

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Aplos Firearms LLC Comrade Arms 12055 Mosteller Road Cincinnati, OH 45241, Hamilton		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 773015-2017-0035-B1B	
6. ATF OFFICER(S) ASSIGNED (b)(6) - Lead Investigator		3. PERMIT/LICENSE NUMBER 431061078J05366	
		4a. TARGET DATE 9/30/2017	
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6), Area Supervisor, 10/06/2016		4b. TARGET HOURS	
		5. REQUESTED BY (SIGNATURE, TITLE AND DATE)	
8. PURPOSE/SPECIAL INSTRUCTIONS Conduct full manufacturer of firearms inspection. Refer to IO Manual Chapter C - Firearms Inspections and FY 16 Domain Assessment. Ensure licensee has filed all AFMERs, if any are missing obtain them during inspection. Conduct 100% inventory and ATF Form 4473 review unless authorized in advanced by Area Supervisor and DIO.			
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC			
NO. OF VIOLATIONS		4	NO. OF REFERRALS
NO. OF TECS CHECKS		12	NO. OF TECS HITS
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES	
		\$ VALUE OF TAX DECREASES	
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS	
NO. OF CLAIMS		\$ VALUE OF CLAIMS	
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED	
10. TRAVEL EXPENSES (OPTIONAL)			
		2111 - PER DIEM	
		2112 - P.O.A.	
		2113 - COMM. AIR	
		2114 - RENTAL CAR	
		2115 - GPV EXPENSES	
		2116 - MISC.	
		TOTAL \$ FOR INSP.	
11. ATF OFFICER'S RECOMMENDATION			
Submitted by (b)(6) - Industry Operations Investigator			
Submitted on: 12/14/2016			
A compliance inspection was conducted beginning December 1, 2016. Aplos Firearms LLC, a Type 07 FFL, primarily conducts business as a gunsmith. 49 firearms were inventoried and 3 ATF Forms 4473 were reviewed. The licensee was cited for bound book violations of 27 CFR 478.123(a) and 478.123(d). The licensee was also cited for violations of 27 CFR 478.102(a) and 27 CFR 478.124(a) for (b)(6) instances of failing to conduct a NICS check or execute a Form 4473 prior to transferring a firearm from the licensee to one of the responsible persons. The licensee is up-to-date with AFMER submissions. Deconfliction resulted in no hits.			
Violts WL ONLY and No Recall Inspection			
12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)			
NOV 2016		23.00	
DEC 2016		53.50	
ATF OFFICER'S SUBTOTAL		76.50	ATF OFFICER'S SIGNATURE
TOTAL HOURS		76.50	

Assignment and Report

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	3. PERMIT/LICENSE NUMBER 431061078J05366	4a. TARGET DATE 9/30/2017	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Agree with alternate recommendation from Warning Conference to Violations, Warning Letter Only, No Recall Inspection based on following:

The recommendation is due to (b)(3) instances of the licensee transferring a firearm from business inventory to (b)(3) - Public Law 112-55 (125 Stat. 552), (b)(6) without first obtaining a Form 4473 and conducting a NICS check.

In addition, the licensee was cited for (b)(3) instances of failing to record complete acquisition and disposition information in the bound book, representing 54% of acquisition entries and 45% of disposition entries from the past year. Of the (b)(3) instances, (b)(3) of them involved the licensee either recording an incomplete address, or recording a driver's license instead of the address. The missing information was readily available in other non-ATF records (gunsmith work order forms) and could be easily corrected by the licensee.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☐ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) - Area Supervisor

REVIEW DATE

12/15/2016

REVIEW COMMENTS AND RECOMMENDATION

Concur with alternate recommendation to issue Warning Letter. No recall inspection necessary at this time.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☒ CONCUR

☐ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

JALEDoux - Director Industry Operations

Digitally signed by Judyth A. LeDoux
Date: 2016.12.15 10:43:04 -05'00'

REVIEW DATE

12/15/2016

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

550 Main Street, Room 8-507
Cincinnati, OH 45202

DEC 15 2016

www.atf.gov

773015: (b) (6)
5373

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Aplos Firearms LLC
Comrade Arms
12055 Mosteller Road
Cincinnati, OH 45241

4-31-061-07-8J-05366

Dear Mr. Mencher,

During a recent compliance inspection at your firearms business covering the period of December 1, 2015, through December 1, 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) 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.

Aplos Firearms

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

Sincerely,

(b)(6)

Area Supervisor

Enclosure

cc: National Licensing Center
Cincinnati II (IO) Field Office
Correspondence File

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 Aplos Firearms LLC Comrade Arms	Street Address 12055 Mosteller Road	City Cincinnati	State OH	Zip Code 45241-	County Hamilton	Page 1 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 431061078J05366		Expiration Date 9/1/2018	Date(s) or Period of Inspection 12/01/2016 through 12/13/2016			

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 in ^{(b) (3) - Public Law 112-55 (125 Stat. 552)} instances to conduct a NICS check prior to transferring a firearm to an unlicensed individual. In each instance, the firearm was transferred to ^{(b) (3) - Public Law 112-55 (125 Stat. 552), (b) (6)}
^{(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)

For all future transactions, a firearm must not be transferred to an unlicensed person unless first the licensee has contacted NICS and received either a "Proceed" response or 3 days have elapsed after receiving a "Delayed" response. See also exceptions in 27 CFR 478.102(d).

Citation: 27 CFR 478.102(a)

Number: 2

Nature of Violation:

Failure in ^{(b) (3) - Public Law 112-55 (125 Stat. 552)} instances to execute an ATF Form 4473 prior to transferring a firearm to an unlicensed individual. In each instance, the firearm was transferred to ^{(b) (3) - Public Law 112-55 (125 Stat. 552), (b) (6)}
^{(b) (3) - Public Law 112-55 (125 Stat. 552)}
^{(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)

For all future transfers, the FFL should not sell or otherwise dispose of any firearm to an unlicensed individual unless the transaction is recorded on a Form 4473. This includes transfers from the licensed LLC to either of the responsible persons.

Report of Violations

Instructions

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License/Permit/Registry Number <i>(If any)</i> 431061078J05366	Expiration Date 9/1/2018	Date(s) or Period of Inspection 12/01/2016 through 12/13/2016				

Inspection Results

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

Citation: 27 CFR 478.124(a)

Number: 3

Nature of Violation:

Failure in ^{(b)(3)} instances to properly record information in the acquisition portion of the acquisition and disposition records. Please see Attachment A.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Where possible, log book errors should be corrected. For future transfers, the licensee should record the type, model, caliber or gauge, and serial number of each firearm manufactured or otherwise acquired, as well as the date the manufacture or other acquisition was made. The information shall be recorded not later than the seventh day following the date of the manufacture or acquisition.

Citation: 27 CFR 478.123(a)

Number: 4

Nature of Violation:

Failure in ^{(b)(3)} instances to properly record information in the disposition portion of the acquisition and disposition records. Please see Attachment A.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Where possible, log book errors should be corrected. Disposition records should adhere to the conditions set forth in 27 CFR 478.125(e), and should contain the date of disposition, the name and address of the person to whom transferred, or the name and license number, or the 4473 serial number. Dispositions should be recorded within 7 days following the date of the transaction.

Report of Violations

Instructions

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Name of Proprietor Aplos Firearms LLC Comrade Arms	Street Address 12055 Mosteller Road	City Cincinnati	State OH	Zip Code 45241-	County Hamilton	Page 3 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 431061078J05366	Expiration Date 9/1/2018	Date(s) or Period of Inspection 12/01/2016 through 12/13/2016				

Inspection Results

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

Citation: 27 CFR 478.123(d)

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

Date

Signature and Title of ATF Officer

Date

Assignment and Report

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		3. PERMIT/LICENSE NUMBER 431061078J05366	4a. TARGET DATE 9/30/2017
		4b. TARGET HOURS	
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)			
6. ATF OFFICER(S) ASSIGNED (b)(6) - Lead Investigator			
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6), Area Supervisor, 10/06/2016			
8. PURPOSE/SPECIAL INSTRUCTIONS Conduct full manufacturer of firearms inspection. Refer to IO Manual Chapter C - Firearms Inspections and FY 16 Domain Assessment. Ensure licensee has filed all AFMERs, if any are missing obtain them during inspection. Conduct 100% inventory and ATF Form 4473 review unless authorized in advanced by Area Supervisor and DIO.			
9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	
NO. OF VIOLATIONS	4	NO. OF REFERRALS	
NO. OF TECS CHECKS	12	NO. OF TECS HITS	
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES	
		\$ VALUE OF TAX DECREASES	
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS	
NO. OF CLAIMS		\$ VALUE OF CLAIMS	
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED	
		2111 - PER DIEM	
		2112 - P.O.A.	
		2113 - COMM. AIR	
		2114 - RENTAL CAR	
		2115 - GPV EXPENSES	
		2116 - MISC.	
		TOTAL \$ FOR INSP.	
11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) Industry Operations Investigator Submitted on: 12/14/2016 A compliance inspection was conducted beginning December 1, 2016. Aplos Firearms LLC, a Type 07 FFL, primarily conducts business as a gunsmith. 49 firearms were inventoried and 3 ATF Forms 4473 were reviewed. The licensee was cited for bound book violations of 27 CFR 478.123(a) and 478.123(d). The licensee was also cited for violations of 27 CFR 478.102(a) and 27 CFR 478.124(a) for (b)(6) instances of failing to conduct a NICS check or execute a Form 4473 prior to transferring a firearm from the licensee to one of the responsible persons. The licensee is up-to-date with AFMER submissions. Deconfliction resulted in no hits. Violts WL ONLY and No Recall Inspection			
12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)	
NOV 2016	23.00		
DEC 2016	53.50		
ATF OFFICER'S SUBTOTAL	76.50	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	76.50		

Assignment and Report

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	3. PERMIT/LICENSE NUMBER 431061078J05366	4a. TARGET DATE 9/30/2017	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Agree with alternate recommendation from Warning Conference to Violations, Warning Letter Only, No Recall Inspection based on following:

The recommendation is due to (b)(6) instances of the licensee transferring a firearm from business inventory (b)(6) without first obtaining a Form 4473 and conducting a NICS check.

In addition, the licensee was cited for (b)(6) instances of failing to record complete acquisition and disposition information in the bound book, representing 54% of acquisition entries and 45% of disposition entries from the past year. Of (b)(6) instances (b)(6) of them involved the licensee either recording an incomplete address, or recording a driver's license instead of the address. The missing information was readily available in other non-ATF records (gunsmith work order forms) and could be easily corrected by the licensee.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED ☒ CONCUR ☒ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 12/15/2016
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REVIEW COMMENTS AND RECOMMENDATION

Concur with alternate recommendation to issue Warning Letter. No recall inspection necessary at this time.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED ☒ CONCUR ☐ SEE COMMENTS ☒ FINAL DISPOSITION

SIGNATURE AND TITLE JALEDoux - Director Industry Operations	REVIEW DATE 12/15/2016
--	---------------------------

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

Report of Violations

Instructions

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License/Permit/Registry Number (If any) 431061078305366		Expiration Date 9/1/2018	Date(s) or Period of Inspection 12/02/2016 through 12/13/2016			

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 in five instances to conduct a NICS check prior to transferring a firearm to an unlicensed individual. In each instance, the firearm was transferred to (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

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

Citation: 27 CFR 478.102(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

For all future transactions, a firearm must not be transferred to an unlicensed person unless first the licensee has contacted NICS and received either a "Proceed" response or 3 days have elapsed after receiving a "Delayed" response. See also exceptions in 27 CFR 478.102(d).

Number: 2

Nature of Violation:

Failure in five instances to execute an ATF Form 4473 prior to transferring a firearm to an unlicensed individual. In each instance, the firearm was transferred to (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

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

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

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

For all future transfers, the FFL should not sell or otherwise dispose of any firearm to an unlicensed individual unless the transaction is recorded on a Form 4473. This includes transfers from the licensed LLC to either of the responsible persons.

Report of Violations

Instructions

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License/Permit/Registry Number (If any) 431061078J05366		Expiration Date 9/1/2018	Date(s) or Period of Inspection 12/02/2016 through 12/13/2016			

Inspection Results

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

Citation: 27 CFR 478.124(a)

Number: 3

Nature of Violation:

Failure instances to properly record information in the acquisition portion of the acquisition and disposition records. Please see Attachment A.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Where possible, log book errors should be corrected. For future transfers, the licensee should record the type, model, caliber or gauge, and serial number of each firearm manufactured or otherwise acquired, as well as the date the manufacture or other acquisition was made. The information shall be recorded not later than the seventh day following the date of the manufacture or acquisition.

Citation: 27 CFR 478.123(a)

Number: 4

Nature of Violation:

Failure instances to properly record information in the disposition portion of the acquisition and disposition records. Please see Attachment A.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Where possible, log book errors should be corrected. Disposition records should adhere to the conditions set forth in 27 CFR 478.125(e), and should contain the date of disposition, the name and address of the person to whom transferred, or the name and license number, or the 4473 serial number. Dispositions should be recorded within 7 days following the date of 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.

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License/Permit/Registry Number (If any) 431061078J05366		Expiration Date 9/1/2018	Date(s) or Period of Inspection 12/02/2016 through 12/13/2016			

Inspection Results

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

Citation: 27 CFR 478.123(d)

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

David M. Brown OWNER

Date
12/13/16

Signature and Title of ATF Officer

(b)(6)

Deputy Operations Investigator

Date
12/13/2016

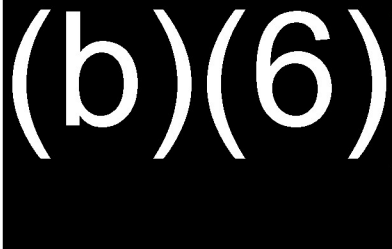
Date Acquired	Manufacturer/Importer	Model	Serial Number	Type	Caliber/ Gauge	Date Disposed	Nature of Violation
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(b)(3) - 112 Public Law 55 125 Stat 552

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

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(b)(6) 1/2016
12/13/16

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FIREARMS INSPECTION REPORT

Name: Aplos Firearms LLC
Trade Name: Comrade Arms

UI#: 773015-2017-0035-B1B
FFL#: 4-31-061-07-8J-05366

Address: 12055 Mosteller Road
Cincinnati, OH 45241

1 - Introduction

Inspection Profile:

A compliance inspection was conducted beginning December 1, 2016 by Industry Operations Investigator (b)(6). Also present was responsible person David Menchen. Responsible person Brian Cooper did not participate in the inspection. Advanced notice was given after IOI (b)(6) attempted to conduct an unannounced inspection but found no one at the premises. Mr. Menchen stated that he keeps irregular hours and that he recommends calling ahead of time. There were no participants from other agencies. The scope was manufacturer compliance and covered the period of December 1, 2015 to December 1, 2016.

Business Profile:

Aplos Firearms LLC has been licensed as a Type 07 manufacturer since 2015 and conducts business as a gunsmith. The current inspection is the licensee's first compliance inspection. The business premises are located inside Manufactory, a "makerspace" located in a commercial/ industrial area of Sharonville, Ohio. The premises are locked and are not accessible by the general public or other Manufactory employees unless access is given by Mr. Menchen or Mr. Cooper.

In the past 12 months, the licensee has acquired (b)(4) firearms and disposed of (b)(4) most of which were gunsmith transactions. Although licensed as a manufacturer, the licensee is currently not conducting any manufacturing activities. The licensee also pays Special Occupational Tax, but to date has conducted no National Firearms Act-related business. Suppliers include (b)(4) and non-FFL's for repair purposes. No sales are made at gun shows. The store does have a website – comradearms.com – which is used for advertising purposes only. No firearms are sold on third party websites such as gunbroker.com. The licensee has no other ATF licenses. The business does have a vendor's license issued by the State of Ohio. Occasionally, firearms are stored off-site at Mr. Menchen's residence.

Ownership and Control:

Aplos Firearms is licensed as an LLC and conducts business under the trade name Comrade Arms. A query of the Ohio Secretary of State website shows the LLC was registered with the State in 2015. Brian Cooper is listed as the agent. Mr. Cooper and Dave Menchen are listed as the responsible persons on the license, and they are the only people involved in the business. Hidden ownership is not suspected, and information is shown correctly in the Federal Licensing

FIREARMS INSPECTION REPORT

Name: Aplos Firearms LLC
Trade Name: Comrade Arms

UI#: 773015-2017-0035-B1B
FFL#: 4-31-061-07-8J-05366

System. Mr. Menchen stated that business has not gone as well as he and Mr. Cooper had hoped, and that he anticipated that Mr. Cooper may return to full-time work as an engineer. Mr. Menchen, who is retired, stated he is therefore considering reapplying for his own FFL as a sole proprietor.

Variance:

N/A – the licensee has no variances on file and requested no new variances.

2 - Recommendation

Violations, Warning Letter Only, No Recall Inspection

The recommendation is due to five instances of the licensee transferring a firearm from business inventory to (b)(6) without first obtaining a Form 4473 and conducting a NICS check.

In addition, the licensee was cited for (b)(3) instances of failing to record complete acquisition and disposition information in the bound book, representing 54% of acquisition entries and 45% of disposition entries from the past year. Although that error rate could warrant a recommendation of a warning conference, a warning letter is being recommended instead. Of the (b)(3) instances, (b)(3) of them involved the licensee either recording an incomplete address, or recording a driver's license instead of the address. The missing information was readily available in other non-ATF records (gunsmith work order forms) and could be easily corrected by the licensee.

3 - Inspection History

Date and Type of Inspection: August 26, 2015 - Qualification
UI#: 773015-2015-0535-B1B
Inspection Results: Approval recommended
Cited Violations: None

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

On December 1, a full inventory was conducted and (b)(3) open bound book entries were successfully matched to 48 firearms in inventory. Mr. Menchen stated that he occasionally stores firearms at his residence and that the remaining firearm was there. IOI (b)(6) returned to the business premises on December 5 and inventoried the last firearm.

The licensee's bound book was reviewed. Errors or discrepancies were noted in (b)(3).

FIREARMS INSPECTION REPORT

Name: Aplos Firearms LLC
Trade Name: Comrade Arms

UI#: 773015-2017-0035-B1B
FFL#: 4-31-061-07-8J-05366

instances (b)(3)-(1) acquisition entries and (b)(3)-(1) disposition entries). Most of the errors involved incomplete or missing addresses. For example, the licensee would often record just the street address or would record a driver's license number. The licensee was cited for violations of 27 CFR 478.123(a) and 478.123(d).

In addition, IOI (b)(6) noted several acquisitions of firearms from (b)(6) (b)(6), with dispositions of the same firearms back (b)(6) Mr. Menchen explained that (b)(6) is a firearms enthusiast and owns many guns, and that he brings firearms to the business premises for repairs, cleanings, etc. In those instances, the dispositions directly (b)(6) appear appropriate. However, (b)(3)-(1) Public instances, new firearms were acquired from an FFL wholesaler such as Davidson's and then transferred directly (b)(6) without a Form 4473 or NICS check. The licensee was therefore cited for violations of 27 CFR 478.102(a) and 27 CFR 478.124(a).

The licensee has never reported any firearms as lost or stolen. Three firearms were traced through the licensee's acquisition and disposition records with no discrepancies. No trafficking issues, illegal firearms or obliterated serial numbers were discovered.

Internal controls pertaining to acquisition and disposition records were evaluated and found to be lacking in some areas. Entries are often incomplete, and the licensee does not conduct regular inventories. IOI (b)(6) suggested regularly conducting inventories and double-checking bound book entries for accuracy.

See Worksheets 1 & 2, Violations 1-4 and Exhibit 1.

5 - ATF Forms 4473 – NICS & Other Dispositions

In the past 12 months, the licensee has disposed of (b)(4) firearms. Because most dispositions were the return of a repaired firearm to the original owner, very few ATF Forms 4473 are completed. For the past 12 months, the licensee had (b)(4) ATF Forms 4473 on file. Each was reviewed; no errors were noted. There have been no transfers to other licensees or to law enforcement officers. The FFL Audit log was obtained and two recent transactions were compared to the report with no discrepancies. No trafficking issues were noted.

Internal controls – Internal controls pertaining to the completion of ATF Forms 4473 were evaluated and found to be sufficient. Mr. Menchen stated that both he and Mr. Cooper complete required records. The license was familiar with theft/ loss reporting requirements, trace request requirements and the definition of a straw purchaser.

6 – Multiple Sales

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Trade Name: Comrade Arms

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The licensee has never made a multiple handgun sale. Reporting requirements were reviewed.

7 – Suspicious/Prohibited Purchasers

No possible traffickers, straw purchasers or any other suspicious purchasers were identified. NCIC/ NLETS queries were conducted of both responsible persons via Open Fox. No hits resulted.

8 – Trace Activity

The licensee has never sold a firearm that has been the subject of a trace. Trace request reporting requirements were reviewed. Secondary market analysis was conducted of ten firearms in inventory for repair purposes. No hits resulted.

9 - NFA/Importer/Collector/Manufacturer

NFA – The licensee pays Special Occupational Tax, but to date has conducted no NFA-related business. Mr. Menchen stated that he does not anticipate paying Special Occupational Tax for the upcoming year. The National Firearms Registration and Transfer Record (NFRTR) was queried and showed no results.

Manufacturer – Aplos Firearms is licensed as a Type 07 manufacturer. The licensee does not manufacture any new firearms “from scratch” and does not modify or assemble firearms. Mr. Menchen stated that, although he and Mr. Cooper had planned on assembling and modifying firearms, they have not been able to build up that portion of their business. Instead, the FFL has been doing more traditional gunsmith work (repairs, cleaning, etc). Per Program Analyst (b)(6), the licensee is up to date with Annual Firearms Manufacturing and Exportation Reports (AFMER). Mr. Menchen stated that he is aware of excise tax requirements. He also stated he is aware of State Department ITAR fees, but does not pay them.

See Exhibit 2.

10 - Referrals

N/A – no referrals were made as a result of this inspection.

11 - Other

Child Safety Lock Act – The licensee is in compliance with the provisions of the CSLA.

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Youth Handgun Safety Act – The Youth Handgun Safety Act poster is displayed and the accompanying brochures are provided as required.

Deconfliction - Deconfliction was conducted by IOI (b)(6) on November 9, 2016 through NFORCE, NCIC and through ATF CE and Intel with negative results. E-Trace queries of both responsible persons as individual purchasers were also conducted; again, there were no results.

12 - Closing Actions

A closing conference was held on December 13, 2016 by IOI (b)(6). Responsible person Dave Menchen was present. The Acknowledgement of Federal Firearms Regulations was reviewed with the licensee, and the Report of Violations was issued. The licensee was also provided with a copy of ATF P 5300.15, Federal Firearms Licensee Quick Reference and Best Practices Guide.

Please see Exhibit 3.

13 - Violations

1. 27 CFR 478.102(a)

Nature of violation:

Failure in five instances to conduct a NICS check prior to transferring a firearm to an unlicensed individual. In each instance, the firearm was transferred (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

The licensee stated that he and Mr. Cooper were under the impression that firearms could be transferred to responsible persons without a NICS check or a Form 4473.

Corrective action:

The licensee was instructed that, for all future transactions, a firearm must not be transferred to an unlicensed person, including a responsible person, unless first the licensee has contacted NICS and received either a "Proceed" response or 3 days have

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elapsed after receiving a "Delayed" response. NCIC/ NLETS queries was conducted (b)(6). No hits resulted.

See Worksheet 2 and Exhibit 1.

2. **27 CFR 478.124(a)**

Nature of violation:

Failure (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instances to execute an ATF Form 4473 prior to transferring a firearm to an unlicensed individual. In each instance, the firearm was transferred to (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

The licensee stated that he and Mr. Cooper were under the impression that firearms could be transferred to responsible persons without a NICS check or a Form 4473.

Corrective action:

The licensee was reminded that, for all future transfers, the FFL should not sell or otherwise dispose of any firearm to an unlicensed individual unless the transaction is recorded on a Form 4473. This includes transfers from the licensed LLC to either of the responsible persons. NCIC/ NLETS queries was conducted on (b)(6). No hits resulted.

See Worksheet 2 and Exhibit 1.

3. **27 CFR 478.123(a)**

Nature of violation:

Failure (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) instances to properly record information in the acquisition portion of the acquisition and disposition records. The licensee was provided with "Attachment A" which details the errors and discrepancies.

Licensee's response:

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Mr. Menchen stated that he was not aware that a complete address needed to be recorded. He also stated that because the headings of the bound book state "Name and address or name and license number", he thought a driver's license number would be sufficient.

Corrective action:

The licensee was instructed to correct log book errors where possible. The licensee was also instructed that, for future transfers, the licensee should record the type, model, caliber or gauge, and serial number of each firearm manufactured or otherwise acquired, as well as the date the manufacture or other acquisition was made. The information shall be recorded not later than the seventh day following the date of the manufacture or acquisition.

Please see Attachment A to the Report of Violations, Worksheet 1 and Exhibit 1.

4. **27 CFR 478.123(d)**

Nature of violation:

Failure (b)(3)-112F instances to properly record information in the disposition portion of the acquisition and disposition records. The licensee was provided with "Attachment A" which details the errors and discrepancies.

Licensee's response:

Mr. Menchen stated that he was not aware that a complete address needed to be recorded. He also stated that because the headings of the bound book state "Name and address or name and license number", he thought a driver's license number would be sufficient.

Corrective action:

The licensee was instructed to correct bound book entries where possible. The licensee was reminded that, disposition records should adhere to the conditions set forth in 27 CFR 478.125(e), and should contain the date of disposition, the name and address of the person to whom transferred, or the name and license number, or the 4473 serial number. Dispositions should be recorded within 7 days following the date of the transaction.

Please see Attachment A to the Report of Violations, Worksheet 1 and Exhibit 1.

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	Industry Operations Investigator	December 14, 2016
Signature	Title	Date of Report

Index of Worksheets and Exhibits

1. Report of Violations
2. Worksheet 1
3. Worksheet 2
4. Exhibit 1 – Copy of bound book; corresponds to Violations 1-4
5. Exhibit 2 – AFMER reports
6. Exhibit 3 – Acknowledgement of Federal Firearms Regulations
7. Worknotes



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

550 Main Street, Room 8-507
Cincinnati, OH 45202

DEC 15 2016

www.atf.gov

773015: (b)(6)
5373

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Aplos Firearms LLC
Comrade Arms
12055 Mosteller Road
Cincinnati, OH 45241

4-31-061-07-8J-05366

Dear Mr. Mencher,

During a recent compliance inspection at your firearms business covering the period of December 1, 2015, through December 1, 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) 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-

Aplos Firearms

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

(b)(6)

Sincerely,

(b)(6)

Area Supervisor

Enclosure

cc: National Licensing Center
Cincinnati II (IO) Field Office
Correspondence File