



## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Gehrig, James Charles Gehrig Hardware 210 North Main Muenster, TX 76252, COOKE	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 781085-2016-0374-B1B		
	3. PERMIT/LICENSE NUMBER 575097014L14642	4a. TARGET DATE 6/30/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 05/03/2016		

ROUTING SEQUENCE AND DATE

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

CONTROL FILE POSTED DATE \_\_\_\_\_

### Report of Violations

#### Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor Gehrig, James Charles Gehrig Hdwe	Street Address 210 North Main	City Muenster	State TX	Zip Code 76252-	County COOKE	Page 1 of 4 Pages
License/Permit/Registry Number (If any) 575097014L14642	Expiration Date 11/1/2017	Date(s) or Period of Inspection 05/17/2016 through 05/18/2016				

#### Inspection Results

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

Number: 1

#### Nature of Violation:

Failure to furnish all information called for in each ATF Form 4473 as indicated by the headings on the ATF Form 4473 and the instructions on or pertaining to the ATF Form 4473 in instances:

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

#### Date Corrections to be Made:

*(If not corrected immediately)*

#### Corrective Action to be Taken:

*(If not corrected immediately)*

The licensee will ensure that all ATF Forms 4473 are properly completed.

Citation: 27 CFR 478.21(a)

## 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 Gehrig, James Charles Gehrig Hdwe	Street Address 210 North Main	City Muenster	State TX	Zip Code 76252-	County COOKE	Page 2 of 4 Pages
License/Permit/Registry Number (If any) 575097014L14642	Expiration Date 11/1/2017	Date(s) or Period of Inspection 05/17/2016 through 05/18/2016				

### Inspection Results

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

Number: 2

#### Nature of Violation:

Failure to obtain a properly completed ATF Form 4473 from a nonlicensee prior to the transfer of a firearm in <sup>(b)(3)</sup> instances:

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

#### Date Corrections to be Made:

*(If not corrected immediately)*

#### Corrective Action to be Taken:

*(If not corrected immediately)*

The licensee will ensure that all ATF Forms 4473 are properly completed.

Citation: 27 CFR 478.124(c)(1)

Number: 3

#### Nature of Violation:

Failure to verify and correctly record identification document of transferee on ATF Form 4473 in <sup>(b)(3)</sup> instances:

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

#### Date Corrections to be Made:

*(If not corrected immediately)*

#### Corrective Action to be Taken:

*(If not corrected immediately)*

The licensee will always verify and correctly record all identification documents on the ATF Form 4473.

# Report of Violations

### Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor Gehrig, James Charles Gehrig Hdwe	Street Address 210 North Main	City Muenster	State TX	Zip Code 76252-	County COOKE	Page 3 of 4 Pages
License/Permit/Registry Number <i>(If any)</i> 575097014L14642	Expiration Date 11/1/2017	Date(s) or Period of Inspection 05/17/2016 through 05/18/2016				

### Inspection Results

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

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

**Number:** 4

**Nature of Violation:**

Failure to accurately note the contact date or the response provided by the NICS system on the ATF Form 4473 in <sup>OR</sup> instances:

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

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will properly record the response provided by the NICS system on the ATF Form 4473.

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

**Number:** 5

**Nature of Violation:**

Failure to verify the identity of the transferee by examining the identification document presented in accordance with the provisions of section 478.124(c) in 2 instances:

- 2 forms had the NICS check conducted before the transferee completed the ATF Form 4473.

**Citation:** 27 CFR 478.102(a)(3)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The transferee will complete Section A of the ATF Form 4473 before the NICS check is conducted.

### 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 Gehrig, James Charles Gehrig Hdwe	Street Address 210 North Main	City Muenster	State TX	Zip Code 76252-	County COOKE	Page 4 of 4 Pages
--	----------------------------------	------------------	-------------	--------------------	-----------------	----------------------

License/Permit/Registry Number (If any) 575097014L14642	Expiration Date 11/1/2017	Date(s) or Period of Inspection 05/17/2016 through 05/18/2016
--	------------------------------	--

#### Inspection Results

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

**Number:** 6

**Nature of Violation:**

Failure to record the valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS in 1 instance:  
- 1 form had Block 23 "No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS" blank.

**Citation:** 27 CFR 478.131(a)(2)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will record the valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS.

**Number:** 7

**Nature of Violation:**

Failure to accurately and timely maintain the Acquisition and Disposition Record in 1 instance:

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

**Citation:** 27 CFR 478.125(e)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will accurately and timely maintain the Acquisition and Disposition Record.

I Have Received a Copy of This Report of Violations

Proprietor's signature and title

*James Gehrig* 6-1-16 *Owner*

Date

*6-1-16*

Signature and Title of ATF Officer

**(b)(6)**

*Industry Operations Investigator*

Date

*6-1-16*

Use Only

Aug



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Dallas Field Division*

---

Dallas, Texas 75242

[www.atf.gov](http://www.atf.gov)

Certified Mail 7014-0510-0001-2420-8461 - Return Receipt Requested

June 9, 2016

James Charles Gehrig  
Gehrig Hardware  
210 North Main  
Muenster, TX 76252-

RE: 575097014L14642

Dear Mr. Gehrig:

During a recent inspection at your firearms business covering the period 5/17/2016 to 5/18/2016, you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, ATF F 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you or your designated responsible person by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator(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.

Gehrig, James Charles

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.

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

Sincerely yours,

(b)(6)

(b)(6) Area Supervisor  
Dallas Field Office

Enclosure  
Report of Violations

c: Federal Firearms Licensing Center  
Dallas VI (IO) Field Office

Address: 210 North Main  
Muenster, Texas 76252 (Cooke County)

## 1 - Introduction

### Inspection Profile:

On May 17-18, 2016, ATF Industry Operations Investigator (b)(6) conducted a Southwest Border inspection at the business premises of James Gehrig d.b.a. Gehrig Hardware. Investigator (b)(6) interviewed Mr. James Gehrig, owner. Mr. Gehrig identified himself with his Texas driver's license (TXDL: (b)(6)). The period covered by this inspection was the previous 12 months for ATF Forms 4473 and the entire firearm inventory. Investigator (b)(6) held the inspection closeout with Mr. Gehrig on June 1, 2016. No advance notice was given prior to the inspection and no other Federal/State/local agencies participated in this inspection.

### Business Profile:

James Gehrig d.b.a. Gehrig Hardware holds a Type 01-Dealer, in Federal Firearms Other Than Destructive Devices license to buy and sell new and used long guns and handguns. Mr. Gehrig described the business as a hardware store that sells various items including firearms, ammunition, and accessories.

Gehrig Hardware acquired (b)(4) firearms (b)(4) handguns, (b)(4) long guns, and (b)(4) receivers) and disposed of (b)(4) firearms (b)(4) handguns, (b)(4) long guns, and (b)(4) receivers) during the previous 12 months.

Mr. Gehrig stated (b)(4) percent of firearms transferred are new. Mr. Gehrig stated his primary suppliers of firearms is (b)(4).

Mr. Gehrig stated he does not sell firearms over the internet.

Mr. Gehrig stated that he does not have off-site storage and does not conduct business at gun shows.

Mr. Gehrig stated he will accept transfers.

Mr. Gehrig stated he files the taxes under his EIN number (b)(3) - 26 USC 6103.

Gehrig Hardware operates under Texas Sales and Use Permit (b)(3) - 26 USC 6103.

Mr. Gehrig stated no other businesses are conducted at the premises.

A query of the Cooke County Central Appraisal District website disclosed Gehrig Hardware as the owner of the property (**Exhibit 1**).

The business premises are located in a commercial setting and all zoning requirements are met.

The licensee has held its current license since 2002.

**Ownership and Control:**

Mr. Gehrig is the sole proprietor and the ownership has not changed.

Investigator (b)(6) did not review any documents or observe any activities and the licensee did not make any statements during the inspection that indicated the possibility of hidden ownership.

**Variance:**

Gehrig Hardware does not have any variances on file with the ATF and none were requested during the inspection.

**2 - Recommendation**

Viols WL Only and No Recall Inspection

**3 - Inspection History**

**Date of Inspection:** 4/5/12  
**Type of Inspection:** Southwest Border Inspection  
**UI#:** 781085-2012-0137-B1B  
**Inspection Results:** Viols WL Only and No Recall Inspection  
**Cited Violations:** 27 CFR 478.125(e)

**Date of Inspection:** 4/7/09  
**Type of Inspection:** Full Scope Recall Inspection  
**UI#:** 781085-2009-0037-B1B  
**Inspection Results:** No Viols No Further Action No Referrals  
**Cited Violations:**

**Date of Inspection:** 6/21/07  
**Type of Inspection:** Full Scope Recall Inspection  
**UI#:** 781085-2007-0053  
**Inspection Results:** Viols WC with WL and Recall  
**Cited Violations:** 27 CFR 478.21(a)  
27 CFR 478.124(c)(1)  
27 CFR 478.124(c)(3)(i)  
27 CFR 478.124(c)(3)(iv)  
27 CFR 478.124(c)(5)

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

Investigator (b)(6) conducted a full inventory and found (b)(3)-11 open dispositions and 123 firearms in inventory. There was (b)(6) inventory discrepancy found as a result of the inspection which included (b)(6) instance where the disposition was not recorded in the A&D record book **Report of Violations 7, Worksheet 1 Inventory, A&D and Exhibit 2.**

Investigator (b)(6) compared (b)(3) disposition entries to the corresponding ATF Forms 4473 and found no discrepancies.

The licensee did not complete an ATF Form 3310.11 (theft/loss) during the previous 12 months and did not complete one as a result of this inspection.

The A&D Book is in the proper format and while reviewing the A&D Book, Investigator (b)(6) found no suspicious purchasers, shippers, or licensees.

Investigator (b)(6) discovered no firearms with obliterated serial numbers or unregistered NFA firearms.

Investigator (b)(6) did not identify any trafficking issues as a result of the A&D Book review.

The licensee had no tagging system in place on the display firearms. Investigator (b)(6) suggested tagging the display firearms to the A&D (book number, page number, and line number).

The licensee has adequate security measures in place. There are cameras on the premises and the stock firearms are locked in a backroom. However, the display firearms are kept behind the counter in an old refrigerator with a glass front which has no lock.

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

The licensee had (b)(3)-11 ATF Forms 4473 on file for the inspection period. Investigator Paulek reviewed all (b)(3)-11 ATF Forms 4473. Review of the forms resulted in the following violations: (b)(3) forms violated 478.21(a), (b)(6) forms violated 478.124(c)(1), (b)(6) forms violated 478.124(c)(3)(i), (b)(6) forms violated 478.124(c)(3)(iv), (b)(6) forms violated 478.102(a)(3), and (b)(6) form violated 478.131(a)(2) **Report of Violations 1-6, Worksheet 2 and Exhibits 3.**

Investigator (b)(6) found transfers to other licensees were conducted properly.

Gehrig Hardware is separately retaining all ATF Forms 4473 where the transaction did not take place.

During the inspection period, Investigator (b)(6) found no sales to law enforcement officers utilizing the provisions of 27 CFR § 478.134.

The licensee had 28 NICS transactions listed on the FFL audit log for the review period. Investigator Paulek verified the 17 'proceed', 10 'denied', 1 'denied under appeal' responses and found no discrepancies.

**6 - Multiple Sales**

The VCAB query disclosed zero multiple handgun sales during the previous 12 months. The investigator did not discover any unreported multiple handgun or certain rifles sales during this inspection.

**7 - Suspicious/Prohibited Purchasers**

Investigator (b)(6) did not discover any suspicious or prohibited purchasers during the inspection.

**8 - Trace Activity**

Prior to conducting the on-site inspection, Investigator (b)(6) queried the Violent Crime Analysis Branch which had zero traces in the past 12 months.

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

No other significant findings were discovered.

**9 - NFA/Importer/Collector/Manufacturer**

Mr. Gehrig stated he is not a licensed importer, collector, manufacturer, nor deals in NFA firearms.

**10 - Referrals**

There were no referrals made from information received during this inspection.

**11 - Other**

This licensee had no Special attention Flags in FLS that would indicate that this FFL was under a current ATF criminal enforcement investigation at the time of the inspection.

The licensee had the Youth Handgun Safety Act poster displayed and had the Youth Handgun Safety Act Notice for distribution. The licensee has secure gun storage and safety devices for sale.

NCIC/TCIC queries on James Gehrig disclosed no prohibiting information.

Investigator (b)(6) queried NFORCE which disclosed the licensee is not involved any CE investigations.

Mr. Gehrig stated he may retire and close the hardware store within the next two years and will discontinue his FFL at that time. Investigator (b)(6) advised him to contact her or the Dallas VI area office if he should need assistance discontinuing his FFL.

## **12 - Closing Actions**

On June 1, 2016, Investigator (b)(6) discussed and explained ATF Form 5030.5 the Report of Violations and all of the information on the Acknowledgement of Federal Firearms Regulations to Mr. Gehrig (**Exhibit 4**). Mr. Gehrig completed the forms and kept a copy for his records.

## **13 - Violations**

### **1. 27 CFR 478.21(a)**

**Nature of Violation:** The licensee failed to furnish all information called for in each ATF Form 4473 as indicated by the headings on the ATF Form 4473 and the instructions on or pertaining to the ATF Form 4473 in (b)(3) instances:

(b)(3) form had Block 10a "Ethnicity" blank

(b)(3) forms had Block 11a "Are you the actual transferee/buyer of the firearm(s) listed on this form?" answered "no"

(b)(3) form had Block 30a "Total Number of Firearms" with the incorrect number listed; one was recorded when it should have been (b)(3) 112

**Licensee's Response:** Mr. Gehrig stated the errors were due to 'stupidity'. He further stated he was not checking what people wrote on the forms because he knows most of his customers and they were usually engaged in conversation.

**Corrective Action:** Mr. Gehrig stated he will double check the forms before the customer leaves the store.

**Reference: Worksheet 2 (2012 edition) and Exhibit 3**

### **2. 27 CFR 478.124(c)(1)**

**Nature of Violation:** The licensee failed to obtain a properly completed ATF Form 4473 from a nonlicensee prior to the transfer of a firearm in (b)(3) instances:

(b)(3) forms had Block 1 "Transferee's Full Name: Middle Name" blank  
forms had Block 2 "Current Residence Address: County" listed as USA or US  
forms had Block 2 "Current Residence Address: County" blank  
form had Block 2 "Current Residence Address: incomplete, Block 13 "What is your  
state of residence" blank and Block 14 "What is your country of citizenship" blank  
(b)(3) form had Block 10b "Race" blank  
form had Block 17 "Certification Date" blank

**Licensee's Response:** Mr. Gehrig stated the errors were due to 'stupidity'. He further stated he was not checking what people wrote on the forms because he knows most of his customers and they were usually engaged in conversation.

**Corrective Action:** Mr. Gehrig stated he will double check the forms before the customer leaves the store.

**Reference: Worksheet 2 (2012 edition) and Exhibit 3**

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

**Nature of Violation:** The licensee failed to verify and correctly record identification document of transferee on ATF Form 4473 in (b)(3) instances:

- (b)(3) forms had Block 20a "Identification- Expiration Date of Identification" with the date of birth of the applicant instead of the expiration date of identification.
- (b)(3) form had Block 20a "Identification" blank

**Licensee's Response:** Mr. Gehrig stated they were 'just errors' and didn't know the questions were completed inaccurately.

**Corrective Action:** Mr. Gehrig stated he will double check the forms before the customer leaves the store.

**Reference: Worksheet 2 (2012 edition) and Exhibit 3**

4. **27 CFR 478.124(c)(3)(iv)**

**Nature of Violation:** The licensee failed to note the NICS system contact date or the response provided by the NICS system onto the ATF Forms 4473 in [REDACTED] instances:

- [REDACTED] form had Block 21a "Date the transferee's identifying information in Section A was transmitted to NICS" with the incorrect date; [REDACTED] was written when it should have been [REDACTED]

- [REDACTED] forms had Block 21b "The NICS number" blank

**Licensee's Response:** Mr. Gehrig stated the errors were due to 'stupidity'. He further stated he was not checking what people wrote on the forms because he knows most of his customers and they were usually engaged in conversation.

**Corrective Action:** Mr. Gehrig stated he will double check the forms before the customer leaves the store.

**Reference: Worksheet 2 (2012 edition) and Exhibit 3.**

5. **27 CFR 478.102(a)(3)**

**Nature of Violation:** The licensee failed to verify the identity of the transferee by examining the identification document presented in accordance with the provisions of section 478.124(c) in [REDACTED] instances:

- [REDACTED] forms had the NICS check conducted before the transferee completed the ATF Form 4473.

**Licensee's Response:** Mr. Gehrig stated he didn't know it was wrong to run the NICS checks before verifying the identity or having the customer fill out the ATF Form 4473 first.

**Corrective Action:** Mr. Gehrig stated he will have the customer come in and fill out the ATF Form 4473 before he contacts NICS. He further stated that he understands it appears that he is just running a background check on the subject without a firearms transaction.

**Reference: Worksheet 2 (2012 edition) and Exhibit 3.**

6.

**27 CFR 478.131(a)(2)**

**Nature of Violation:** The licensee failed to record the valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS in [REDACTED] instance:

**(b)(3)** form had Block 23 “No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS” blank

**Licensee’s Response:** Mr. Gehrig stated it was an error and he overlooked it.

**Corrective Action:** Mr. Gehrig stated he will double check the forms before the customer leaves the store.

**Reference: Worksheet 2 (2012 edition) and Exhibit 3.**

7.

**27 CFR 478.125(e)**

**Nature of Violation:** The licensee failed to accurately and timely maintain the Acquisition and Disposition Record in <sup>(b)</sup> instance:

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

**Licensee’s Response:** Mr. Gehrig stated he must have gotten distracted and forgot to add the disposition.

**Corrective Action:** He stated will make sure the A&D is properly maintained. (Mr. Gehrig completed the disposition side before investigator **(b)(6)** could photograph it.)

**Reference: Worksheet 1, Inventory A&D and Exhibit 2.**

**X**

---

Industry Operations Investigator

## **Index of Worksheets and Exhibits**

### **Worksheets**

1. Informational Page
2. Inventory and A&D Review Worksheet
3. ATF Form 4473 Review Worksheet
4. Statistical Page

### **Exhibits**

1. Cooke County Central Appraisal District

2. A&D Violations
3. ATF Forms 4473 Violations
4. Acknowledgement of Federal Firearms Regulations