

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  Weyhrauch, Donald H. Dons Gun Shop 431 Observatory Place Williams Bay, WI 53191, Walworth		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) <b>778025-2016-0394-B1B</b>	
3. PERMIT/LICENSE NUMBER <b>339127018E02672</b>		4a. TARGET DATE <b>9/23/2016</b>	4b. TARGET HOURS
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)			
6. A. <b>(b) (6)</b> ASSIGNED Lead Investigator			
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) <b>(b) (6)</b> rea Supervisor, 05/26/2016			
8. PURPOSE/SPECIAL INSTRUCTIONS Conduct a DE compliance inspection.			
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	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>(b) (6)</b> Industry Operations Investigator  Submitted on: 09/09/2016  Violts WL ONLY and Recall Inspection			
12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) AUG 2016 34.0 SEP 2016 3.00		<b>(b) (6)</b>	
ATF OFFICER'S SUBTOTAL 37.00		ATF OFFICER'S SIGNATURE	
TOTAL HOURS 37.00			
13. REVIEW AND ROUTING			
REVIEW COMMENTS AND RECOMMENDATION  Failure to ensure completion of one ATF Form 4473 merits consideration of a Warning Conference, however this licensee has acknowledged an understanding of the requirement, identified, and addressed weaknesses in his internal controls. The additional violations cited during the inspection do not otherwise necessitate further administrative action at this time. The recommendation is Warning Letter and recall inspection.  Violts WL ONLY and Recall Inspection			
<input checked="" type="checkbox"/> REVIEWED <input checked="" type="checkbox"/> CONCUR <input checked="" type="checkbox"/> SEE COMMENTS <input type="checkbox"/> FINAL DISPOSITION			
SIGNATURE AND TITLE <b>(b) (6)</b> Industry Operations Investigator		REVIEW DATE 09/09/2016	

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	3. PERMIT/LICENSE NUMBER 339127018E02672	4a. TARGET DATE 9/23/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

### 13. REVIEW AND ROUTING

#### REVIEW COMMENTS AND RECOMMENDATION

Although violations warrant consideration of a Warning Conferenc, a Warning Letter and Recall is sufficient based on lack of inspection history and completion of WI handgun transfer form errantly done in lieu of (instead of in addition to) the ATF Form 4473.

Viols WL ONLY and Recall Inspection

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☐ FINAL DISPOSITION

SIGNATURE AND TITLE

(b) (6) Director, Industry Operations

REVIEW DATE

09/12/2016

#### REVIEW COMMENTS AND RECOMMENDATION

Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

(b) (6) Area Supervisor

(b) (6)

REVIEW DATE

09/16/2016

#### ROUTING SEQUENCE AND DATE

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

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



**U.S. Department of Justice**

**Bureau of Alcohol, Tobacco,  
Firearms and Explosives**  
1000 N. Water Street, Suite 1400  
Milwaukee, WI 53202

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www.atf.gov

September 13, 2016

778025 (b) (6)  
5373

**Donald H. Weyhrauch (dba: Dons Gun Shop)**  
**431 Observatory Place**  
**Williams Bay, WI 53191**

**FFL#: 3-39-02672**

**Dear Mr. Weyhrauch:**

During a compliance inspection on 08/03/16 at your firearms business covering approximately the period of approximately 08/03/15 to 08/03/16, you were cited for violations of 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. You indicated that you understood the requirements of the firearms laws and regulations. You further indicated 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 effort 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 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.

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.

**Donald H. Weyhrauch**

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

Sincerely yours,

(b) (6)

Area Supervisor

Enclosure

Cc: Federal Firearms Licensing Center  
Milwaukee II Field Office

CM/7013 1710 0000 6601 9626/RRR



## 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 Donald H. Weyhrach (dba: Don's Gun Shop)	Street Address 431 Observatory Place	City Williams Bay	State WI	ZIP Code 53191	County Walworth	Page 1 of 2 Pages
License/Permit/Registry Number (if any) 3-39-127-01-8E-02672		Expiration Date 05-01-2018	Date(s) or Period of Inspection approximately 08/03/15 through 08/03/2016			

### 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.	27CFR478.21(a)	<small>(b)(3)-Public Law 112-55 (125 Stat. 552)</small> Administrative - F4473 PRESCRIBED COMPLETION OF F4473: In instance, the licensee failed to record required prescribed information on Form 4473. Reference: (b) (6), (b) (7)(C) items 31, 32 blank.	Licensee will correct the error. The licensee shall ensure forms are complete and accurate before the transfer.	immediate
2.	27CFR478.124(c)(1)	<small>(b)(3)-Public Law 112-55 (125 Stat. 552)</small> Records - F4473 SECTION A CERTIFICATION INFORMATION: In instance, the licensee failed to obtain transfer information on Form 4473 in Section A. Reference: (b) (6), (b) (7)(C) items 16, 17 blank.	This error is uncorrectable. For future practice, the licensee shall ensure F4473 is complete before the transfer.	not applicable
3.	27CFR478.124(c)(3)(iv)	<small>(b)(3)-Public Law 112-55 (125 Stat. 552)</small> Records - F4473 BACKGROUND CHECK INFORMATION: In instance, the licensee failed to record required NICS information on Form 4473. Reference: (b) (6), (b) (7)(C) items 21a, 21b blank.	Licensee will correct these omissions. The licensee shall ensure forms are complete and accurate before the transfer.	immediate
4.	27CFR478.124(a)	<small>(b)(3)-Public Law 112-55 (125 Stat. 552)</small> Record - MISSING ATF FORM 4473: In instance, the licensee failed to obtain a completed Form 4473 before the transfer of a firearm, even though a state form was completed. Reference: (b) (6), (b) (7)(C)	This error is uncorrectable. The licensee will ensure that before a firearm is transferred to unlicensed individuals, a Form 4473 is fully completed.	not applicable
5.	27CFR478.125(c)	<small>(b)(3)-Public Law 112-55 (125 Stat. 552)</small> Records - ACQUISITION & DISPOSITION RECORD DISCREPANCIES: In instance, the licensee failed to completely or correctly record required firearm information in the A&D record. SEE ROV ATTACHMENT #1.	Licensee will correct the errors. The licensee shall ensure the A&D record is complete and accurate when firearms are received and after they are transferred.	immediate

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

Signature and Title of ATF Officer

(b) (6)

ATF

Date

8/22/16  
8.22-16

ATF E-Form 5030.5  
Revised April 2005



7013 1710 0000 6601 9626

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9/13/2016

Sent To **Donald H Weyhrauch (dba Don's Gun Shop)**  
 Street, Apt. No., or PO Box No. **431 Observatory Place**  
 City, State, ZIP+4 **Williams Bay WI 53191**

PS Form 3800, August 2006 See Reverse for Instructions

7013 1710 0000 6601 9626

**U.S. Postal Service™**  
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PS Form 3800, August 2006 See Reverse for Instructions

**U.S. DEPARTMENT OF JUSTICE**  
**BUREAU OF ALCOHOL, TOBACCO, FIREARMS**  
**AND EXPLOSIVES**  
 AREA SUPERVISOR  
 1000 N WATER STREET SUITE 1400  
 MILWAUKEE WI 53202  
**OFFICIAL BUSINESS**  
 PENALTY FOR PRIVATE USE \$300

**CERTIFIED MAIL™**



7013 1710 0000 6601 9626



Donald H. Weyhrauch (dba: Dons Gun Shop)  
 431 Observatory Place  
 Williams Bay, WI 53191

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>DONALD H WEYHRAUCH (DBA DON'S GUN SHOP) 431 OBSERVATORY PLACE WILLIAMS BAY WI 53191</p>		<p>B. Received by (Printed Name) <i>[Signature]</i></p> <p>C. Date of Delivery 9/14/16</p>	
<p>2. Article Number (Transfer from service label) 7013 1710 0000 6601 9626</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>PS Form 3811, July 2013</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery            4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes         </p>	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
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<p>PS Form 3811, July 2013</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery            4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes         </p>	

# FIREARMS INSPECTION REPORT

Name: Donald H. Weyhrauch  
Trade Name: Dons Gun Shop

UI#: 778025-2016-0394-B1B  
FFL#: 3-39-127-01-8E-02672

Address: 431 Observatory Place  
Williams Bay, WI 53191

## 1 - Introduction

### Inspection Profile:

A scheduled compliance inspection was conducted by IOI (b)(6) on 08/03/16 at the business premises of Federal Firearms Licensee (FFL) Donald H. Weyhrauch who has possesses an FFL type 01 – Dealer of Firearms since 1982. A previous attempt to inspect at the business address was unsuccessful. The inspection period was from approximately 08/03/15 to 08/03/16. Interviewed and assisting throughout inspection was sole proprietor and responsible person Donald H. Weyhrauch.

### Business Profile:

The licensee maintains a firearms business at his residence, in an attached garage. The licensee's low volume "hobby" business is to conduct internet transfer and special order of firearms for friends and acquaintances, mostly to police officers in his community. The firearms are predominantly new firearms. The licensee does maintain a small inventory for retail sale. He does not participate in gun shows or qualified events - banquets that sponsor firearms raffles.

### Ownership and Control:

There has been no change to ownership or control of the business. Donald H. Weyhrauch is sole proprietor and sole responsible person.

### Variance:

There are no variances associated with this license.

## 2 - Recommendation

Though these violations would merit a recommendation of "violations, Warning Conference with Warning Letter, and recall inspection", however because this is the licensee's first compliance inspection, I am submitting an alternate recommendation: "violations, Warning Letter only, and recall inspection".

## 3 - Inspection History

There is no previous compliance history associated with this licensee.

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



# FIREARMS INSPECTION REPORT

**Name:** Donald H. Weyhrauch  
**Trade Name:** Dons Gun Shop

**UI#:** 778025-2016-0394-B1B  
**FFL#:** 3-39-127-01-8E-02672

A complete physical inventory was conducted of all firearms on the business premises. There were 18 firearms in inventory. The following discrepancies were discovered:

- There were (b)(7)(F) firearms found in inventory with no A&D record entry.
- There was (b)(7)(F) firearm disposed with no in the A&D disposition record entry.
- There were (b)(7)(F) firearms with erroneous or missing pieces of A&D information.

These discrepancies were cited in the attached Report of Violations and noted below.

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

The licensee had no completed Form 4473 on file for the exact inspection period, but (b)(7)(F) that was dated (b)(3) - 112 Public Law 55 125 Stat 552 was examined for errors and omissions, this being the licensee's first inspection. There were (b)(3) - 112 Public Law 55 125 Stat 552. Also, the licensee failed (b)(3) - 112 Public Law 55 125 Stat 552. These discrepancies were cited in the attached Report of Violations and are noted below.

An NTN check could not be made since the (b)(7)(F) firearm transaction that was made was a handgun, with the background check having gone through the WI-DOJ. There was no "denied" response associated with this licensee

## 6 - Multiple Sales

There were no unreported multiple sale of handguns discovered.

## 7 - Suspicious/Prohibited Purchasers

There were no suspicious or prohibited purchasers discovered during inspection. Many of the firearm transfers were to police officers in the community – Williams Bay Police Department. Certification letters from the Chief of Police are kept on file.

## 8 - Trace Activity

There have been no firearm traces associated with the licensee during the inspection period or since the issuance of this FFL.

## 9 - NFA/Importer/Collector/Manufacturer

No activity.

## 10 - Referrals

None.

# FIREARMS INSPECTION REPORT

Name: Donald H. Weyhrauch  
Trade Name: Dons Gun Shop

UI#: 778025-2016-0394-B1B  
FFL#: 3-39-127-01-8E-02672

## 11 - Other

Nothing to report.

## 12 - Closing Actions

A Report of Violations (ROV) issued to the licensee. This ROV and the "Acknowledgement of Federal Firearms Regulations" checklist were reviewed and signed by the licensee and responsible person Donald Weyhrauch at the end of the inspection on 08/22/16. All questions posed by the licensee pertaining to the firearms business recordkeeping and conduct of business were answered. Milwaukee II Field Office contact information was also provided at this time.

## 13 - Violations

1. 27CFR478.21(a) Administrative - F4473 PRESCRIBED COMPLETION OF F4473: In [REDACTED] instance, the licensee failed to record required prescribed information on Form 4473. Reference: (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6).

Response: The licensee was not sure why this violation occurred and had no substantial explanation.

Corrective action: Licensee will correct the error immediately. The licensee shall ensure forms are complete and accurate before the transfer.

2. 27CFR478.124(c)(1) Records - F4473 SECTION A CERTIFICATION INFORMATION: In [REDACTED] instance, the licensee failed to obtain transferee information on Form 4473 in Section A. Reference: (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Response: The licensee was not sure why this violation occurred and had no substantial explanation.

Corrective action: This error is uncorrectable. For future practice, the licensee shall ensure F4473 is complete before the transfer.

3. 27CFR478.124(c)(3)(iv) Records - F4473 BACKGROUND CHECK INFORMATION: In [REDACTED] instance, the licensee failed to record required NICS information on Form 4473. Reference: (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Response: The licensee was not sure why this violation occurred and had no substantial explanation.

## FIREARMS INSPECTION REPORT

**Name:** Donald H. Weyhrauch  
**Trade Name:** Dons Gun Shop

**UI#:** 778025-2016-0394-B1B  
**FFL#:** 3-39-127-01-8E-02672

Corrective action: Licensee will correct these omissions immediately. The licensee shall ensure forms are complete and accurate before the transfer.

4. 27CFR478.124(a) Records - MISSING ATF FORM 4473: In (b)(3) instance, the licensee failed to obtain a completed Form 4473 before the transfer of a firearm, even though a state form was completed. Reference: (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Response: The licensee appeared confused and didn't think the federal form was needed since the state form was completed.

Corrective action: This error is uncorrectable. The licensee will ensure that before a firearm is transferred to unlicensed individuals, a Form 4473 is fully completed.

5. 27CFR478.125(e) Records - ACQUISITION & DISPOSITION RECORD DISCREPANCIES: In (b)(3) instances, the licensee failed to completely or correctly record required firearm information in the A&D record. See ROV attachment #1.

Response: The licensee was not sure why these violations occurred and had no substantial explanation.

Corrective action: Licensee will correct the errors immediately. The licensee shall ensure the A&D record is complete and accurate when firearms are received and after they are transferred.

X

(b)(6)

Industry Operations Investigator

### Index of Worksheets and Exhibits

- Report of Violations
- Worksheets
- Forms 4473 with violations
- WI-DOJ handgun transfer form (b)(6)
- A&D pages with violations
- Acknowledgement of Federal Firearms Regulations