px;"></td><td style="padding: 2px;">2115 - GPV EXPENSES</td><td style="padding: 2px;"></td></tr><tr><td style="padding: 2px;">NO. OF CLAIMS</td><td style="padding: 2px;"></td><td style="padding: 2px;">\$ VALUE OF CLAIMS</td><td style="padding: 2px;"></td><td style="padding: 2px;">2116 - MISC.</td><td style="padding: 2px;"></td></tr><tr><td style="padding: 2px;">NO. OF TAX PERIODS</td><td style="padding: 2px;"></td><td style="padding: 2px;">\$ VALUE OF TAXES VERIFIED</td><td style="padding: 2px;"></td><td style="padding: 2px;">TOTAL \$ FOR INSP.</td><td style="padding: 2px;"></td></tr></table>					9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)		NO. OF VIOLATIONS	5	NO. OF REFERRALS		2111 - PER DIEM		NO. OF TECS CHECKS	45	NO. OF TECS HITS		2112 - P.O.A.		NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR				\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR		NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES		NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.		NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.	
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11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 10/22/2015 Industry Operations Investigator (IOI) (b)(6) conducted a Southwest Border Disposition Emphasis inspection at the premises of Alamo Tactical, LLC. The inspection began on August 31, 2015 and concluded on October 1, 2015. Due to the large amount of ATF Forms 4773 being reviewed for the inspection period, IOI (b)(6) assisted on September 1, 2015 and IOI (b)(6) assisted on September 3, 2015 with reviewing the ATF Forms 4473. IOI (b)(6) returned to the premises on September 10, 2015 and September 21, 2015 to verify firearms found or ATF Forms 4473 located. Mr. Frederick Hausheer, Member/Owner, and (b)(6), Store Manager were interviewed during the inspection. The inspection concluded on October 1, 2015, and five violations were cited at the conclusion of the inspection. A warning letter is being recommended. Violts WL ONLY and No Recall Inspection																																																				
12. TIME ACCOUNTING DATA																																																				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)																																																				
AUG 2015 9.00																																																				
SEP 2015 66.50																																																				
OCT 2015 20.00																																																				
ATF OFFICER'S SUBTOTAL 95.50																																																				
ATF OFFICER'S SIGNATURE																																																				
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	3. PERMIT/LICENSE NUMBER 574029076C05836	4a. TARGET DATE 9/30/2015	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

12. TIME ACCOUNTING DATA	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)
SEP 2015	9.00
ATF OFFICER'S SUBTOTAL	9.00
ATF OFFICER'S SIGNATURE	
TOTAL HOURS	113.50

13. REVIEW AND ROUTING
REVIEW COMMENTS AND RECOMMENDATION Viols WL ONLY and No Recall Inspection

<input checked="" type="checkbox"/> REVIEWED	<input checked="" type="checkbox"/> CONCUR	<input type="checkbox"/> SEE COMMENTS	<input checked="" type="checkbox"/> FINAL DISPOSITION
SIGNATURE AND TITLE (b)(6) - Area Supervisor		REVIEW DATE 10/26/2015	

ROUTING SEQUENCE AND DATE
<input type="checkbox"/> 1. _____
<input type="checkbox"/> 2. _____
<input type="checkbox"/> 3. _____
<input type="checkbox"/> 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 Alamo Tactical, LLC	Street Address 4754 Shavano Oak, Suite 103	City San Antonio	State TX	Zip Code 78249-	County BEXAR- 029	Page 1 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 574029076C05836		Expiration Date 3/1/2016	Date(s) or Period of Inspection 08/31/2014 through 08/31/2015			

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 maintain an accurate Acquisition and Disposition (A&D) book.
Licensee failed to record the disposition of (b)(3) firearms in a timely manner as prescribed by Federal Regulations (see attached).

Failure to account for (b)(3) firearms at the conclusion of the inspection. Mr. Hausheer filed a theft/loss report on September 29, 2015 for (b)(3) missing/unaccounted firearms (see attached).

Citation: 27 CFR 478.124(d)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken: The disposition of the firearms were recorded in the A&D books.
(If not corrected immediately)

Number: 2

Nature of Violation:

Failure to retain the ATF Forms 4473 in alphabetical, chronological or numerical order as part of the required records.

Citation: 27 CFR 478.124(b)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken: The ATF Forms 4473 were placed in chronological order by date during the inspection.
(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 Alamo Tactical, LLC	Street Address 4754 Shavano Oak, Suite 103	City San Antonio	State TX	Zip Code 78249-	County BEXAR- 029	Page 2 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 574029076C05836		Expiration Date 3/1/2016	Date(s) or Period of Inspection 08/31/2014 through 08/31/2015			

Inspection Results

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

Number: 3

Nature of Violation:

Failure to retain (b)(3) ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition (see attached).

Failure to retain (b)(3) denied, ATF Form 4473 for the prescribed period of five years (8/11/14 – (b)(3) Public Law 112-55).

Citation: 27 CFR 478.129(b)

Number: 4

Nature of Violation:

(b) (3) - (26 USC § 6103), (b) (3) - Public Law 112-55 (125 Stat. 552)

Citation: 27 CFR 479.141

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Mr. Hausheer was advised that Licensees shall retain each Form 4473 for a period of not less than 20 years after the date of sale or disposition. When a NICS check is initiated but the sale, delivery or transfer of the firearm is not made; the licensee shall record any transaction number on the ATF F 4473, and retain the 4473 for a period of not less than five years after the date of the NICS inquiry.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Mr. Hausheer completed a Theft/Loss Report (ATF F 3310.11) for the (b) (3) - (26 USC § 6103), (b) (3) - Public Law 112-55 (125 Stat. 552)

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 Alamo Tactical, LLC	Street Address 4754 Shavano Oak, Suite 103	City San Antonio	State TX	Zip Code 78249-	County BEXAR- 029	Page 3 of 3 Pages
License/Permit/Registry Number (If any) 574029076C05836		Expiration Date 3/1/2016	Date(s) or Period of Inspection 08/31/2014 through 08/31/2015			

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 notify ATF in writing that the following (b) (3) - (26 USC § 6103) was destroyed.

Citation: 26 U.S.C. 5861(d)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken: Licensee must notify the (b) (3) - (26 USC § 6103)

(If not corrected immediately) (b) (3) - (26 USC § 6103)

I Have (b)(6) of Violations (Proprietor's signature and title)

Member, Alamo Tactical, LLC

Date

Oct. 1, 2015

Signature and Title of ATF Officer

(b)(6)

TAT

Date

10/1/2015

Listed are untimely dispositions

* = no 4473 on file

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



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

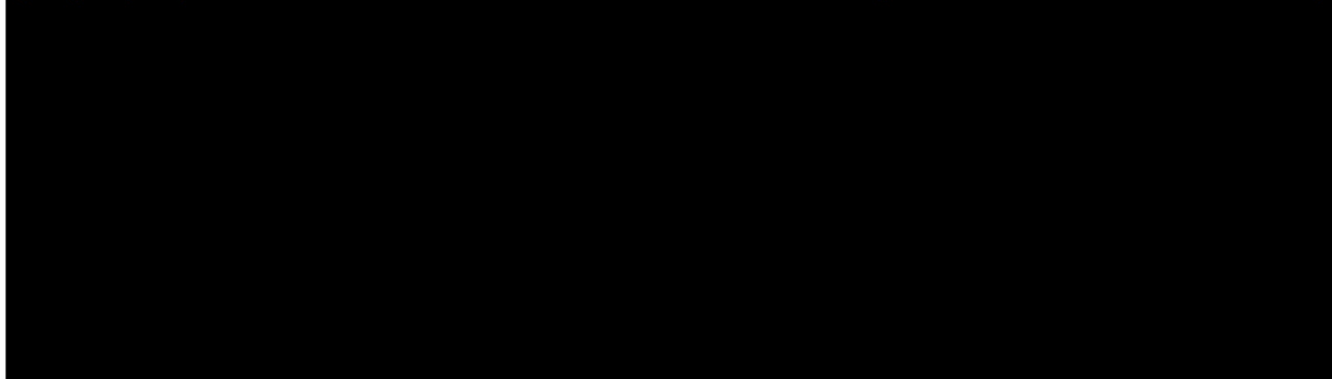


(b)(3) Public Law 112-55, 125 STAT 552,(b)(6)



Missing reported on Theft/Loss report

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





U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

8610 Broadway, Ste. 410
San Antonio, TX 78217

October 26, 2015

www.atf.gov

782065 (b)(6)
5373

WARNING LETTER

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Frederick Hausheer
Alamo Tactical, LLC
4754 Shavano Oak, Suite 103
San Antonio, TX 78249
RE: 5-74-029-07-6C-05836

Dear Mr. Hausheer:

During a recent inspection at your firearms business covering the period August 13, 2014, through August 13, 2015, you were cited for violations of Title 26 USC 5861, Title 27, Code of Federal Regulations, Part 478 and Title 27, Code of Federal Regulations, Part 479. 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(s). 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.

Frederick Hausheer
Alamo Tactical, LLC
RE: 5-74-029-07-6C-05836

Should you have any questions regarding this matter, please contact Industry Operations
Investigator (b)(6) at (b)(6)

Sincerely,

(b)(6)

Area Supervisor
San Antonio II Field Office

Enclosure

cc: Federal Firearms Licensing Center
San Antonio II Field Office
Houston FD

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS
AND EXPLOSIVES

8610 Broadway, Suite 410
San Antonio, Texas 78217

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

CERTIFIED MAILTM



7010 1870 0001 0776 4243



Alamo Tactical LLC
Attn: Frederick Hausheer
4754 Shavano Oak, Ste. 103
San Antonio, TX 78249

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alamo Tactical LLC
 Attn: Frederick Hausher
 4754 Shavano Oak, Ste. 103
 San Antonio, TX 78249

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes
 2. Art 7010 1870 0001 0776 4243
 (776)

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1540

FIREARMS INSPECTION REPORT

Name: Alamo Tactical, LLC
Trade Name:

UI#: 782065-2015-0556-B1B
FFL#: 5-74-029-07-6C-05836

Address: 4754 Shavano Oak, Suite 103
San Antonio, TX 78249

1 - Introduction

Inspection Profile:

Industry Operations Investigator (IOI) (b)(6) conducted a Southwest Border Disposition Emphasis inspection at the premises of Alamo Tactical, LLC. The inspection began on August 31, 2015, and concluded on October 1, 2015. It shall be noted the licensee submitted an Application for an Amended Federal Firearms License. The change of address qualification was also conducted on August 31, 2015 (782065-2015-0555-B1B).

Mr. Frederick Hausheer, Member/Owner, and Nickolas Gutierrez, Store Manager, were interviewed during the inspection.

Due to the large amount of ATF Forms 4773 being reviewed for the inspection period, IOI (b)(6) assisted on September 1, 2015, and IOI (b)(6) assisted on September 3, 2015, with reviewing the ATF Forms 4473. IOI (b)(6) returned to the premises on September 10, 2015, and September 21, 2015, to verify firearms found or ATF Forms 4473 located.

There were no other Federal, state or other local agencies involved.

The inspection concluded on October 1, 2015, and five violations were cited at the conclusion of the inspection.

The inspection covered the period August 31, 2014, through August 31, 2015.

Business Profile:

The licensee offers retail sale of firearms, consignment sales, special order of firearms, internet transfers and gunsmithing services. The licensee also sells tactical equipment, law enforcement/military gear, accessories and apparel. A 2016 Special Occupational Tax Stamp is held by the licensee (Exhibit 1). The licensee mainly sells suppressors, but Mr. Gutierrez stated they plan to assemble/manufacture short barreled rifles in the future. Mr. Gutierrez stated when they first received the Federal Firearms License in February 2013, (b)(6), at the time a Member of LLC, assembled a few short barreled rifles. In August 2013, Mr. Hausheer opened a second location in San Antonio called Alamo Tactical, LLC d.b.a. Site Series (5-74-06300). Mr. Hausheer and Mr. Gutierrez advised IOI (b)(6) all of the manufacturing part of the business was being completed under the Site Series Federal Firearms

FIREARMS INSPECTION REPORT

Name: Alamo Tactical, LLC
Trade Name:

UI#: 782065-2015-0556-B1B
FFL#: 5-74-029-07-6C-05836

License and then transferred to Alamo Tactical, LLC to sell. The licensee is in the process of moving to the Site Series location. Once the move is finally completed, the licensee plans to surrender the Site Series Federal Firearms License and operate only under this Federal Firearms License.

The licensee conducts several transfers to San Antonio Police Officers since (b) (4) currently has a contract with the San Antonio Police Officers Association (SAPOA).

The licensee has a website (alamotactical.com) for the business and a few firearms are listed on the website. The licensee does not list any firearms on any auction websites.

The licensee acquired approximately (b)(3) - 112 Pu firearms and disposed of approximately (b)(3) - 112 Pu firearms for the inspection period of August 31, 2014, through August 31, 2015. Mr. Gutierrez stated approximately 95 percent of the firearms are new and five percent are used.

The primary suppliers for new firearms are (b) (4) The main suppliers for the NFA firearms are (b)(6)

Mr. Hausheer stated they do not attend gun shows and there are no off-site storage locations. The licensee is currently operating Alamo Tactical, LLC d.b.a. Site Series (5-74-06300) from the same location. The licensee will be surrendering and going out of business for the Site Series Federal Firearms License (5-74-06300) once he receives the amended Federal Firearms License.

IOI (b)(6) queried the Texas Comptroller's website and verified the Texas Sales & Use Tax Permit (32044084187). The Texas Sales and Use Tax Permit account status is active (Exhibit 2).

The Type 07 license is appropriate for the business activities conducted by the licensee.

Ownership and Control:

The firearms business is a Limited Liability Company and a query of the Texas Secretary of State, disclosed Alamo Tactical, LLC is in good standing (Exhibit 3). The Texas Secretary of State currently reflects Frederick Hausheer and (b)(6) as Members of the LLC (Exhibit 4), but (b)(6) is no longer a part of Alamo Tactical, LLC. In July 2014, Mr. Frederick Hausheer fired (b)(6) for failure to perform his duties as a Member /Manager of Alamo Tactical, LLC. Mr. Hausheer is in the process of pursuing legal action

FIREARMS INSPECTION REPORT

Name: Alamo Tactical, LLC
Trade Name:

UI#: 782065-2015-0556-B1B
FFL#: 5-74-029-07-6C-05836

against (b)(6) for breach of his membership agreement (Exhibit 5). In addition, Mr. Hausheer plans to remove (b)(6) from the LLC but stated he will remove him the legal way due to him pursuing legal action. Mr. Frederick Hausheer advised IOI (b)(6) he has always been the majority owner for Alamo Tactical, LLC since it came into existence and there has been no change in control except him firing (b)(6). IOI (b)(6) informed Mr. Hausheer that he will need to apply for a new Federal Firearms License once, (b)(6) has been removed from Alamo Tactical, LLC. During the inspection, Mr. Hausheer provided IOI (b)(6) with a signed written statement of the current facts relating to (b)(6) (Exhibit 6).

The following individuals are listed as responsible persons for the Federal Firearms License: Cristopher Green, Nickolas Gutierrez, Lourdes Skidd and Frederick Hausheer. It shall be noted Mr. Hausheer is a Chief Medical Officer for a pharmaceutical company and he is not involved in the daily operations of the business. Mr. Hausheer travels frequently due to his other career and stated he visits the store a few times a month.

There is no hidden ownership suspected.

All active responsible persons were queried in OpenFox and NForce under U.I. Number 782065-2015-0555-B1B. There was no disabling information disclosed.

Variance:

The licensee does not have any approved variances on file with ATF.

2 - Recommendation

Violations WL Only and No Recall Inspection

3 - Inspection History

The listed inspections are within the last five years.

Date of Inspection:	November 26, 2013
Type of Inspection:	Theft of Firearms and assist San Antonio Group I
UI#:	782065-2014-0176-B1B
Inspection Results:	See Related CE UI
Cited Violations:	No violations cited

Date of Inspection:	November 14, 2012
Type of Inspection:	Firearms Application Inspection

FIREARMS INSPECTION REPORT

Name: Alamo Tactical, LLC
Trade Name:

UI#: 782065-2015-0556-B1B
FFL#: 5-74-029-07-6C-05836

UI#: 782065-2013-0020-B1B
Inspection Results: Application Approved
Cited Violations: No violations cited

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

On August 31, 2015, and September 1, 2015 a full physical inventory was conducted at the premises of Alamo Tactical, LLC. It shall be noted Mr. Nick Gutierrez, Manager assisted IOI (b)(6) with the physical inventory.

There were a total of (b)(3)-(1) firearms ((b)(3) NFA, (b)(3) GCA and (b)(3) repairs) in inventory and (b)(3)-(1) open entries in the A&D record, with (b)(3) discrepancies. The licensee failed to record the disposition of (b)(3) firearms in a timely manner as prescribed by Federal Regulations and (b)(3)-(1) firearms were reported missing at the conclusion of the inspection. The following information was given to IOI (b)(6) to account for the (b)(3) untimely disposition of firearms:

- (b)(3) firearms were transferred to a non-licensee and IOI (b)(6) was provided with a copy of ATF Forms 4473 (Exhibit 7).
- (b)(3) firearms were documented from the licensee's computerized point of sale system since the licensee could not locate the ATF Forms 4473 (Exhibit 8). The (b)(3)-(1) purchasers were queried in OpenFox and no prohibiting factors were disclosed.
- (b)(3)-(1) firearm was returned to (b)(4) and Mr. Hausheer provided IOI (b)(6) with an email confirmation from (b)(4) representative (Exhibit 9).
- (b)(3)-(1) firearm was accounted for by contacting the known customer and he provided a picture of his firearm via cellphone (Exhibit 10). The customer could not recall the date he purchased the firearm but he confirmed he completed an ATF Form 4473. The licensee could not locate the ATF Form 4473 during the inspection. IOI (b)(6) queried the customer in OpenFox and no prohibiting factors were disclosed.
- (b)(3)-(1) NFA firearm was voided and a copy of the ATF E-Form 2 with Void stamped on it was provided (Exhibit 11). The NFA Branch was notified about the cancellation but the licensee did not update the A&D book.
- (b)(3)-(1) of the untimely dispositions were NFA firearms and Nickolas Gutierrez, Store Manager provided a copy of the approved ATF Form 4 (Exhibit 12). The licensee could not locate the ATF Forms 4473 for the NFA transfers. The (b)(3)-(1) purchasers were queried in OpenFox and no prohibiting factors were disclosed.
- (b)(3)-(1) NFA firearm was reported stolen to San Antonio Police Department (Exhibit 13) but not to ATF. A theft/loss report was completed on September 29, 2015, by Mr. Hausheer (Exhibit 14) for the (b)(3)-(1) stolen NFA firearm. Also the A&D book

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Name: Alamo Tactical, LLC
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UI#: 782065-2015-0556-B1B
FFL#: 5-74-029-07-6C-05836

reflected the incorrect date the firearm was stolen. The A&D book reflected the firearm was stolen on April 25, 2013, and the correct date the firearm was reported stolen was December 13, 2013.

- There were (b)(3) - 11 firearms unable to be located after reconciling all the open entries. The (b)(3) - 11 firearms were reported as missing from inventory on September 29, 2015, by Mr. Hausheer (Exhibit 14 - ATF Issued Incident Number (b)(3) - 112 Public Law 55 125 Stat 552).

Violation Cited 27 CFR 478.124(d) for untimely dispositions (b)(3) and failure to account for (b)(3) - 11 firearms.

Violation Cited 27 CFR 478.129(b) for failure to retain (b)(3) ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.

Violation Cited 27 CFR 479.141 for failure to report a theft of an NFA Firearm (b)(3) - 112 Public Law 55 125 Stat 552 on December 13, 2013.

The licensee's standard operating procedures were discussed with Mr. Hausheer, Member/Owner and Mr. Gutierrez, Store Manager during the inspection. The licensee is maintaining written records and licensee has several A&D books in the following categories: retail, manufacturing, NFA, gunsmithing and San Antonio Police Officers Association (SAPOA).

The Federal Firearms License was issued in February 2013 and (b)(6), at the time a Member of the LLC, operated the business full time until July 2014. After (b)(6) was fired, Nickolas Gutierrez took over as the store manager. There has been no type of leadership at the business since (b)(6) was fired from the business. Mr. Frederick Hausheer, Member/Owner is employed full time in the medical field and travels frequently and is not at the business daily. During the inspection, it was disclosed each employee was responsible for recording the acquisition and disposition into the A&D book for the firearms transactions handled. There was no cross checking the A&D books to ensure the dispositions were being recorded timely. Physical inventories were being taken by Nick Gutierrez every few months, but he was not reviewing the A&D books after the inventories were conducted, which led to untimely dispositions.

Mr. Hausheer advised IOI (b)(6) he was disappointed with the results of the compliance inspection and stated he thought Nickolas Gutierrez, (b)(6) and Cristopher Green understood the ATF regulations since they had worked at the business for a few years. In addition, Mr. Hausheer blamed some of the errors on (b)(6). IOI (b)(6) informed Mr. Hausheer that he is the Member/Owner and he is responsible for his business.

IOI (b)(6) had a thorough discussion with Mr. Hausheer on how to improve the internal controls and strongly encouraged him to implement standard operating procedures in

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writing. IOI (b)(6) provided several suggestions and Mr. Hausheer also visited the ATF website for guidance. This was Mr. Hausheer's first compliance inspection and he witnessed how an ATF inspection was conducted. Mr. Hausheer apologized for not having internal controls in place and stated he would have a meeting with his employees to implement new operating procedures for the business.

During the closing conference, Mr. Hausheer requested IOI (b)(6) review the Acknowledgement of Federal Firearms Regulations with Nickolas Gutierrez and (b)(6). Mr. Hausheer stated he had a meeting with all of his employees (9) and informed them of new policies for the business. As a result of the ATF inspection, Nickolas Gutierrez or (b)(6) will be checking all employees during each transaction and before the business closes each night the A&D books will be checked to ensure the acquisitions and dispositions are recorded timely. In addition physical inventories will be conducted quarterly to ensure all firearms are accounted for. Mr. Hausheer apologized for all violations disclosed and stated he entrusted his employees and they let him down. He stated he would make sure these errors would not occur again.

5 - ATF Forms 4473 – NICS & Other Dispositions

The licensee had 1,071 ATF Forms 4473 for the past 12 months. The ATF Forms 4473 were in folders but not in alphabetical, chronological or numerical order. Mr. Hausheer was advised by IOI (b)(6) that the ATF Forms 4473 must be filed in alphabetical, numerical or chronological order. During the inspection Mr. Hausheer stated he would file the ATF Forms 4473 in chronological order by date transferred.

Violation Cited 27 CFR 478.124(b) for failure to retain the ATF Forms 4473 in alphabetical, chronological or numerical order.

The period of review was August 31, 2014, thru August 31, 2015. IOIs (b)(6) (b)(6) and (b)(6) reviewed all 1,071 ATF Forms 4473 and no discrepancies were disclosed.

Transfers to other licensees and sales to law enforcement officers were conducted properly.

An FFL audit log (Exhibit 15) was obtained from NICS and it was utilized to compare NICS transaction numbers and denials to the ATF Forms 4473 provided by the licensee. There were 64 proceed NTN's and six denials listed on the FFL audit log for the past five years. There were two denials listed for the inspection period, August 31, 2014, thru August 31, 2015. There was (b)(6) discrepancy disclosed for a denial listed on the NICS audit log. On August 11, 2014, a deny check was received. Mr. Hausheer and Mr. Gutierrez could not locate the denied ATF Form 4473 during the inspection. Mr. Gutierrez stated an employee probably threw it away or the denial was misplaced. IOI

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(b)(6) explained to Mr. Hausheer and Mr. Gutierrez that when a NICS check is initiated but the sale, delivery or transfer of the firearm is not made; the licensee shall record any transaction number on the ATF Form 4473, and retain the ATF Form 4473 for a period of not less than five years after the date of the NICS inquiry. There was no misuse of the NICS system disclosed.

Violation Cited 27 CFR 478.129(b)

The standard operating procedure for the business pertaining to the ATF Forms 4473 was discussed with Mr. Gutierrez. Each employee is responsible for reviewing the ATF 4473 after the customer has completed it. After the ATF Form 4473 is completed, Jeremy Smith is responsible for reviewing the ATF Forms 4473 and recording the disposition in the A&D books. During the closing conference, IOI (b)(6) recommended to Mr. Hausheer to have an additional employee review the ATF Forms 4473 in case (b)(6) is not working a particular day. In addition, IOI (b)(6) suggested ATF Forms 4473 be placed in one location and ensure the ATF Forms 4473 are filed appropriately.

6 - Multiple Sales

The Violent Crime Analysis Branch report dated August 21, 2015, shows the licensee reported 31 Multiple Sales entries for the review period of August 31, 2014, to August 31, 2015. There were no unreported multiple sales disclosed.

The licensee is fully aware of the reporting requirements for handguns.

7 - Suspicious/Prohibited Purchasers

During the investigation IOI (b)(6) had no indications of possible traffickers, straw purchasers, prohibited persons, or any other suspicious purchasers.

IOI (b)(6) randomly queried twelve purchasers in OpenFox and no hits were disclosed.

8 - Trace Activity

The Violent Crime Analysis Branch report dated August 21, 2015, revealed (b)(6) successful traces for the last twelve months.

The licensee acquired 44 secondary market firearms and disposed of 35 secondary market firearms for the last 12 months. IOI (b)(6) queried (b)(6) secondary market firearms in OpenFox and no hits were disclosed.

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9 - NFA/Importer/Collector/Manufacturer

The licensee is a Type 07 Manufacturer of Firearms and he does not import or collect firearms. The licensee did not manufacture any firearms for calendar year 2014 and 2015, thus far. Mr. Hausheer and Mr. Gutierrez advised IOI (b)(6) all of the manufacturing part of the business was being completed under the Site Series Federal Firearms License and then transferred to Alamo Tactical, LLC to sell.

Mr. Hausheer holds an active 2015 Special Occupational Tax Stamp. The licensee mainly sells suppressors, but Mr. Gutierrez stated they plan to assemble/manufacture short barreled rifles in the future.

There were 90 Title II firearms found in physical inventory. The compliance inspection resulted in (b)(3) untimely dispositions and (b)(3) incorrect disposition date in the NFA A&D book. As stated previously, the licensee was cited for 27 CFR 478.124(d) for the untimely dispositions and 27 CFR 478.129(b) for failing to retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.

IOI (b)(6) obtained the National Firearm Registration and Transfer Record (NFRTR) from the NFA Branch and two NFA firearms listed on the NFRTR were not available at the premises. The licensee failed to inform the NFA Branch about the status of the following (b)(3) NFA firearms.

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

Mr. Hausheer completed a Theft/Loss report (ATF F 3310.11) for the stolen NFA firearm on September 29, 2015. As stated previously, in July 2014, Mr. Frederick Hausheer fired (b)(6) for failure to perform his duties as a Member /Manager of Alamo Tactical, LLC. Mr. Hausheer is in the process of pursuing legal action against (b)(6) for breach of his membership agreement. During the inspection, IOI (b)(6) contacted (b)(6) via cell phone inquiring about the stolen NFA firearm and (b)(3) - 112 unaccounted for Title I firearms. (b)(6) was uncooperative, but was later instructed by his attorney to cooperate and locate the firearms. (b)(6) contacted IOI (b)(6) via cell phone and stated the NFA firearm along with other personal firearms were stolen from his vehicle. (b)(6) stated the stolen firearms were reported to the San Antonio Police Department. IOI (b)(6) asked him if he had completed a theft/loss report (ATF F 3310.11) and notified the NFA Branch of the stolen NFA firearm. (b)(6) stated "I believe so but I have to find my paperwork." IOI (b)(6) requested (b)(6) provide a

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copy of the police report and notification to the NFA Branch to her. (b)(6) never provided any of the documents to IOI (b)(6). IOI (b)(6) obtained a copy of the police report and it was confirmed with Officer (b)(6) the NFA Firearm (b)(3) - 112 Public Law 55 125 Stat 552 was reported stolen to the San Antonio Police Department on December 13, 2013 (Exhibit 13). Mr. Hausheer, Member/Owner included the stolen NFA firearm on the theft/loss report filed on September 29, 2015 (Exhibit 14). **Violation Cited 27 CFR 479.141**

IOI (b)(6) also documented the discrepancies on the NFA discrepancy worknote and emailed it to the NFA Branch on October 7, 2015.

The NFA weapons on hand were properly marked and licensee's file of documentation of registration for the NFA weapons was verified. There were no discrepancies disclosed.

The licensee has filed an ATF F 5300.11, Annual Manufacturing and Exportation Report Under 18 U.S.C. Chapter 44, Firearms for 2014 (Exhibit 17).

Mr. Gutierrez and Mr. Hausheer were not aware of the ITAR requirement and stated they were not informed by anyone from ATF about it. IOI (b)(6) informed them during the application inspection conducted on November 14, 2012, (b)(6) was informed of the ITAR requirement. IOI (b)(6) provided Mr. Hausheer with a copy of the November 2012, FFL newsletter page 3 regarding licensed manufacturer's registration requirement of the Department of the State, Directorate of Defense Trade Control (DDTC). Mr. Hausheer stated he would contact the Department of the State but stated they had not manufactured the past few years.

10 - Referrals

There were no referrals generated as a result of this assignment.

11 - Other

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

The premises is equipped with a monitored alarm system and safes. The licensee plans to add steel bars on the front and rear doors of the building.

12 - Closing Actions

A closing conference was conducted on October 1, 2015, and the following individuals were present: IOI (b)(6) Fred Hausheer, Nickolas Gutierrez and Jeremy Smith. IOI (b)(6) reviewed the Report of Violations and Acknowledgement of Federal Firearms Regulations with all individuals present on October 1, 2015. Mr. Hausheer signed the

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Report of Violations and apologized for all violations disclosed. Mr. Hausheer stated he entrusted his employees and they let him down. He stated he would make sure these errors would not occur again.

Mr. Hausheer signed and dated the Acknowledgement of Federal Firearms Regulations at the conclusion of the inspection (Exhibit 18). The licensee also signed and received a copy of Important Notice- Selling Firearms After Revocation, Expiration, or Surrender of an FFL (Exhibit 19).

13 - Violations

1. 27 CFR 478.123(d)

Nature of violation:

Failure to maintain an accurate Acquisition and Disposition (A&D) book. Licensee failed to record the disposition of (b)(7)(C) firearms in a timely manner as prescribed by Federal Regulations (see attached).

Failure to account for (b)(7)(C) firearms at the conclusion of the inspection. Mr. Hausheer filed a theft/loss report on September 29, 2015 for (b)(7)(C) missing/unaccounted firearms (see attached).

Licensee's response:

Mr. Hausheer apologized for the errors and stated he did not realize the recordkeeping was not up to date.

Corrective action:

The disposition of the firearms were recorded in the A&D books.

Reference: Report of Violations, Worksheet 1 – Inventory and A&D Review Worksheet

2. 27 CFR 478.124(b)

Nature of violation:

Failure to retain the ATF Forms 4473 in alphabetical, chronological or numerical order as part of the required records.

Licensee's response:

Mr. Hausheer stated that he did not know the ATF Forms 4473 were out of order.

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Corrective action:

The ATF Forms 4473 were placed in chronological order by date during the inspection.

Reference: Report of Violations

3. **27 CFR 478.129(b)**

Nature of violation:

Failure to retain (b)(3) ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition (see attached).

Failure to retain (b)(3) denied, ATF Form 4473 for the prescribed period of five years (8/11/14 – (b)(6)).

Licensee's response:

Mr. Hausheer apologized for the missing ATF Forms 4473 and stated he believes the missing ATF Forms 4473 were misplaced or lost during the move.

Corrective action:

Mr. Hausheer was advised that Licensees shall retain each ATF Form 4473 for a period of not less than 20 years after the date of sale or disposition. When a NICS check is initiated but the sale, delivery or transfer of the firearm is not made; the licensee shall record any transaction number on the ATF Forms 4473, and retain the ATF Form 4473 for a period of not less than five years after the date of the NICS inquiry.

Reference: Report of Violations and Worksheet 2 – 4473

4. **27 CFR 479.141**

Nature of violation:

Failure to report a theft of an NFA firearm (b)(3) - 112 Public Law 55 125 Stat 552 from the licensee's inventory (to the Bureau of ATF) within 48 hours after the theft was discovered. The NFA firearm was reported stolen to the San Antonio Police Department on December 13, 2013.

Licensee's response:

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Mr. Hausheer advised IOI (b)(6) that the NFA firearm stolen was in (b)(6) possession when it was stolen. The NFA firearm was stolen from (b)(6) vehicle and he thought (b)(6) had reported it to ATF since (b)(6) was a Member of Alamo Tactical, LLC and a responsible person on the FFL.

Corrective action:

Mr. Hausheer completed a Theft/Loss Report (ATF F 3310.11) for the stolen NFA firearm on September 29, 2015.

Reference: Report of Violations, Worksheet 1 – Inventory and A&D Review Worksheet

5. **26 U.S.C. 5861(d)**

Nature of violation:

Failure to notify ATF in writing that the following NFA firearm (b)(3) - 112 Public Law 55 125 Stat 552 was destroyed.

Licensee's response:

Mr. Hausheer stated the employee (b)(6) who destroyed the NFA firearm is no longer employed at Alamo Tactical, LLC. In addition, Mr. Hausheer advised he was under the impression the NFA paperwork was being taken care of by (b)(6) (Member of LLC). Mr. Hausheer stated he would contact the NFA branch immediately.

Corrective action:

Licensee must notify the NFA branch in writing of the following NFA firearm (b)(3) - 112 Public L being destroyed immediately.

Reference: Report of Violations

X

Industry Operations Investigator

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Index of Worksheets and Exhibits

ATF Form 5030.5, Report of Violations

Worksheets

Exhibit 1 – Copy of NFA Tax Stamp

Exhibit 2 – Franchise Tax Account Status

Exhibit 3 – Texas Secretary of State

Exhibit 4 – Members of LLC

Exhibit 5 – Legal Action against (b)(6)

Exhibit 6 – Statement of facts from Mr. Hausheer

Exhibit 7 – Copies of ATF Forms 4473 for untimely dispositions

Exhibit 8 – Copies from Point of Sale System

Exhibit 9 – Email from (b)(3) - FFL Public Ltr Representative

Exhibit 10 – Photo

Exhibit 11 – Voided ATF E-Form 2

Exhibit 12 – Copies of ATF Form 4 for untimely NFA

Exhibit 13 – Copy of SAPD Police Report

Exhibit 14 – Theft/Loss Report filed September 29, 2015

Exhibit 15 – NICS Audit Log

Exhibit 16 – Destruction Statement

Exhibit 17 – AFMER Reporting

Exhibit 18 – Acknowledgement of Federal Firearms Regulations

Exhibit 19 – Copy of Important Notice