

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) HIGGINBOTHAM BROS AND CO., LLC 2020 FISHER STREET GOLDTHWAITE, TX 76844, MILLS	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 781080-2017-0164-B1B			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 575333019J08965</td> <td style="width: 33%;">4a. TARGET DATE</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 575333019J08965	4a. TARGET DATE	4b. TARGET HOURS
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5. REQUESTED BY (SIGNATURE, TITLE AND DATE)				

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

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)
 , 11/30/2016

8. PURPOSE/SPECIAL INSTRUCTIONS

9. INSPECTION RESULTS			<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	1	NO. OF REFERRALS		2111 - PER DIEM	
NO. OF TECS CHECKS	11	NO. OF TECS HITS		2112 - P.O.A.	
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR	
		\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR	
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES	
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.	
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.	

11. ATF OFFICER'S RECOMMENDATION
 Submitted by **(b)(6)** - Industry Operations Investigator

Submitted on: 01/18/2017
 The Federal Licensing System (FLS) should 'deactivate' **(b)(6)** and **(b)(6)** from all four licenses held by the LLC.

Viols WL ONLY and No Recall Inspection

12. TIME ACCOUNTING DATA		
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)	
DEC 2016	13.00	
ATF OFFICER'S SUBTOTAL	13.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS	13.00	

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION
 WC TO WL W/NO RECALL - ALTERNATE RECOMMENDATION

Viols WL ONLY and No Recall Inspection

<input checked="" type="checkbox"/> REVIEWED	<input checked="" type="checkbox"/> CONCUR	<input checked="" type="checkbox"/> SEE COMMENTS	<input checked="" type="checkbox"/> FINAL DISPOSITION
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SIGNATURE AND TITLE (b)(6) Acting DIO	REVIEW DATE 01/19/2017
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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 <i>Higginbotham Bras and Co., LLC</i>	Street Address <i>2020 Fisher St.</i>	City <i>Goldthwaite</i>	State <i>TX</i>	ZIP Code <i>76844</i>	County <i>Mills</i>	Page <u>1</u> of <u>1</u> Pages
License/Permit/Registry Number (if any) <i>5-75-333-01-9J-08965</i>		Expiration Date <i>09/01/2019</i>	Date(s) or Period of Inspection <i>12/29/15 - 12/29/16</i>			

Inspection Results

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

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (if not corrected immediately)	Date Corrections to be Made (if not corrected immediately)
1	27 CFR 478.124(c)(1)	<p>Failure of the licensee prior to making an over-the-counter transfer of a firearm to at least (b)(3) 112 Public Law 55 125 non-licensees who are residents of the State in which the licensee's premises is located, to obtain all personal information and/or certification by the transferees that they are not prohibited. (Item 11-L, blank)</p>	<p>The licensee was instructed to establish a check system to ensure all information is entered correctly on the ATF Forms 4473.</p>	

I have signed this Report of Violations (Proprietor's signature and title) <i>(b)(6)</i>	Date
Signature and Title of ATF Officer <i>(b)(6)</i>	Date <i>12/29/16</i>

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 HIGGINBOTHAM BROS AND CO., LLC	Street Address 2020 FISHER STREET	City GOLDTHWAITE	State TX	Zip Code 76844-	County MILLS	Page 1 of 1 Pages
License/Permit/Registry Number <i>(If any)</i> 575333019J08965	Expiration Date 9/1/2019	Date(s) or Period of Inspection 12/29/2016 through 12/29/2016				

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 of the licensee prior to making an over-the-counter transfer of a firearm to at least § 5753.112 non-licensees who are residents of the State in which the licensee's premises is located, to obtain all the personal information and/or certification by the transferees that they are not prohibited. (Item 11 'I' blank § 5753.112)

Citation: 27 CFR 478.124(c)(1)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee was instructed to establish a check system to ensure all information is entered correctly on the ATF Forms 4473.

I Have Received a Copy of This Report of Violations <i>(Proprietor's signature and title)</i>	Date
Signature and Title of ATF Officer	Date

January 19, 2017

CERTIFIED/RETURN RECEIPT REQUESTED

HIGGINBOTHAM BROS AND CO., LLC

Attn: S. Pittman

2020 FISHER STREET

GOLDTHWAITE, TX 76844-

RE: 575333019J08965

Dear Mr. Pittman:

During a recent inspection at your firearms business covering the period 12/29/15 to 12/29/16 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.

HIGGINBOTHAM BROS AND CO., LLC

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 contact Ft. Worth Area Office Supervisor (b)(6), at (b)(6)

Sincerely yours,

(b)(6)

Ft. Worth Area Office Supervisor

Enclosure

c: Federal Firearms Licensing Center
Fort Worth (IO) Field Office

Address: 2020 Fisher Street
Goldthwaite, Texas 76844

1 - Introduction

Inspection Profile:

On December 29, 2016, Investigator (IOI) (b) (6) conducted a full Compliance Firearms Inspection for Higginbotham Bros and Co., Limited Liability Company (LLC). There was no other Federal, State, or local agencies participating. Jeffrey Shaw Pittman, Store Manager, identified by (b) (6) (b) (6) was interviewed during the opening conference for the of December 29, 2015, through December 29, 2016.

Advanced notification was not given for this inspection.

Business Profile:

The commercial, suburban, retail business sells new firearms and transfers firearms for other dealers.

Approximately (b)(4) firearms were acquired and (b)(4) firearms were disposed in the last 12 months.

The primary suppliers (b)(4), and other dealers with no sales made at gun shows.

No internet sales are conducted.

The main business on the premises is a hardware/feed store. Other ATF licenses held by the licensee are: 5-75-01-09950 (Andrews), 5-75-01-06072 (Colorado City), and 5-75-01-10931 (Sweetwater).

This business was in compliance with State and local laws and met all zoning requirements with no off-site storage.

The industry member's original ATF license was issued on August 08, 2013.

Ownership and Control:

There were two Responsible Persons listed on the license who should be 'deactivated'. Corby Biddle, Chief Operating Officer, submitted a letter requesting (b)(6) removed from all four licenses.

Exhibit 1

No hidden ownership is suspected. The Secretary of State lists the business as 'active'.

The Federal Licensing System (FLS) should 'deactivate' Jet Florence and Kerith Jones from all four licenses held by the LLC.

Variance:

There is no variance and none was requested.

2 - Recommendation

Violation, WL ONLY, and NO Recall Inspection

The following is a justification in support of an alternate recommendation for Warning Letter ONLY.

SIGNIFICANT FINDINGS

The following violation warrants a Warning Conference:

27 CFR 478.124(c)(1)

JUSTIFICATIONS FOR ALTERNATE RECOMMENDATION

1. This was the licensee's first compliance inspection.
2. The errors involved three of a total of [REDACTED] ATF Forms 4473 (37.5 percent).
3. A check system will be in place to ensure compliance to all regulations.

3 - Inspection History

The following inspections were conducted:

Date and Type of Inspection: July 29, 2013; Application Inspection

UI#: 781080-2013-0432

Inspection Results:

Application Approved

Cited Violations:

None

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

A full inventory was conducted and compared to the Acquisition and Disposition (A&D) bound book. There were [REDACTED] firearms in the inventory, which corresponded with the nine open entries in the A&D.

Every firearm was compared from the physical inventory to the A&D and from the A&D to the physical inventory with no discrepancy disclosed.

A theft/loss report was not submitted during the inspection period or as a result of this inspection.

The A&D was in the proper format, all the required information was accurate, and the entries were timely made.

All nine dispositions of firearms were traced through the licensee's required records from acquisition through disposition with no discrepancy disclosed.

There were no trafficking issues relating to acquisitions and dispositions of firearms as directed by guidelines and special instructions.

No obliterated serial numbers or illegal firearms were discovered.

The licensee's standard operating procedures relevant to the A&D and inventory include entries are timely made into the A&D not later than the close of the next business day as required for acquisitions and within seven days as required for dispositions. The licensee performs a total gun to book inventory every six months.

5 - ATF Forms 4473 – NICS & Other Dispositions

There were [REDACTED] ATF Forms 4473 on file for the last 12 months which were all reviewed. There were discrepancies on at least [REDACTED] ATF Forms 4473. **See Section 13.**

The licensee has not transferred firearms to other licensees. There were no sales to law enforcement officers under provisions of **27 CFR 478.134.**

There were four accurately documented NICS transaction numbers reported on the FFL Audit Log which were verified during the examination of the ATF Forms 4473.

ATF Forms 4473 are executed by the Store Manager. Mr. Pittman stated he will begin to have another employee double check the forms in the future to ensure all information is complete and correct. NICS is contacted for all sales unless a Texas Handgun License (HL), License to Carry (LTC), or another Federal Firearm License (FFL) is offered as identification.

There was one separately filed denial for the inspection period. The denial was organized by the purchaser's name/address and researched to ensure a straw purchase did not occur. No discrepancy was discovered.

6 – Multiple Sales

There was no multiple sale reported during the inspection period on the Violent Crime Analysis Branch FFL Mastery Query.

There was no unreported multiple sale identified during the inspection.

7 – Suspicious/Prohibited Purchasers

No traffickers, straw purchasers, prohibited persons, or any other suspicious purchasers were identified during the last 12 months.

Seven computerized criminal history checks resulted in no hits for persons; therefore, no Referral was generated.

8 – Trace Activity

There was no trace reported by the Violent Crime Analysis Branch for the last 12 months.

There was no used firearm to trace through the secondary market. Four computerized criminal history checks resulted in no hits for firearms.

9 - NFA/Importer/Collector/Manufacturer

This licensee holds a Type 01 license and is not a dealer of NFA weapons, nor an importer, collector, or manufacturer.

10 - Referrals

No referral was generated.

11 - Other

This licensee was in compliance with the Youth Handgun Safety Act poster and notice, had gun locks available for sale to the public, and was in compliance with age restriction requirements.

IOI (b) (6) asked the licensee if unregulated exploding targets were sold on the premises. They were not; however, the public safety advisory from the National Explosives Task Force regarding exploding targets was provided for future information.

12 - Closing Actions

On December 29, 2016, Investigator (b) (6) conducted a closing conference with Jeffrey Shaw Pittman, Store Manager, to discuss the review of the regulatory requirements and the Report of Violation for this inspection.

The Acknowledgement of Federal Firearms Regulations was completed and signed. IOI (b) (6) provided instructions to obtain an electronic version of the regulation reference guide. **Exhibit 3**

This licensee has never attended a dealers' seminar.

The following reference materials were provided: ATF Phone Numbers/Addresses, ATF Form 3310.11 Federal Firearms Licensee Firearms Inventory Theft/Loss Report, Gun Show Guidelines, ATF Forms 3310.4 and 3310.12, FFL EZ Check Questions & Answers, Gunsmith and Manufacture Information, National Explosives Task Force Regarding Exploding Targets.

13 - Violation

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

Nature of violation: Failure of the licensee prior to making an over-the-counter transfer of a firearm to at least ^{(b)(3)-112 P} non-licensees who are residents of the State in which the licensee's premises is located, to obtain all the personal information and/or certification by the transferees that they are not prohibited. (Item 11 'I' blank: **(b) (6)**)

(b) (6) *The background investigations of the individuals and firearms provided no prohibiting factors.*

Licensee's response: The licensee stated he had not required another employee to double check the forms, but that would be an established check system in the future.

Corrective action: The licensee was instructed to establish a check system to ensure all information is entered correctly on the ATF Forms 4473.

Worksheet 2, Exhibit 2

X

(b) (6)

Industry Operations Investigator

Index of Worksheets and Exhibits

WORKSHEETS

EXHIBITS

1. Letter to Deactivate
2. ATF Forms 4473 for ROV
3. Acknowledgement of Federal Firearms Regulations