

## Assignment and Report

<b>1. OPERATING NAME AND ADDRESS</b> (INCLUDE ZIP CODE AND COUNTY) 2nd Amendment Arsenal LLC 770 Mulberry Ave. Selmer, TN 38375, McNairy	<b>2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)</b> 776055-2017-0091-B1B			
	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 33%;"><b>3. PERMIT/LICENSE NUMBER</b> 162109029M07400</td><td style="width: 33%;"><b>4a. TARGET DATE</b></td><td style="width: 33%;"><b>4b. TARGET HOURS</b></td></tr></table>	<b>3. PERMIT/LICENSE NUMBER</b> 162109029M07400	<b>4a. TARGET DATE</b>	<b>4b. TARGET HOURS</b>
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	<b>5. REQUESTED BY (SIGNATURE, TITLE AND DATE)</b>			

  

<b>6. ATF OFFICER(S) ASSIGNED</b> (b)(6) - Assigned Investigator (b)(6) - Lead Investigator	
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<b>7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)</b> (b)(6), Area Supervisor, 10/03/2016	
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<b>8. PURPOSE/SPECIAL INSTRUCTIONS</b> Conduct full DE investigation. Verify that (b)(6) (1-62-00594 Revoked) is not conducting any business for Robert Drinkard.	
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<b>9. INSPECTION RESULTS</b> <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	<b>10. TRAVEL EXPENSES (OPTIONAL)</b>																																								
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<b>11. ATF OFFICER'S RECOMMENDATION</b> Submitted by (b)(6) - Industry Operations Investigator  Submitted on: 02/14/2017  Violts WL ONLY and Recall Inspection	
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<b>12. TIME ACCOUNTING DATA</b>	
<b>ATF OFFICER'S NAME (MONTH, YEAR, HOURS)</b>	(b)(6)
DEC 2016	20.00
JAN 2017	52.00
<b>ATF OFFICER'S SUBTOTAL</b>	<b>72.00</b>
<b>ATF OFFICER'S SIGNATURE</b>	
<b>ATF OFFICER'S NAME (MONTH, YEAR, HOURS)</b>	(b)(6)
DEC 2016	17.00
JAN 2017	62.00
FEB 2017	30.00
<b>ATF OFFICER'S SUBTOTAL</b>	<b>109.00</b>
<b>ATF OFFICER'S SIGNATURE</b>	
<b>TOTAL HOURS</b>	<b>181.00</b>

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  2nd Amendment Arsenal LLC 770 Mulberry Ave. Selmer, TN 38375, McNairy	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 776055-2017-0091-B1B		
	3. PERMIT/LICENSE NUMBER 162109029M07400	4a. TARGET DATE	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

### 13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION  
Viols WL ONLY and No Recall Inspection

☒ REVIEWED    ☐ CONCUR    ☐ SEE COMMENTS    ☒ FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 02/16/2017
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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 2nd Amendment Arsenal LLC	Street Address 770 Mulberry Ave.	City Selmer	State TN	Zip Code 38375-	County McNairy	Page 1 of 7 Pages
License/Permit/Registry Number (If any) 162109029M07400	Expiration Date 12/1/2019	Date(s) or Period of Inspection 12/20/2015 through 12/20/2016				

### 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 to properly maintain the Acquisition and Disposition Record, in (b)(3) 112 Public Law instances: in (b)(3) 112 Public Law instances the acquisition of a firearm was not recorded; in (b)(3) 112 Public Law instances, the description of a firearm was not recorded correctly; and in (b)(3) 112 Public Law instances the disposition of a firearm was not recorded.

The (b)(3) 112 Public Law instances of an acquisition not being recorded, or recorded correctly, are as follows. An acquisition of a firearm was not recorded in (b)(3) 112 Public Law instances:

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

The description of a firearm was not correctly recorded in (b)(3) 112 Public Law instances:

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

The (b)(3) 112 Public Law instances of a disposition not being recorded are as follows. A disposition of a firearm was not recorded in (b)(3) 112 Public Law instances:

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

And in (b) (3) - Public Law instance a firearm was determined to be missing from inventory:

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

The acquisitions and dispositions were resolved during the inspection and the A&D Record Book was corrected. Speneer Drinkard was directed to ensure that all future acquisitions and dispositions are documented in the bound A&D Record Book in a timely manner.

## Report of Violations

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Name of Proprietor 2nd Amendment Arsenal LLC	Street Address 770 Mulberry Ave.	City Selmer	State TN	Zip Code 38375-	County McNairy	Page 2 of 7 Pages
License/Permit/Registry Number (If any) 162109029M07400	Expiration Date 12/1/2019	Date(s) or Period of Inspection 12/20/2015 through 12/20/2016				

### Inspection Results

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

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

Citation: 27 CFR 478.125(e)



## 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 2nd Amendment Arsenal LLC	Street Address 770 Mulberry Ave.	City Selmer	State TN	Zip Code 38375-	County McNairy	Page 3 of 7 Pages
License/Permit/Registry Number (If any) 162109029M07400		Expiration Date 12/1/2019		Date(s) or Period of Inspection 12/20/2015 through 12/20/2016		

### Inspection Results

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

Number: 2

#### Nature of Violation:

Failure to ensure Sections A, B or D were completely properly on [REDACTED] ATF Forms 4473: the transferee did not properly complete Section A on [REDACTED] Forms 4473; the transferor did not properly complete Section B, on [REDACTED] Forms 4473, and Section D, on [REDACTED] Forms 4473.

The [REDACTED] Forms 4473 which were not completed properly in Section A are as follows:

1. [REDACTED] Form 4473, section A, questions 1-15, was completed by an employee, not the actual purchaser, (4473 date) [REDACTED]
  2. on [REDACTED] Form 4473, item 10(a), Ethnicity, was blank and question 11a, Are you the actual buyer?, was answered 'no.' [REDACTED]
- on [REDACTED] Forms 4473, Item 10(a), Ethnicity, was blank,  
[REDACTED]

The [REDACTED] Forms 4473 which were not completed properly in Section B are as follows:

- Item 18, Type of firearm, was blank.  
[REDACTED]

The [REDACTED] Forms 4473 which were not completed properly in Section D are as follows:  
on [REDACTED] Forms 4473, Item 30b, Pawn Redemption, was blank.

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473. Spencer Drinkard was directed to ensure all future customers correctly complete Section A, and that employees properly complete Sections B & D of ATF Form 4473, before proceeding with the transaction.

## 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 2nd Amendment Arsenal LLC	Street Address 770 Mulberry Ave.	City Selmer	State TN	Zip Code 38375-	County McNairy	Page 4 of 7 Pages
License/Permit/Registry Number (If any) 162109029M07400	Expiration Date 12/1/2019	Date(s) or Period of Inspection 12/20/2015 through 12/20/2016				

### Inspection Results

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

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



on Form 4473, Item 30b, Pawn Redemption, was blank and Item 32, FFL#, was incomplete.

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

on Form 4473, Item 35, Title, was blank,

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

Citation: 27 CFR 478.21(a)

## Report of Violations

### Instructions

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Name of Proprietor 2nd Amendment Arsenal LLC	Street Address 770 Mulberry Ave.	City Selmer	State TN	Zip Code 38375-	County McNairy	Page 5 of 7 Pages
License/Permit/Registry Number (If any) 162109029M07400	Expiration Date 12/1/2019	Date(s) or Period of Inspection 12/20/2015 through 12/20/2016				

### Inspection Results

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

Number: 3

#### Nature of Violation:

On <sup>(b)(3) 112 PUC</sup> ATF Forms 4473, the licensee failed to ensure the transferee provided complete or correct information in Section A.

The <sup>(b)(3) 112 PUC</sup> Form 4473, Section A errors are as follows:

On <sup>(b)(3) 112 PUC</sup> Form 4473, Item 1, Name, and Item 3, Place of Birth, were incomplete.

On <sup>(b)(3) - Public Law 112-55 (125 Stat. 552), (b) (6)</sup> Forms 4473, Item 3, Place of Birth, was incomplete:

On <sup>(b)(3) - Public Law 112-55 (125 Stat. 552), (b) (6)</sup> Form 4473, Item 17, Certification Date, was incorrect:

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)*

During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473. Spencer Drinkard was directed to ensure that all future customers fully and correctly complete Section A of this form.



## Report of Violations

### Instructions

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Name of Proprietor 2nd Amendment Arsenal LLC	Street Address 770 Mulberry Ave.	City Selmer	State TN	Zip Code 38375-	County McNairy	Page 6 of 7 Pages
License/Permit/Registry Number <i>(If any)</i> 162109029M07400		Expiration Date 12/1/2019		Date(s) or Period of Inspection 12/20/2015 through 12/20/2016		

### Inspection Results

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

Number: 4

#### Nature of Violation:

On <sup>(b)(3) 112-PUB002</sup> ATF Forms 4473, the licensee failed to record the transferee's identification used in item 20a in Section B:

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

Citation: 27 CFR 478.124(c)(3)(i)

#### Date Corrections to be Made:

*(If not corrected immediately)*

#### Corrective Action to be Taken:

*(If not corrected immediately)*

During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473. Spencer Drinkard was directed to ensure that item 20a of all future ATF Forms 4473 is correctly completed.

Number: 5

#### Nature of Violation:

On <sup>(b)(3) 112-PUB002</sup> Forms 4473 the licensee failed to properly record some or all required TICS transaction information in items 21a thru 21e in Section B of ATF Form 4473:

(b) (3) - Public Law 112-55 (125 Stat. 552), (b) (6) item 21c, blank; and  
(b) (3) - Public Law 112-55 (125 Stat. 552), (b) (6) item 21d, blank.

Citation: 27 CFR 478.124(c)(3)(iv)

#### Date Corrections to be Made:

*(If not corrected immediately)*

#### Corrective Action to be Taken:

*(If not corrected immediately)*

During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473. Spencer Drinkard was directed to ensure that all required TICS transaction information is documented in Section B of ATF Form 4473 on all future transactions.

## 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 2nd Amendment Arsenal LLC	Street Address 770 Mulberry Ave.	City Selmer	State TN	Zip Code 38375-	County McNairy	Page 7 of 7 Pages
License/Permit/Registry Number (If any) 162109029M07400	Expiration Date 12/1/2019	Date(s) or Period of Inspection 12/20/2015 through 12/20/2016				

### Inspection Results

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

Number: 6

#### Nature of Violation:

Failure to certify the ATF Form 4473 with a signature and date of transfer, in that the licensee failed to properly date <sup>(b)(3) 112 PLO</sup> ATF Forms 4473 in Item 36:

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

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473.

Citation: 27 CFR 478.124(c)(5)

(b)(6)

Memly

2-14-17

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

Date

Signature and Title of ATF

(b)(6)

IOI

Date

2/14/17



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
5300 Maryland Way, Suite 200  
Brentwood, Tennessee 37027

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[www.atf.gov](http://www.atf.gov)

776055 (b)(6)  
5300

2<sup>nd</sup> Amendment Arsenal LLC  
770 Mulberry Ave.  
Selmer, TN 38375

FFL No.: 1-62-109-02-9M-07400

Dear Mr. Drinkard:

During a recent compliance inspection at your firearms business covering the period of December 20, 2015 to December 20, 2016, 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) Industry Operations 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.



2<sup>nd</sup> Amendment Arsenal LLC

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

Sincerely yours,

(b)(6)  
Area Supervisor

Enclosure

c: Federal Firearms Licensing Center  
Nashville Group II

# FIREARMS INSPECTION REPORT

**Name:** 2<sup>nd</sup> Amendment Arsenal LLC  
**Trade Name:**

**UI#:** 776055-2017-0091-B1B  
**FFL#:** 1-62-109-02-9M-07400

**Address:** 770 Mulberry Avenue  
Selmer, TN 38375 (McNairy County)

## 1 - Introduction

### Inspection Profile:

On 12/20/2016, Industry Operations Investigator (IOI) (b)(6) and IOI (b)(6) conducted an unannounced compliance inspection of 2<sup>nd</sup> Amendment Arsenal LLC. There were no other Federal, State, or local agencies involved in the inspection. Special instructions stated: "Conduct full DE investigation. (b)(6)"

IOIs (b)(6) interviewed Randy Drinkard and responsible person Robert Spencer Drinkard, aka Spencer Drinkard, (TN DL (b)(6) EXP 01/26/2022, DOB (b)(6)), at the licensee's premises located at 770 Mulberry Avenue, Selmer, TN 38375. The licensee's hours of operation are Monday – Friday 8:00am – 4:30pm, Saturday 8:00am – 2:00pm, closed Sunday. The period of inspection was 12/20/2016, to 12/20/2016. The inspection began on 12/20/2016, and concluded on 02/10/2017. No advance notification was given. The scope of the inspection was DE.

### Business Profile:

2<sup>nd</sup> Amendment Arsenal LLC operates as a Pawnbroker and a retail gun shop. The licensee has held the Type-02 pawnbroker license since 2013 which is appropriate for the business activities conducted. The location of the business premises is commercial and urban. In the past twelve (12) months the licensee acquired approximately (b)(4) firearms—(b)(4) handguns and (b)(4) guns—and disposed of approximately (b)(4) firearms—(b)(4) handguns and (b)(4) long guns. The firearms business is approximately (b)(4) percent retail, which consists of approximately (b)(4) percent used firearms and (b)(4) percent new firearms. The licensee does not conduct internet sales and does not have a website. The licensee's main suppliers are the general public with an occasional acquisition from (b)(4). The licensee also does internet transfers. The licensee does not participate in gun shows. There is one other business on the premises, Selmer Pawn Shop, and the licensee conducts no other business. The licensee has no other ATF licenses but has state and local licenses. The licensee is in compliance with zoning requirements and there is no off-site storage.

## FIREARMS INSPECTION REPORT

Name: 2<sup>nd</sup> Amendment Arsenal LLC  
Trade Name:

UI#: 776055-2017-0091-B1B  
FFL#: 1-62-109-02-9M-07400

### Ownership and Control:

2<sup>nd</sup> Amendment Arsenal is a manager-managed Limited Liability Company. The LLC has two members, Spencer Drinkard, who owns (b)(4) percent of the company, and Fred William Mullen, who owns (b)(4) percent of the company. The LLC has one manager, Spencer Drinkard. Spencer Drinkard and Fred Wm. Mullen are the only responsible persons listed for the license.

Spencer Drinkard works full time (b)(6)

store manager, works at the licensed premises throughout the year and handles the day to day operations when Spencer Drinkard is gone.

Katie Brooke Taylor, store manager, was added as a responsible person. Katie Taylor has authority over the firearms operations conducted at the business premises. Mrs. Taylor also has managerial authority over all day-to-day operations of the pawn shop as well. Photographs, fingerprints, and a signed ATF Form 5330.20 were acquired from Katie Taylor during the inspection and forwarded to the Federal Firearms Licensing Center in Martinsburg, West Virginia.

No signs of hidden ownership were detected. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

The FLS database needs to be updated by adding Store Manager Katie Taylor as a responsible person.

The Tennessee Secretary of State's website indicates that the licensee failed to file any Annual Reports and was administratively dissolved on 08/09/2014. A company that has been administratively dissolved is not authorized to do any business except that which is necessary to liquidate its affairs. Responsible person Spencer Drinkard filed the necessary forms to



# FIREARMS INSPECTION REPORT

**Name:** 2<sup>nd</sup> Amendment Arsenal LLC  
**Trade Name:**

**UI#:** 776055-2017-0091-B1B  
**FFL#:** 1-62-109-02-9M-07400

bring his business into compliance with State law and the 2016 Annual Report is attached (See Exhibit 7). Spencer Drinkard stated that he thought his accountant was filing the necessary reports with the State of Tennessee.

## Variance:

The licensee has no variances and did not request any variances during the inspection.

## **2 - Recommendation**

Report of Violations, Warning Letter Only and Recall Inspection

## **3 - Inspection History**

The licensee has had two previous inspections. An Acknowledgement of Federal Firearms Regulations was completed during the Qualification inspection.

**Date of Inspection:** 09/03/2013  
**Type of Inspection:** Qualification  
**UI#:** 776055-2013-0320-B1B  
**Inspection Results:** Application Approved  
**Cited Violations:** None

**Date of Inspection:** 03/29/2016  
**Type of Inspection:** Qualification - Amended  
**UI#:** 776055-2016-0139  
**Inspection Results:** Application Approved  
**Cited Violations:** None

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

IOI (b)(6) and IOI (b)(6) conducted a full inventory. The licensee had fifty-two (52) total firearms in business inventory and (b)(3) - 112 Public Law 55 125 Stat open dispositions in the Acquisition and Disposition (A&D) record.

The licensee failed to maintain an accurate Acquisition and Disposition (A&D) record in (b)(3) - 112 Public Law 55 125 Stat instances: in (b)(3) - 112 Public Law instances the acquisition of the firearm was not recorded; in (b)(3) - 112 Public Law instances the description of a firearm was incorrect (See Exhibit 3.1); in (b)(3) - 112 Public Law instances the disposition of the firearm was not recorded (See Exhibit 3.2); and in (b)(3) - 112 Public Law instance a firearm was determined missing from inventory and was reported to ATF as lost (See Exhibit 2, ATF Theft/Loss Report (b)(3) - 112 Public Law 55 125 Stat 552).

# FIREARMS INSPECTION REPORT

**Name:** 2<sup>nd</sup> Amendment Arsenal LLC  
**Trade Name:**

**UI#:** 776055-2017-0091-B1B  
**FFL#:** 1-62-109-02-9M-07400

A comparison of (b)(3) - 112 Public Law 55 125 Stat 552 ) ATF Forms 4473 to the A&D record revealed no discrepancies.

No potential traffickers or illegal firearms were identified during the inspection. The licensee's standard operating procedures relevant to the A&D record and inventory are to record the acquisition and disposition of firearms at the time they occur and to conduct an inventory annually.

See also (Violation 1 & Worksheet 1).

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

The licensee had (b)(3) - 112 Public Law 55 125 Stat 552 ) ATF Forms 4473 on file for the inspection period. IOI (b)(6) and IOI (b)(6) reviewed all of the forms. The licensee files approved forms and denials in chronological order. The licensee transferred no firearms to other licensees and had no sales to law enforcement officers. A comparison of ATF Forms 4473 with the Tennessee Instant Check System (TICS) checks audit log revealed no discrepancies. No potential traffickers or illegal firearms were identified during the inspection. The licensee's standard operating procedures relevant to the ATF Form 4473 is to check for completeness and accuracy before the firearms transaction occurs.

(b)(3) - 112 Public Law 55 125 Stat 552 ) Forms 4473 were identified with errors and the following violations were disclosed:

- 1) 27 CFR 478.21(a) – Failure to ensure Sections A, B, or D were completed properly on (b)(3) - 112 Public Law 55 125 Stat 552 ) ATF Forms 4473: the transferee did not properly complete Section A on (b)(3) - 112 Public Law 55 125 Stat 552 ) Forms 4473; the transferor did not properly complete Section B, on (b)(3) - 112 Public Law 55 125 Stat 552 ) Forms 4473; and Section D, on (b)(3) - 112 Public Law 55 125 Stat 552 ) Forms 4473.

Specifically, on (b)(3) - 112 Public Law 55 125 Stat 552 ) Form 4473, Section A, questions 1-15, was completed by an employee, not the actual purchaser. On (b)(3) - 112 Public Law 55 125 Stat 552 ) Forms 4473, Item 10(a), Ethnicity, was blank. On (b)(3) - 112 Public Law 55 125 Stat 552 ) form 4473, question 11a, "Are you the actual buyer?" was answered 'no.' On (b)(3) - 112 Public Law 55 125 Stat 552 ) Forms 4473, Item 30b, Pawn Redemption, was blank. On (b)(3) - 112 Public Law 55 125 Stat 552 ) Forms 4473, Item 18, Type of firearm, was blank. On (b)(3) - 112 Public Law 55 125 Stat 552 ) Form 4473, Item 32, FFL #, was incomplete. And on (b)(3) - 112 Public Law 55 125 Stat 552 ) Form 4473, Item 35, Title, was blank.

See (Exhibits 4.1, 4.2, 4.3 & 5, Violation 2 & Worksheet 2).

- 2) 27 CFR 478.124(c)(1) – On (b)(3) - 112 Public Law 55 125 Stat 552 ) ATF Forms 4473, the licensee failed to ensure the transferee provided complete or correct information in Section A.



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Specifically, on (b)(3) - 112 Public L Form 4473, Item 1, Name, and Item 3, Place of Birth, were incomplete. On (b)(3) - 112 Public L Forms 4473, Item 3, Place of Birth, was incomplete. And on (b)(3) - 112 Public L Form 4473, Item 17, Certification Date, was incorrect.

See (Exhibits 4.2, 4.3 & 5, Violation 3 & Worksheet 2).

- 3) 27 CFR 478.124(c)(3)(i) On (b)(3) - 112 Public L Forms 4473 the licensee failed to properly record the type of identification used in item 20a in Section B.

Specifically, in (b)(3) - 112 Public L instance, the licensee failed to record the identification expiration date. In (b)(3) - 112 Public L instance, the licensee failed to record the 'Issuing Authority.' And in (b)(3) - 112 Public L instance, the licensee failed to record the 'Type of ID.'

See (Exhibits 4.2 & 5, Violation 4 & Worksheet 2).

- 4) 27 CFR 478.124(c)(3)(iv) – On (b)(3) - 112 Public L Forms 4473 the licensee failed to properly record some or all required TICS transaction information in items 21a thru 21e in Section B of ATF Form 4473.

Specifically, on (b)(3) - 112 Public L Form 4473, the licensee did not indicate in item 21c the response provided by TICS, and on (b)(3) - 112 Public L Form 4473, the licensee did not indicate in item 21d the response provided by TICS.

See (Exhibit 4.3, Violation 5 & Worksheet 2).

- 5) 27 CFR 478.124(c)(5) – Failure to certify the ATF Form 4473 with a signature and a date of transfer, in that the licensee failed to properly date (b)(3) - 112 Public L ATF Forms 4473 in Item 36.

See (Exhibit 6, Violation 6 & Worksheet 2).

### **6 - Multiple Sales**

The number of multiple sales reported during the inspection period on the Violent Crime Analysis Branch FFL Master Query was one. No unreported multiple sales were identified during the inspection.

### **7 - Suspicious/Prohibited Purchasers**

There were no suspicious or prohibited purchasers identified during this inspection.



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## 8 - Trace Activity

Violent Crimes Analysis Branch (VCAB) and E-Trace reported no traces during the past 12 months. A secondary market query was conducted on twenty-five (25) firearms and resulted in no hits for these firearms.

## 9 - NFA/Importer/Collector/Manufacturer

The licensee does not engage in any of these activities.

## 10 - Referrals

No referrals were generated with this inspection.

## 11 - Other

IOI (b)(6) and IOI (b)(6) disclosed no other noteworthy findings. The licensee had the Youth Handgun Safety Act poster posted and had Youth Handgun Safety Act notices available for distribution. IOI (b)(6) reviewed the requirements of the Child Safety Lock Act with the licensee and the licensee had gun locks available for distribution.

## 12 - Closing Actions

On 01/24/2017 and on 02/14/2017, IOI (b)(6) and IOI (b)(6) held the closing conference with responsible person Spencer Drinkard and Store Manager Katie Taylor. Spencer Drinkard understood, signed, and received a copy of the Acknowledgement of Federal Firearms Regulations (see Exhibit 1). IOI (b)(6) and IOI (b)(6) also reviewed all A&D, Form 4473, Multiple Handgun Sales Form and Theft/Loss Report Form requirements in detail with Spencer Drinkard. IOI (b)(6) emphasized that all A&D information needs to be recorded accurately and within the timeframe specified in the Federal Firearms Regulations. IOI (b)(6) and IOI (b)(6) also reviewed the Report of Violations (ROV) with Spencer Drinkard and Katie Taylor. Spencer Drinkard understood, signed, and received a copy of the ROV. IOI (b)(6) and IOI (b)(6) also discussed secure gun storage and availability of safety devices with the licensee.

IOI (b)(6) and IOI (b)(6) reviewed and provided the licensee with the following reference materials:

- ATF F 4473, Firearms Transaction Record;
- ATF P 5300.15, Federal Firearms Licensee Quick Reference and Best Practices Guide;
- ATF P 3317.2, Safety and Security Information for Federal Firearms Licensees;

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- ATF I 5300.23A, Important Notice to Dealers and Other Participants at this gun show;
- ATF Ruling 2016-1, Use of electronic A&D records;
- ATF P 3312.8, Personal Firearms Record;
- ATF Form 3310.11, Federal Firearms Licensee Firearms Inventory Theft/Loss Report;
- ATF F 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers; and
- The contact number to the Local ATF office and ATF website address.

Spencer Drinkard and Katie Taylor were encouraged to attend ATF seminars and were also encouraged to register to receive email notifications of updated newsletters and to telephone the Memphis Satellite Office with any additional questions they may have in the future.

### 13 - Violations

#### 1. 27 CFR 478.125(e)

##### Nature of violation:

Failure to properly maintain the Acquisition and Disposition Record, in (b)(3) - 112 Public Law 55 125 instances: in (b)(3) - 112 Public Law instances the acquisition of a firearm was not recorded; in (b)(3) - 112 Public Law instances, the description of a firearm was not recorded correctly; and in (b)(3) - 112 Public L instances the disposition of a firearm was not recorded.

The (b)(3) - 112 Public instances of an acquisition not being recorded, or recorded correctly, are as follows. An acquisition of a firearm was not recorded (b)(3) - 112 Public Law instances:

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

The description of a firearm was not correctly recorded in (b)(3) - 112 Public Law 55 instances:

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

The (b)(3) - 112 Public instances of a disposition not being recorded are as follows. A disposition of a firearm was not recorded in (b)(3) - 112 Public L instances:

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

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

### Licensee's Response:

Responsible person Spencer Drinkard stated he had an incompetent employee at the time who forgot to log the firearms in and out in a timely manner. He also stated that the employee who made the mistakes no longer works for 2<sup>nd</sup> Amendment Arsenal LLC. In regards to the missing firearm, Spencer Drinkard stated that the firearm must have been misplaced when the pawn shop changed location.

### Corrective Action:

The acquisitions and dispositions were resolved during the inspection and the A&D Record Book was corrected. Spencer Drinkard was directed to ensure that all future acquisitions and dispositions are documented in the bound A&D Record Book in a timely manner.

## 2. 27 CFR 478.21(a)

### Nature of violation:

Failure to ensure Sections A, B or D were completely properly on (b)(3) - 112 Public L ATF Forms 4473: the transferee did not properly complete Section A on (b)(3) - 112 Public L Forms 4473; the transferor did not properly complete Section B, on (b)(3) - 112 Public L Forms 4473, and Section D, on (b)(3) - 112 Public L Forms 4473.

The (b)(3) - 112 Public L Forms 4473 which were not completed properly in Section A are as follows:

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

The (b)(3) - 112 Public L Forms 4473 which were not completed properly in Section B are as follows:  
Item 18, Type of firearm, was blank,



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

The (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) Forms 4473 which were not completed properly in Section D are as follows:  
on (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) Forms 4473, Item 30b, Pawn Redemption, was blank,  
(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

on (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) Form 4473, Item 30b, Pawn Redemption, was blank and Item 32, FFL#, was incomplete

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

### Licensee's Response:

Spencer Drinkard acknowledged his failure to correctly complete the forms. He also stated that he will be more diligent in the future to ensure the forms are filled out correctly. Store Manager Katie Taylor stated that she now understands that customers must complete Section A of the Form 4473.

### Corrective Action:

During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473. Spencer Drinkard was directed to ensure all future customers correctly complete Section A, and that employees properly complete Sections B & D of ATF Form 4473, before proceeding with the transaction.

See (Exhibits 4.1, 4.2, 4.3 & 5 and Worksheet 2).

### 3. **27 CFR 478.124(c)(1)**

#### Nature of violation:

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Forms 4473, the licensee failed to ensure the transferee provided complete or correct information in Section A.

The (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) Form 4473, Section A errors are as follows:

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On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) Form 4473, Item 1, Name, and Item 3, Place of Birth, were incomplete:

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) Forms 4473, Item 3, Place of Birth, was incomplete:

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) Form 4473, Item 17, Certification Date, was incorrect:

### Licensee's Response:

Spencer Drinkard stated that he and his employees will check sections of the ATF Form 4473 filled out by the transferee more methodically.

### Corrective Action:

During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473. Spencer Drinkard was directed to ensure that all future customers fully and correctly complete Section A of this form.

See (Exhibits 4.2, 4.3 & 5 and Worksheet 2).

#### 4. 27 CFR 478.124(c)(3)(i)

### Nature of violation:

On (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) ATF Forms 4473, the licensee failed to record the transferee's identification used in item 20a in Section B:

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

### Licensee's Response:

Spencer Drinkard stated that he and his employees will be more meticulous and thorough when filling out the transferor sections of the ATF Form 4473.

### Corrective Action:

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During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473. Spencer Drinkard was directed to ensure that item 20a of all future ATF Forms 4473 is correctly completed.

See (Exhibits 4.2 & 5 and Worksheet 2)

5. **478.124(c)(3)(iv)**

**Nature of violation:**

On (b)(3) - 112 Public L Forms 4473 the licensee failed to properly record some or all required TICS transaction information in items 21a thru 21e in Section B of ATF Form 4473:  
(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

**Licensee's Response:**

Spencer Drinkard stated that he would make sure all boxes are checked in the future and that the errors were due to a lack of attention-to-detail on his part.

**Corrective Action:**

During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473. Spencer Drinkard was directed to ensure that all required TICS transaction information is documented in Section B of ATF Form 4473 on all future transactions.

See (Exhibit 4.3 and Worksheet 2).

6. **27 CFR 478.124(c)(5)**

**Nature of violation:**

Failure to certify the ATF Form 4473 with a signature and date of transfer, in that the licensee failed to properly date (b)(3) - 112 Public L ATF Forms 4473 in Item 36:

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

**Licensee's Response:**



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Spencer Drinkard acknowledged his failure to correctly complete the forms. He also stated that he will be more diligent in the future to ensure the forms are filled out completely.

**Corrective Action:** During the inspection, remedial training was given to Spencer Drinkard regarding the proper completion of ATF Form 4473.

See (Exhibit 6 and Worksheet 2).

2/14/2017	
X	(b)(6)
Industry Operations Investigator Signed by: (b)(6)	

### **Index of Worksheets and Exhibits**

#### Worksheets-

1. Inventory and A&D Review
2. ATF Form 4473 Review

#### Exhibits-

- 1) Acknowledgement of Federal Firearms Regulations
- 2) Theft/Loss Report
- 3.1) A&D violations
- 3.2) A&D violations

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

4.2

4.3

5)

6)

7) Annual Report

8) Randy Drinkard's Pawn License