

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) BW OUTFITTERS INC 309 TRUMAN RD ANITA, IA 50020, CASS (029)		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 779080-2016-0039-B1B	
		3. PERMIT/LICENSE NUMBER 542029019L03407	4a. TARGET DATE 9/30/2016
		4b. TARGET HOURS	
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)			

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

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)	
(b)(6)	, Area Supervisor, 10/01/2015

8. PURPOSE/SPECIAL INSTRUCTIONS DE RECALL INSPECT AFTER 12/19/2015	
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9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	2	NO. OF REFERRALS	1	2111 - PER DIEM	
NO. OF TECS CHECKS	15	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: 06/28/2017	
On-site Recall Inspection conducted May 15-16, 2017. Sampling of inventory conducted with DIO approval (b)(6) 112 Public Law 55-125 firearms.	
1,467 Forms 4473 on file and reviewed. Inv. returned on June 15, 2017 to review ROV.	
Violts WL ONLY and No Recall Inspection	

12. TIME ACCOUNTING DATA	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)	
MAY 2017	8.00
ATF OFFICER'S SUBTOTAL	8.00
ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)	
MAY 2017	7.00
ATF OFFICER'S SUBTOTAL	7.00
ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)	
DEC 2015	2.00
MAR 2017	13.00
APR 2017	2.00
MAY 2017	34.00
JUN 2017	28.50
ATF OFFICER'S SUBTOTAL	79.50
ATF OFFICER'S SIGNATURE	

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	3. PERMIT/LICENSE NUMBER 542029019L03407	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)
MAY 2017	43.00
ATF OFFICER'S SUBTOTAL	43.00
ATF OFFICER'S SIGNATURE	
TOTAL HOURS	137.50

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

SYNOPSIS OF VIOLATIONS:

1) 27 CFR 478.99(b) - MEETS CRITERIA FOR WARNING LETTER

2(478.124(c)(1) - DOES NOT MEET CRITERIA FOR ADVERSE ACTION

CONCUR WITH IOI RECOMMENDATION

Viols WL ONLY and No Recall Inspection

☒ REVIEWED ☒ CONCUR ☐ SEE COMMENTS ☒ FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 07/05/2017
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REVIEW COMMENTS AND RECOMMENDATION

Viols WL ONLY and No Recall Inspection

☒ REVIEWED ☒ CONCUR ☐ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE WLBOWERS - Director Industry Operations	REVIEW DATE 07/13/2017
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ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

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 BW OUTFITTERS INC	Street Address 309 TRUMAN RD	City ANITA	State IA	Zip Code 50020-	County CASS (029)	Page 1 of 1 Pages
License/Permit/Registry Number <i>(If any)</i> 542029019L03407		Expiration Date 11/1/2019		Date(s) or Period of Inspection 05/01/2016 through 05/14/2017		

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:

Sale or transfer of a firearm to any person in any State where the purchase is in violation of any State law.

In

(b)(3) 112 Public Law 55 125 S/AT 505

 instance, the licensee transferred a long gun to an Illinois resident and did not wait twenty-four hours as required by Illinois State Law

(b)(3) 112 Public Law 55 125 S/AT 505

Citation: 27 CFR 478.99(b)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

For future transactions, ensure transfers to out of state customers are in compliance with State and Local law.

Number: 2

Nature of Violation:

Failure to obtain an accurate certification date by the transferee/buyer.

In

(b)(3) 112 Public Law 55 125 S/AT 505

 instance, the licensee failed to obtain an accurate certification date by the buyer in Item 15 on the Form 4473 (

(b)(3) 112 Public Law 55 125 S/AT 505

)

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)

For future transactions, ensure the buyer accurately provides a certification date on the Form 4473.

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

Date

Signature and Title of ATF Officer

Date

Sep 10 2018 Production

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For Official Use Only

ATF E-Form 5030 5
Revised April 2005



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives
17310 Wright St
Suite 204
Omaha, NE 68130

www.atf.gov

July 05, 2017

CERTIFIED MAIL
Return Receipt Requested

BW Outfitters INC.
309 Truman RD.
Anita, IA 50020

RE: 5-42-029-01-9L-03407

Dear Mr. Wendt:

During a recent inspection at your firearms business covering the period 05/01/2016 to 05/14/2017 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 by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator. You 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. Should you have any questions regarding this matter, please contact (b)(6) Area Supervisor at (b)(6).

Sincerely yours,

(b)(6)

Area Supervisor, Omaha II

Enclosure

cc: Federal Firearms Licensing Center
Omaha II Field Office

Address: 309 Truman Rd.
Anita, IA 50020

1 - Introduction

Inspection Profile:

On May 15, 2017, Industry Operations Investigators (b)(6) (b)(6) initiated a firearms recall compliance inspection at the licensee's above-listed premises. President Brad Wendt, employees (b)(6) and (b)(6) were identified, interviewed and assisted with the inspection. On the afternoon of May 11, 2017, the licensee was contacted to ensure responsible person availability. The inspection period was set from May 1, 2016 to May 14, 2017.

Business Profile:

The licensee operates a commercial gun shop in rural Cass County, Iowa. The licensee sells new and used firearms and firearms accessories. The licensee acquired (b)(4) firearms and disposed of (b)(4) firearms in the last twelve months. All firearms are retail. Used firearms account for less than 10 percent of the licensee's business. No business is conducted at gun shows. A lumberyard is also at the licensed premise. One other ATF license held by the licensee in Adair, Iowa (5-42-01-01902). The licensee conducts business as a transfer dealer for firearms purchased over the internet through www.gunbroker.com, www.bwoutfitters.com and as a regional distributor for (b)(4).

Ownership and Control:

This license is incorporated. No changes in ownership discovered and no indications of hidden ownership encountered. No changes in RPs – all are correctly listed in FLS.

Variance:

The licensee does not currently possess any variances.

2 - Recommendation

Viols WL ONLY and NO Recall Inspection

3 - Inspection History

A review of the Area Office File reveals the following inspection history:

Date of Inspection: September- November 2014

Type of Inspection: Compliance

UI: 779080-2014-0279-B1B

Inspection Results: Viols WC with WL and Recall

Cited Violations:

1. **27 CFR 478.125(e) – Failure to accurately record required information in the A&D Book.** The licensee had incorrectly recorded the manufacturer/importer in (b)(3) - 112 Public Law 55 instances and incorrectly recorded the S/N in four (4) instances.
2. **27 CFR 478.124(c)(3)(i) – Failure to record identification document that confirms current residence address.** The licensee failed to completely record identification documentation in approximately (b)(3) - 112 Public Law 55 125 Stat 552.
3. **27 CFR 478.131(a)(2) – Failure to correctly and completely record information on firearms transactions not subject to NICS check.** The licensee failed to accurately record information recorded on the state firearms purchase permit in (b)(3) - 112 Public Law 55 instances.
4. **27 CFR 478.102(a) – Failure to complete a background check on firearms sales or deliveries.** The licensee failed to complete a background check in (b)(3) - 112 Public Law 55 instance. The licensee accepted a non-qualifying state peace officer permit in (b)(3) - 112 Public Law 55 instances.
5. **27 CFR 478.124(c)(1) – Failure to collect complete and accurate information on ATF F 4473.** The licensee failed to obtain the correct information from the transferee in (b)(3) - 112 Public Law 55 instances including date of birth and individuals who stated they were prohibited at the time of transfer but were not.
6. **27 CFR 478.21(a) - Failure to completely and accurately complete ATF F. 4473.** In (b)(3) - 112 Public Law 55 125 Stat 552 instances the licensee failed to accurately record information required on the ATF F 4473 including type of firearm in Item 18 and number of firearms involved in the transaction in Item 30a.
7. **27 CFR 478.124(c)(4) – Failure to identify the firearm transferred.** In (b)(3) - 112 Public Law 55 instances the licensee failed to record the Manufacturer/Importer, Model, Serial Number, Type and Caliber/Gauge.
8. **27 CFR 124(c)(5) – Failure to record the correct or complete firearms transfer date.** In (b)(3) - 112 Public Law 55 instances the licensee failed to record the correct or complete firearm transfer date.
9. **27 CFR 478.129(b) – Failure to ATF F 4473s in which a sale or transfer did not take place separately from transactions in which sales and deliveries took place.** In approximately (b)(3) - 112 Public Law 55 instances, the licensee failed to separately file 4473s in which a delivery or transfer did not take place.
10. **27 CFR 478.100(a)(1) – Conducting business away from licensed premises.** In (b)(3) - 112 Public Law 55 instance, the licensee completed a 4473 away from the premises which was not a qualifying event.

Date of Inspection: October 11, 2013

Type of Inspection: Application

UI: 779080-2013-0613-B1B

Inspection Results: Application Approved

Cited Violations: N/A

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

A sampling inventory of 741 firearms was conducted on May 15, 2017. See **Exhibit 1** for DIO approval of sampling of 700. At the time of inspection, the licensee had 3,100 firearms in inventory. There were (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6) open entries in the Acquisition and Disposition record. No theft loss forms were completed during the inspection period nor as a result of this inspection.

The A&D record is in the proper format as the licensee maintains a computerized record. The licensee provided Inv. (b)(6) with a thumb drive for a look at their current A&D record. The thumb See **Exhibit 2** for example pages. Entries into the A&D record appear to be timely. No firearms with obliterated serial numbers were located in inventory. The licensee is not suspected of trafficking in firearms.

5 - ATF Forms 4473 – NICS & Other Dispositions

At the time of inspection, (b)(3) - 112 Public ATF Forms 4473 were completed over the previous twelve (12) months. Forms are filed by transferor transaction serial number. Forms on file for the past year were reviewed. Discrepancies (discussed below) are noted on **Worksheet 2** and the **Report of Violations**. No transfers to law enforcement agencies conducted. Transfers to other licensees appear to be properly conducted.

The FFL Audit Log (submitted as **Exhibit 3**) shows 18 NICS checks performed by the licensee from March 16, 2017 to May 10, 2017. Five (5) NTN's were verified with the Audit Log. No discrepancies discovered.

In (b)(3) - 112 Public instance, the licensee transferred a long gun to an Illinois resident and did not wait twenty-four hours as required by Illinois State Law (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6)). See **Violation 1, Worksheet 2, and Exhibit 4**.

In (b)(3) - 112 Public instance, the licensee failed to obtain an accurate certification date by the buyer in Item 15 on the Form 4473 (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6)). See **Violation 3 (2), Worksheet 2, and Exhibit 4**.

In the majority of transfers, purchasers possess a NICS exemption document. The licensee was initially cited for failing to record the date of issuance of a NICS exemption document (b)(3) - 112 Public Law 55 125 Stat 552 (b)(6)), yet during the on-site review of the Report of Violations, the licensee provided a copy of the buyer's permit. A date of issuance is not given on the permit. Inv. (b)(6) removed this violation from the Report of Violations. See **Exhibit 5**. The licensee was instructed to begin attaching NICS exemption documents/permits to applicable Forms 4473 rather than maintaining a separate box of permits.

6 - Multiple Sales

Per the VCAB Report (submitted as **Exhibit 6**), the licensee has (b)(3) - 11 multiple sale transaction involving (b)(3) - 11 firearms. No unreported multiple sales discovered during the inspection.

7 - Suspicious/Prohibited Purchasers

A total of two (2) individuals selected as suspicious purchasers. These individuals and the firearms they purchased queried through NCIC/NLETS and E-Trace. No hits on either the firearms or the individuals.

See **10-Referrals** for information relating to one suspicious purchaser (b)(3) - 112 Public Law 55 125 Stat 5

(b)(6), (b)(7)(C)

On June 14, 2017, Inv. (b)(6) forwarded copies of the police reports to NICS Management and Program Analyst (b)(6) for uploading into the NICS database. See **Exhibit 7**.

8 - Trace Activity

Per the VCAB Report (submitted as **Exhibit 6**), (b)(3) - 11 firearms has been traced to the licensee over the past 12 months. The licensee was able to provide disposition information to all traces. (b)(3) - 112 Public Law 55 125 Stat 552 traces were open at the time of inspection but have been subsequently completed. See **Exhibit 8** for information on (b)(3) - 112 Public Law 55 125 Stat 552 and (b)(3) - 112 Public Law 55 125 Stat 552

Over the past twelve months, the licensee acquired approximately (b)(4) used firearms and disposed of (b)(4) used firearms.

9 - NFA/Importer/Collector/Manufacturer

The licensee does not conduct NFA, importer, collector or manufacturer operations.

10 - Referrals

One referral generated concerning the purchase (b)(3) - 112 Public Law 55 125 Stat 552, (b)(7)(E) See Referral 2017-0054/**Exhibit 9**.

11 - Other

The Youth Handgun Safety Act notice was posted and visible at the premises. The pamphlets were available on the front counter. The licensee provides secure gun storage or a safety device for the transfer of all handguns to non-licensees.

12 - Closing Actions

On June 15, 2017 Inv. (b)(6) conducted a closing conference with the licensee. President Brad Wendt and employee (b)(6) were present. The Report of Violations was reviewed with the second violation being rescinded. Federal firearms regulations were reviewed and a signed acknowledgment has been inserted into NSPECT and is submitted as **Exhibit 10**.

13 - Violations

1. 27 CFR 478.99(b)

Nature of Violation: Sale or transfer of a firearm to any person in any State where the purchase is in violation of any State law.

In (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instance, the licensee transferred a long gun to an Illinois resident and did not wait twenty-four hours as required by Illinois State Law (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)).

Licensee's Response: Mr. Brad Wendt stated the licensee has ceased over-the-counter sales to Illinois residents.

Corrective Action: For future transactions, ensure transfers to out of state customers are in compliance with State and Local law.

See **Worksheet 2** and **Exhibit 4**.

2. 27 CFR 478.124(c)(1) *Repeat Violation from November 4, 2014*

Nature of Violation: Failure to obtain an accurate certification date by the transferee/buyer.

In (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instance, the licensee failed to obtain an accurate certification date by the buyer in Item 15 on the Form 4473 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)).

Licensee's Response: Mr. Wendt stated, "That will happen." He then acknowledged the violation.

Corrective Action: For future transactions, ensure the buyer accurately provides a certification date on the Form 4473.

See **Worksheet 2** and **Exhibit 4**.

X

Industry Operations Investigator

Index of Worksheets and Exhibits

Worksheets:

1. A&D Review
2. Form 4473 Review

Exhibits:

1. Inventory sampling approved by DIO
2. Example A&D pages
3. FFL Audit Log
4. ATF Forms 4473 with errors
5. Schreck Form 4473 with permit
6. VCAB Report
7. Pruitt documentation
8. Completed Traces
9. Referral 2017-0054
10. Signed Acknowledgement of Federal Firearms Regulations