

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Bruning, Keith D. Handloader 1015 N. Colorado St. Ellsworth, KS 67439-2131, ELLSWORTH	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) <p style="text-align: center;">779025-2016-0288-B1B</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 548053017C13899</td> <td style="width: 33%;">4a. TARGET DATE 9/15/2016</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table> 5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 03/31/2016	3. PERMIT/LICENSE NUMBER 548053017C13899	4a. TARGET DATE 9/15/2016	4b. TARGET HOURS
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6. ATF OFFICER(S) ASSIGNED
 (b)(6) - Lead Investigator

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)
 (b)(6), Area Supervisor, 03/31/2016

8. PURPOSE/SPECIAL INSTRUCTIONS
 DE Compliance. Not seen since 2010

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	4	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	3	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: 04/14/2016
 All the violations cited meet the requirements for a Warning Letter to be issued per the current Firearms Adverse Action Policy - Sections 6c(4); 6c(6); 6c(7) and 6c(9).
 Viols WL ONLY and Recall Inspection

12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)	
MAR 2016	1.00
APR 2016	18.00
ATF OFFICER'S SUBTOTAL	19.00
ATF OFFICER'S SIGNATURE	
TOTAL HOURS	19.00

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Inspection meets the standard for Warning Letter under the Adverse Action Policy. The licensee was cited for the following: (b)(3) (b)(3) (b)(3) instance of failing to prevent the transfer of firearm to buyer who answered "yes" to a prohibiting question (WL at Section 6.c.(4)); (b)(3) (b)(3) instance of failing to obtain any buyer identification (WL at Section 6.c.(6)); (b)(3) (b)(3) instance of failing to complete multiple handgun sale report (WL at Section 6.c.(7)); and (b)(3) (b)(3) instance of accepting a non-qualifying State permit (FL) in lieu of a NICS check. All (b)(3) (b)(3) buyers were found not to be prohibited.

Warning Letter sent 4/27/2016.
 PII sent 4/27/2016.

Viols WL ONLY and No Recall Inspection

REVIEWED
 CONCUR
 SEE COMMENTS
 FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor <div style="text-align: center; font-size: 2em; font-weight: bold; background-color: black; color: white; padding: 5px;">(b)(6)</div>	REVIEW DATE 04/26/2016 <small>Digitally signed by (b)(6) DN: c=US, o=U.S. Government, ou=Dept of Justice, ou=ATF, cn=(b)(6) 0.9.2342.19200300.100.1.1=15001001 371360 Date: 2016.04.27 08:50:44 -05'00'</small>
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	3. PERMIT/LICENSE NUMBER 548053017C13899	4a. TARGET DATE 9/15/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 03/31/2016		

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 quadruplicate. The original copy and the suspense copy (where required) 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>Bruning, Keith</i>	Street Address <i>1015 N Colorado</i>	City <i>Ellsworth</i>	State <i>Ks</i>	ZIP Code <i>67439</i>	County <i>Ellsworth</i>	Page <u>1</u> of <u>1</u> Pages
License/Permit/Registry Number (if any) <i>5-48-053-01-70-13899</i>		Expiration Date <i>3/1/17</i>	Date(s) or Period of Inspection <i>4/7/15 - 4/6/16</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 478.99(c)	Transfer of a firearm to an individual who appeared to be prohibited from receiving a firearm at the time of the transfer	Ensure individual is not prohibited prior to transferring them a firearm.	-
2	27 CFR 478.102(a)	Failure to contact NICS prior to transferring a firearm license accepted a Florida ccl as a qualifying exception to NICS	Only except ccl issued by KS as exceptions to contacting NICS	-
3	27 CFR 478.124 (1)(3)(i)	Failure to properly identify an individual on ATF Form 4473. <small>(b)(3) 112 Public Law 55 12</small> Form examined did not have any identification recorded in Item #20 of the form.	Ensure individual's ID document is recorded on Item #20 of ATF F 4473	-
4	27 CFR 478.126a	Failure to submit ATF Form 3310.4 when required. <small>(b)(3) 112 Public Law 55 125 STAT 552 (b)(3)</small> on 4/11/15	Ensure ATF F 3310.4 is submitted when required form complete during inspection	-

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

Keith Bruning - 4/6/16 O w w c a

Date
4/6/16

Signature and Title of ATF Officer **(b)(6)** - ISI

Date
4/6/16



U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Kansas City Field Division - KC III (Regulatory)

1251 NW Briarcliff Pkwy, Ste 600
Kansas City, MO 64116
www.atf.gov

April 27, 2016

779025: (b)(6)
5373

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Keith D. Bruning
Dba Handloader
1015 N. Colorado St.
Ellsworth, KS 67439-2131

RE: 5-48-053-01-7C-13899

Dear Mr. Bruning:

This letter summarizes the issues discussed with you d
conducted on April 6, 2016, related to your Federal fin
period of April 7, 2015 through April 6, 2016. During
of Title 27, Code of Federal Regulations, Part 478. A c
5030.5 issued at the time of the inspection is enclosed.

All violations were fully explained to you by the Bureau
Explosives (ATF) Investigator (b)(6). You indicat
the firearms laws and regulations. Additionally, you ens
to prevent future violations.

The records you
efforts to reduce
Federal laws and
dealer. This is cri
criminals do not g
members make in

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:

Mr. Keith D. Bruning
Dba Handloader
1015 N. Colorado St.
Ellsworth, KS 67439-2131

2. Article Number

(Transferred from service label)

3R11 July 2013

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com.®

OFFICIAL USE

4552L 8599 2000 094E 210L

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To: Mr. Keith D. Bruning
Dba Handloader
Street, Apt. No.:
or PO Box No. 1015 N. Colorado St.
City, State, ZIP+4
Ellsworth, KS 67439-2131
PS Form 3800, August 2005 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
x Cindy Bruning

B. Received by (Printed Name) Date of Delivery
Cindy Bruning 04/30/16

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

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

7012 3460 0002 8653 7354



U.S. Department of Justice

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Mr. Keith D. Bruning
Dba Handloader
1015 N. Colorado St.
Ellsworth, KS 67439-2131

RE: 5-48-053-01-7C-13899

Dear Mr. Bruning:

This letter summarizes the issues discussed with you during the recent compliance inspection conducted on April 6, 2016, related to your Federal firearms license. The inspection covered the period of April 7, 2015 through April 6, 2016. During the inspection, you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, Form 5030.5 issued at the time of the inspection is enclosed.

All violations were fully explained to you by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Investigator (b)(6). You indicated that you understood the requirements of the firearms laws and regulations. Additionally, you ensured IOI (b)(6) that you would take action to prevent future violations.

The records you are required to maintain 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 business' firearms activities as a licensed firearms dealer. This is critical to ATF carrying out our mission to protect the public and ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area and we look forward to continuing to work with you in that regard.

Mr. Keith D. Bruning
Dba Handloader
Page 2

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 the license. Please contact Investigator (b)(6) or the ATF Kansas City Group III Office if you have any questions regarding this matter at (816) 410-6000.

Sincerely,

A black rectangular redaction box containing the white text "(b)(6)".

Area Supervisor
Industry Operations (Kansas)
Kansas City Group III (Regulatory)
Kansas City Field Division

cc: National Licensing Center
Director of Industry Operations

Address: 1015 N. Colorado
Ellsworth, KS 67439

1 - Introduction

Inspection Profile:

On 4/6/16, ATF IO Investigator (b)(6) conducted a compliance inspection at the licensed premises of Keith BRUNING – DBA: Handloader (“licensee”). Advanced notification of the inspection was provided for scheduling purposes.

Contact during the inspection was with Owner – Keith BRUNING (identified by KS DL (b)(6)).

Queries of N-Force conducted on 3/29/16 disclosed no ATF investigations, open or closed, involving Keith BRUNING.

Special instructions accompanying the inspection assignment were “*DE Compliance. Not seen since 2010.*”

The scope of the inspection was one year, from 4/7/2015 to 4/6/2016.

Business Profile:

The licensee operates a retail/transfer/gunsmithing business from the basement of his primary residence in Ellsworth, Kansas.

The licensee has held this Type 01 License since 1983 and it appears to be the correct type of license for the business being conducted. The licensee also holds a Type 06 – Manufacturer of Ammunition License (5-48-13900) and is an (b)(7)(F) [REDACTED].

The licensee sells both new and used handguns and long guns. He also acts as an “internet transfer” dealer and serves as the “dealer” for an annual NRA Banquet held in Ellsworth. Approximate source of firearms is divided as follows: New firearms – (b)(4) and used firearms (b)(4).

The licensee stated he does accept firearms on consignment, but does not pawn firearms. He does list some of his inventory on GunsAmerica.com.

The licensee does some gunsmithing, but stated and his records reflected that these activities have diminished in recent years.

The licensee’s primary suppliers are (b)(4) [REDACTED].

During the last 12 months, the licensee has acquired (b)(4) and transferred approximately (b)(4) firearms.

Ownership and Control:

The licensee is a sole-proprietorship, owned and operated by Keith BRUNING. He does not have any employees.

Criminal history queries of Keith BRUNING run on 3/31/16 did not disclose any prohibiting information (**Exhibit #1**).

No signs of hidden ownership were disclosed.

Variance:

The licensee does not hold any variances, nor was the need to apply for any variances disclosed.

2 - Recommendation

Violations; WARNING LETTER; Recall inspection

All the violations cited meet the requirements for a Warning Letter to be issued, per the current Firearms Adverse Action Policy – Sections 6c(4); 6c(6); 6c(7) and 6c(9).

3 - Inspection History

Date of Inspection:	January 2010
Type of Inspection:	Compliance Inspection
UI#:	779025-10-0060
Inspection Results:	REPORT OF VIOLATIONS
Cited Violations:	27 CFR 478.125(e) – Failure to keep an accurate A & D Record (b)(3) instance).
	27 CFR 478.124(c)(1) – Failure to properly complete ATF Form 4473 (b)(3) instances).
	27 CFR 478.124(c)(3)(iv) – Failure to enter NICS information on ATF Form 4473 (b)(3) instance).
	27 CFR 478.21(a) – Failure to follow the instructions on ATF Form 4473 (b)(3) instance).

The licensee was also inspected in 1996 (Ui #73406-961073). No violations were cited. The license was issued in 1983.

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

The licensee maintains two (2) hand written A & D Records. One for sales/transfers and one for repairs. The records meet the formatting requirements of 27 CFR 478.125(e) and date back beyond the required 20 year retention period.

With the assistance of the licensee, a complete physical inventory of all firearms was taken. A total of 95 firearms were inventoried.

The licensee was reminded of the requirements prescribed by 27 CFR 478.125a and Industry Circular 72-30 related to personal firearms on the premises.

All firearms examined were properly identified according to 27 CFR 478.92 standards. No firearms with obliterated serial numbers or illegal firearms were examined.

The licensee did not file any Theft/Loss Reports during the inspection period. No evidence of any unreported thefts or losses was discovered.

STANDARD OPERATING PROCEDURES:

The licensee stated he takes periodic inventories of all firearms.

The licensee stated that firearms are removed from all packaging and examined for serial number accuracy upon receipt.

5 - ATF Forms 4473 – NICS & Other Dispositions

The licensee files his ATF Forms 4473 chronologically. He has forms for the required 20 year retention period. He stated he destroys ATF Forms 4473 once they reach 20 years of age due to storage limitations. He was advised he could submit the forms to The ATF OOB Records Center.

The licensee had on file (b)(7) - (D) ATF Forms 4473 for the inspection period. A review of the forms resulted in the following violations being cited on ATF F 5030.5:

- **27 CFR 478.99(c)(1)** - Transfer of a firearm to an individual while having reasonable cause to believe the individual was prohibited from receiving the firearm. On 7/12/15, the licensee transferred a firearm to an individual who answered "YES" to question #11d on ATF Form 4473. **(Violation #1; Worksheet #2; Exhibit #2)** A criminal history query conducted on the transferee of the firearm determined she was NOT prohibited from receiving the firearm **(Exhibit #3)**.
- **27 CFR 478.102(a)** - Failure to contact NICS prior to the transfer of a firearm when required. On 7/16/15, the licensee accepted a Concealed Carry License issued by the State of Florida as an exempted alternative to NICS. Only valid permits issued from the state where the transfer is to take place are qualified exemptions to NICS **(Violation #2; Worksheet #2; Exhibit #4)**. A criminal

history query conducted on the transferee of the firearm determined he was NOT prohibited from receiving the firearm (**Exhibit #5**).

- **27 CFR 478.124(c)(3)(i)** – Failure to properly identify an individual on ATF Form 4473 prior to transferring them a firearm. On [REDACTED] ATF Form 4473 examined, the licensee failed to record any identification information in Item #20a of the Form (**Violation #3; Worksheet #2; Exhibit #6**).

The licensee makes occasional sales/transfers to other FFLs. These transfers were made in accordance with 27 CFR 478.94.

The licensee did not transfer any firearms to Law Enforcement Officers under the provisions of 27 CFR 478.134 during the inspection period.

An FFL Audit Log was obtained from the FBI covering the non-denied status date range of 1/31/16 to 3/31/16 (**Exhibit #7**). During the period, the licensee conducted nine (9) NICS checks. A comparison of the log to the licensee's forms did not disclose any violations.

The licensee also had one (1) NICS denial during the inspection period. He is filing his NICS denials and other ATF Forms 4473, where the firearm is not transferred, separate from his other forms as required by 27 CFR 478.129(b).

STANDARD OPERATING PROCEDURES:

There were no prescribed internal controls in place to ensure the ATF Form 4473 was properly completed prior to transferring a firearm.

The licensee conducts his NICS checks by telephone.

6 - Multiple Sales

Prior to the inspection, a Firearm Trace History Report was obtained from The ATF Violent Crimes Analysis Branch (**Exhibit #8**). The Report showed the licensee filed four (4) Multiple Handgun Sale Reports (ATF 3310.4) during the inspection period.

The inspection disclosed an additional occasion where the licensee transferred [REDACTED] handguns to an individual in a single transaction and failed to file a Multiple Handgun Sale Report (**Worksheet #2; Exhibit #9**).

A violation of 27 CFR 478.126a was cited on ATF Form 5030.5 (**Violation #4**). The licensee completed the required report during the inspection (**Copy attached to ATF F 5030.5**).

7 - Suspicious/Prohibited Purchasers

No suspicious or prohibited purchasers were identified during the inspection.

8 - Trace Activity

Prior to the inspection, a Firearm Trace History Report was obtained from The ATF Violent Crimes Analysis Branch (**Exhibit #8**). The Report indicated the licensee has not been involved in any firearm traces since 1/1/13.

9 - NFA/Importer/Collector/Manufacturer

The licensee did not engage in NFA, Importer, Collector or Manufacturing activities during the inspection period.

10 - Referrals

No referrals were prepared.

11 - Other

The licensee does not sell exploding targets. They were provided a copy of The National Explosives Task Force – Public Service Advisory, dated 5/29/15.

The licensee had the required written notification to purchasers of handguns sign (ATF I 5300.1) on display. They were reminded to provide the required written notification (ATF I 5300.2) to recipients of handguns.

The licensee's premises are located within a "**School Zone**" (Ellsworth High School) as defined by 18 U.S.C 922(q)(1). The licensee was provided a Copy of ATF P 5310.1 and it was discussed. The licensee stated he plans to advise all customers to park in the driveway in front of the garage to transfer or receive firearms.

12 - Closing Actions

A closing conference was held with Keith BRUNING on 4/6/16. The attached ATF Form 5030.5 was issued and the violations discussed.

Applicable regulations were discussed with the licensee and the licensee signed an Acknowledgement of Regulations at the conclusion of the inspection (**Exhibit #10**).

13 - Violations

1. **27 CFR 478.99(c)(1)**

A licensed manufacturer, licensed importer, licensed dealer, or licensed collector shall not sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person: (1) Is, except as provided by §

478.143, under indictment for, or, except as provided by § 478.144, has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

Nature of Violation:

Transfer of a firearm to an individual who appeared to be prohibited from receiving a firearm at the time of the transfer. [REDACTED], the licensee transferred a firearm to an individual who answered "YES" to question #11d on ATF Form 4473.

Licensee's Response:

The licensee could not believe that he overlooked the ""YES"" answer and stated he will more closely scrutinize future forms.

Corrective Action:

Ensure individual is not prohibited prior to transferring them a firearm.

REF: Worksheet #2 and Exhibits #2 & 3

2. 27 CFR 478.102(a)

Except as provided in paragraph (d) of this section, a licensed importer, licensed manufacturer, or licensed dealer (the licensee) shall not sell, deliver, or transfer a firearm to any other person who is not licensed under this part unless the licensee meets the following requirements: (1) Before the completion of the transfer, the licensee has contacted NICS;

Nature of Violation:

Failure to contact NICS prior to the transfer of a firearm. The licensee accepted a Concealed Carry License issued by the State of Florida as an exempted alternative to NICS. Only valid permits issued from the state where the transfer is to take place are qualified exemptions to NICS.

Licensee's Response:

The licensee stated that they mistakenly thought that since the Florida conceal carry permit was recognized in Kansas that it was a suitable alternative to conducting a NICS check.

Corrective Action:

Accept only valid Conceal Carry Permits issued by Kansas as exempted alternatives to contacting NICS.

REF: Worksheet #2 and Exhibits #4 & 5

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

After the transferee has executed the Form 4473, the licensee: Shall verify the identity of the transferee by examining the identification document (as defined in § 478.11) presented, and shall note on the Form 4473 the type of identification used;

Nature of Violation:

Failure to properly identify an individual on ATF Form 4473 prior to transferring them a firearm. On [REDACTED] ATF Form 4473 examined, the licensee failed to record any identification information in Item #20a of the Form.

Licensee's Response:

The licensee stated he knew the purchaser of the firearm and that could have been the reason he failed to document their identification document on the form.

Corrective Action:

Ensure the identity of the firearm transferee is verified and the type of identification used is noted in Item #20a of ATF Form 4473.

REF: Worksheet #2 and Exhibit #6

4. 27 CFR 478.126a

Each licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person:

Nature of Violation:

Failure to record the multiple sale of handguns on ATF Form 3310.4 and submit the form when required. On [REDACTED] occasion examined, the licensee transferred [REDACTED] handguns to an individual in a single transaction and did not complete and submit ATF Form 3310.4.

Licensee's Response:

The licensee did not know how this was missed, but said they will double-check all forms before filing to ensure the Multiple Sale Report is submitted if required.

Corrective Action:

Establish internal controls to ensure ATF Form 3310.4 is completed and submitted when required. The form was completed and submitted during the inspection.

REF: Worksheet #2 and Exhibit #9

X

(b)(6)

s Investigator

Index of Worksheets and Exhibits

1. Criminal History results: BRUNING, Keith
2. 27 CFR 478.99(c): (b)(3) - 112 Public Law 55 125 Stat 552
3. Criminal History results: (b)(6)
4. 27 CFR 478.102(a)(1): (b)(3) - 112 Public Law 55 125 Stat 552
5. Criminal History results: (b)(6)
6. 27 CFR 478.124(c)(1): (b)(3) - 112 Public Law 55 125 Stat 552
7. FFL Audit Log
8. Firearm Trace History Report
9. 27 CFR 478.124(c)(3)(i): (b)(3) - 112 Public Law 55 125 Stat 552
10. Regulation Acknowledgement Form