

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Academy, LTD. Academy Sports & Outdoors #63 310 Doug Baker Blvd Birmingham, AL 35242, Shelby	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 776085-2016-0127-B1B		
	3. PERMIT/LICENSE NUMBER 163117018C01200	4a. TARGET DATE 6/1/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 10/02/2015		

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

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)
(b) (6), Area Supervisor, 10/02/2015

8. PURPOSE/SPECIAL INSTRUCTIONS
Conduct a full compliance inspection, obtain onsite GPS coordinates, and verify ownership and zoning.

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	1	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) - Investigator
Submitted on: 01/07/2016

Viols WL ONLY and No Recall Inspection

12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b) (6)	
NOV 2015	2.00		
DEC 2015	41.00		
JAN 2016	2.00		
ATF OFFICER'S SUBTOTAL	45.00	ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b) (6)	
DEC 2015	36.00		
ATF OFFICER'S SUBTOTAL	36.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	81.00		

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Academy, LTD. Academy Sports & Outdoors #63 310 Doug Baker Blvd Birmingham, AL 35242, Shelby	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 776085-2016-0127-B1B		
	3. PERMIT/LICENSE NUMBER 163117018C01200	4a. TARGET DATE 6/1/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 10/02/2015		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

WL, ROV and no recall: A compliance inspection was initiated by Lead (b) (6) on 12/14/2015, and completed on 12/17/2015 in Birmingham, AL. The inspection disclosed 1 violation: 27 CFR 478.126a (b)(3) instance involvin (b)(3) firearms. A ROV was issued and the multiple handgun sale report was submitted immediately. No missing firearms or records were disclosed and no other violations were disclosed. A Warning letter, with an additional copy of the ROV, was mailed to corporate location. No further field action is required.

E-mailed PII to: A/S (b) (6), DIO Kevin Boydston, FFL Actions-Nashville, (b) (6) emailed on 12/21/15.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

(b) (6) - Area Supervisor

REVIEW DATE

12/21/2015

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 ACADEMY LTD ACADEMY Sports & Outdoors #63	Street Address 310 Doug Baker Blvd.	City BIRMINGHAM	State AL	ZIP Code 35242	County Shelby	Page <u>1</u> of <u>1</u> Pages
License/Permit/Registry Number (if any) 163117018C01200	Expiration Date 3-1-2018	Date(s) or Period of Inspection 12-14-14 TO 12-14-15 / 12-14-15 TO 12-17-15				

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)
	27CFR478.126a	LICENSEE FAILED TO REPORT THE SALE OF TWO OR MORE HANDGUNS TO ONE PERSON IN A PERIOD OF FIVE BUSINESS DAYS AS REQUIRED	LICENSEE submitted A Report of Multiple Sale to the Tracing CENTER immediately. HE will REVIEW their PROCEDURES to INSURE this violation DOES NOT REOCCUR.	Future compliance IS EXPECTED.
	Ex. (b) (3) - Public Law 112-55 (125 Stat. 552), (b) (6)			

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

Signature: [Signature] Steve Director 63
Title: IOI

Date: 12-17-15

Date: 12-17-15



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

920 18th Street North, Suite 237, Birmingham, AL 35203

www.atf.gov

December 21, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Academy, LTD.
d/b/a Academy Sports & Outdoors # 63
310 Doug Baker Blvd.
Birmingham, AL 35242
Store Manager / RP Mr. Tucker
Mailing address:
Academy, LTD.; Compliance Division
1800 N. Mason Rd.,
Katy, TX 77449
1-63-117-01-8C-01200

Dear Mr. Tucker

During a recent compliance inspection at your firearms business covering the period of December 2014 through December, 2015, 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 (b) (6). It has been documented that you understand the requirements of the firearms laws and regulations and 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.

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

Sincerely yours,

(b) (6)

Area Supervisor Mobile II Field Office

Enclosure

c: National Licensing Center
Mobile II Field Office

FIREARMS INSPECTION REPORT

Name: Academy, LTD
Trade Name: Academy Sports & Outdoors #63

UI#: 776085-2016-0127-B1B
FFL#: 163117018C01200

Address: 310 Doug Baker Blvd.
Birmingham, AL 35242 Shelby County

1 - Introduction

Inspection Profile:

On December 14, 2015, Investigators (b)(3) - 112 Public Law 55 125 Stat 552 conducted a full compliance inspection at the business premises of Academy, LTD d/b/a Academy Sports & Outdoors #63 in Birmingham, AL. No advance notification was given. Present was Mr. Timothy Mark Tucker, store manager and responsible person on the Federal Firearms License (FFL). He presented his Alabama driver license as identification. The inspection period was from December 14, 2014 to December 14, 2015. NForce was queried with negative results and Acting Resident Agent in Charge (RAC) (b)(3) - 112 Public Law 55 125 Stat 5 of the Birmingham Field Office confirmed that the licensee was not under criminal investigation (Exhibit 1).

Business Profile:

Academy Sports is a retail sporting goods store with approximately 74 stores in 8 states. They sell outdoor camping and fishing equipment, sporting goods, and firearms. In the last 12 months, (b)(4) firearms have been acquired and (b)(4) have been disposed of. Of those (b)(4) firearms (b)(4) were long guns and (b)(4) were handguns. They sell only new firearms and use (b)(4) as their primary suppliers. The licensee does not sell firearms at gun shows nor do they conduct internet sales. They are properly licensed for the business they conduct. They are in compliance with State and local licensing and zoning as evidenced by their current 2016 State of Alabama / Shelby County Occupational License (#15770) and City of Hoover Business License (15-00089413) which were posted on the premises. Their FFL (originally acquired August 2003) was also posted. The business does not have off-site storage.

Ownership and Control:

According to the State of Alabama Business Entity Details, Academy LTD is a Foreign Limited Partnership formed in February 2000 in Texas. Their corporate offices are located in Katy, Texas, and each store manager is designated as the on-site responsible person. Mr. Tucker is the only responsible person at this location, and he stated there had been no changes in ownership and control. No hidden ownership is suspected.

FIREARMS INSPECTION REPORT

Name: Academy, LTD
Trade Name: Academy Sports & Outdoors #63

UI#: 776085-2016-0127-B1B
FFL#: 163117018C01200

Variance:

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

2 - Recommendation

One violation of 27 CFR 478.126a was cited as a result of this investigation. ROV with Warning Letter and no recall is recommended.

3 - Inspection History

Date and Type of Inspection: Compliance inspection conducted.

UI#: 776085-2011-0031-B1B

Inspection Results:

No violations, no further action and no referrals.

Cited Violations:

None.

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

A total of (b)(3) - 112 firearms were on hand and a full inventory was conducted. An examination of the A&D records revealed a total of (b)(3) - 112 open entries. All (b)(3) - 112 firearms were checked from the inventory to the A&D record and there were no discrepancies. No Theft/Loss Reports were submitted by the licensee and there was no indication that any theft or losses had occurred.

Twenty-five (25) firearms were checked from the A&D to the corresponding ATF F 4473 and all were verified. The information recorded in the A&D records were in the proper format, and the entries in the A&D record were made in a timely manner. Firearms are logged in the A&D record upon receipt and logged out immediately after transfer.

FIREARMS INSPECTION REPORT

Name: Academy, LTD
Trade Name: Academy Sports & Outdoors #63

UI#: 776085-2016-0127-B1B
FFL#: 163117018C01200

5 - ATF Forms 4473 – NICS & Other Dispositions

There were (b)(3) - 112 F ATF F 4473s on file for the inspection period, and all of them were reviewed. The ATF F 4473s were filed chronologically (in date order) and were filed correctly. Denied transactions were filed in a separate folder maintained by the licensee. Fifty NICS numbers indicating “Proceed” or “Denied” on the FFL Audit Report were also verified on the corresponding ATF F 4473s and all NICS numbers were recorded and correct. There were no sales to law enforcement officers or transfers to other licensees.

6 – Multiple Sales

The FFL History Query revealed (b)(3) multiple sales involving (b)(3) handguns during the inspection period. A review of ATF F 4473s found one instance where two handguns were sold to one individual in a period of five business days, and no Report of Multiple Sale was completed. At the conclusion of this examination, the discrepancy was noted and the **Licensee was cited:**

27 CFR 478.126a

Licensee **failed to** report the sale of two or more handguns to one person in a period of five business days as required in (b)(3) - 112 Public instance:

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

The Licensee completed and submitted a Reports of Multiple Sale to the National Tracing Center (NTC). See Report of Violations, ATF Form 4473 Review Worksheet, copies of pertinent ATF F 4473s (Exhibits 2 and 3), and copy of ATF F 3310.4 Report of Multiple Sale submitted to NTC (Exhibit 3A).

7 – Suspicious/Prohibited Purchasers

The investigation did not reveal any traffickers, straw purchasers, prohibited persons, or other suspicious persons.

8 – Trace Activity

According to the FFL History Query provided by the Violent Crimes Analysis Branch, there were (b)(3) traces during the inspection period and all were successfully completed.

FIREARMS INSPECTION REPORT

Name: Academy, LTD
Trade Name: Academy Sports & Outdoors #63

UI#: 776085-2016-0127-B1B
FFL#: 163117018C01200

9 - NFA/Importer/Collector/Manufacturer

Licensee does not engage in any of the above activities.

10 - Referrals

No referrals were generated as part of this investigation.

11 - Other

The licensee was in compliance with the Youth Handgun Safety Act, as evidenced by the required sign being posted and handouts were available for handgun customers. The licensee was also in compliance with the Secure Gun Storage Provisions by having firearm safety devices available.

12 - Closing Actions

A closing conference was held with Mr. Turner on December 17, 2015 and all regulations and record keeping procedures were explained to him. The Acknowledgement of Federal Firearms Regulations was reviewed item by item and all questions were answered to his satisfaction (see Exhibit 4). The Report of Violations was also reviewed by Mr. Linsey, who signed it and was given a copy. He stated that are aware of ATF seminars, and will try to stay current with ATF regulations and industry information on the ATF website. He was encouraged to contact our office if he had any questions.

13 - Violations

27 CFR 478.126a

Nature of violation:

Licensee **failed to** report the sale of two or more handguns to one person in a period of five business days as required in (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instance:

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

FIREARMS INSPECTION REPORT

Name: Academy, LTD
Trade Name: Academy Sports & Outdoors #63

UI#: 776085-2016-0127-B1B
FFL#: 163117018C01200

The Licensee completed and submitted a Reports of Multiple Sale to the National Tracing Center (NTC). See Report of Violations, ATF Form 4473 Review Worksheet, copies of pertinent ATF F 4473s (Exhibits 2 and 3), and copy of ATF F 3310.4 Report of Multiple Sale submitted to NTC (Exhibit 3A).

Licensee's response:

Mr. Tucker stated that he was aware of the regulation and was surprised that this multiple sale was overlooked. He stated they would review their procedures to insure that this did not occur again. He assured the investigator of future compliance.

Corrective action:

The licensee was instructed on the regulations governing this. He was advised that two or more handguns transferred to the same person in a 5 day period required him to complete a Report of Multiple Sale, and submit it by the close of business to the National Tracing Center (NTC). All forms were submitted to the NTC at the conclusion of this investigation. Future compliance is expected.

X

(b)(6)

Industry Operations Investigator

Index of Worksheets and Exhibits

Exhibit 1	RAC Letter
Exhibit 2 &3	ATF F 4473s documenting unreported multiple sales
Exhibit 3A	ATF F 3310.4 Report of Multiple Sale submitted to NTC
Exhibit 4	Acknowledgement of Regulations