

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Michael J. Murphy Gunsmoke Firearms 7161 Elk Creek Road Middletown, OH 45042, Butler	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) <p style="text-align: center;">773015-2016-0477-B1B</p> 3. PERMIT/LICENSE NUMBER 4a. TARGET DATE 4b. TARGET HOURS <p style="text-align: center;">431017015H03850 9/30/2016</p> 5. REQUESTED BY (SIGNATURE, TITLE AND DATE)
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6. ATF OFFICER(S) ASSIGNED
(b) (6) - Lead Investigator

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)
(b) (6), Area Supervisor, 05/10/2016

8. PURPOSE/SPECIAL INSTRUCTIONS
 Conduct Firearms Disposition Emphasis Inspection. Refer to IOI Manual, Chapter C – Firearms Inspections and FY 16 Domain Assessment. 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	10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	5	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	12	NO. OF TECS HITS		2112 - P.O.A.
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2113 - COMM. AIR
		\$ VALUE OF TAX DECREASES		2114 - RENTAL CAR
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2115 - GPV EXPENSES
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2116 - MISC.
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		TOTAL \$ FOR INSP.

11. ATF OFFICER'S RECOMMENDATION
 Submitted by **(b) (6)** - Industry Operations Investigator

 Submitted on: 11/22/2016

 Viols WL ONLY and No Recall Inspection

12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)		
OCT 2016	8.00		
NOV 2016	22.00		
ATF OFFICER'S SUBTOTAL	30.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	30.00		

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 11/23/2016
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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

NOV 28 2016

www.atf.gov

773015 (b) (6)
5373

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Michael J. Murphy
Gunsmoke Firearms
716 Elk Creek Road
Middletown, OH 45042

4-31-017-01-8H-03850

Dear Mr. Murphy,

During a recent compliance inspection at your firearms business covering the period of October 26, 2015, through October 26, 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.

Michael J. Murphy

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 Michael J. Murphy Gunsmoke Firearms	Street Address 7161 Elk Creek Road	City Middletown	State OH	Zip Code 45042-	County Butler	Page 1 of 3 Pages
License/Permit/Registry Number (If any) 431017015H03850	Expiration Date 8/1/2018	Date(s) or Period of Inspection 10/26/2016 through 11/10/2016				

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 ensure transferee correctly completed ATF Forms 4473 on ^{(b) (3)} occasions out of 28 Forms examined. Box 11 "Prohibiting Question", ^{(b) (3) - Public Law 112-96 (126 Stat. 562), (b) (6)} and Box 17 "Certification Date" ^{(b) (3) 112 Public} were blank.

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)

Ensure that the transferee properly completed future ATF Form 4473 transactions. These errors were made by the transferee and could not be corrected. Investigator ran the transferees through NCIC/III resulting in no hits.

Number: 2

Nature of Violation:

Failure to record the transferee's identification information on ATF Form 4473 on ^{(b) (3)} occasion ^{(b) (3) 112 Public Law 95} out of 28 ATF Form 4473 examined. Specifically all 3 sections of Box 20a (ID Issuing Authority, ID Number, and ID Expiration Date) was blank.

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)

Ensure that the transferee's identification information is properly completed in all ATF Form 4473 transactions.

MJM
11-10-2016

Scanned by CamScanner

Report of Violations

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License/Permit/Registry Number (if any) 431017015H03850		Expiration Date 8/1/2018	Date(s) or Period of Inspection 10/26/2016 through 11/10/2016			

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:

Failure to properly complete the NICS contact information correctly on transfers out of 28 forms examined. Specifically, Boxes 21a, 21b, 21c and Boxes 21a, 21b, 21c were blank on ATF Form 4473 transaction ()

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)

Ensure that transferor's information is properly completed in future ATF Form 4473 transactions. Licensee was instructed to make a copy of the ATF Form 4473 and correct the error on the copy, where applicable.

Number: 4

Nature of Violation:

The licensee failed to complete Box 36 "Certification Date" on occasion () out of 28 forms examined.

Citation: 27 CFR 478.124(c)(5)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

LICENSEE IS TO ENSURE THAT ALL REQUIRED BOXES ARE COMPLETED PRIOR TO ANY TRANSFER OF A FIREARM.

MJM 11-10-2016

Scanned by CamScanner

Report of Violations

Instructions

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License/Permit/Registry Number (if any) 431017015H03850	Expiration Date 8/1/2018	Date(s) or Period of Inspection 10/26/2016 through 11/10/2016				

Inspection Results

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

Number: 5

Nature of Violation:

Licensee failed to complete and submit ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers in a timely manner as required in instance (b) (6) - Public Law 112-55 (125)

Date Correction to be Made: 10/26/2016
(If not corrected immediately)

Corrective Action to be Taken: The licensee immediately completed and submitted the Form 3310.4 in relation to this incident. The licensee was instructed that ATF Form 3310.4 must be submitted in all multiple sales of 2 or more handguns within a 5 business day period prior to the close of business on the date of the sale.
(If not corrected immediately)

Citation: 27 CFR 478.126(a)

I Have Received a Copy of This Report of Violations (Proprietor's signature and title) <i>Michael J. Murphy</i>	Date 11-10-2016
Signature and Title of ATF Officer IAI (b) (6)	Date 11/9/2016

For Official Use Only

ATF E-Form 5010.3
Revised April 2009

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 Michael J. Murphy Gunsmoke Firearms	Street Address 7161 Elk Creek Road	City Middletown	State OH	Zip Code 45042-	County Butler	Page 1 of 2 Pages
License/Permit/Registry Number <i>(If any)</i> 431017015H03850		Expiration Date	Date(s) or Period of Inspection 10/26/2016 through 11/10/2016			

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 ensure transferee correctly completed ATF Forms 4473 on (b)(3) occasions out of 28 Forms examined. Box 11 "Prohibiting Question", (b)(3) - Public Law 112-55 (125 Stat. 552), (b)(6) and Box 17 "Certification Date" (b)(3) 112 Public L were blank.

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)

Ensure that the transferee properly completed future ATF Form 4473 transactions. These errors were made by the transferee and could not be corrected. Investigator ran the transferees through NCIC/III resulting in no hits.

Number: 2

Nature of Violation:

Failure to record the transferee's identification information on ATF Form 4473 (b)(3) occasion (b)(3) 112 Public Law 55 125 out of 28 ATF Form 4473 examined. Specifically all 3 sections of Box 20a (ID Issuing Authority, ID Number, and ID Expiration Date) was blank.

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)

Ensure that the transferee's identification information is properly completed in all ATF Form 4473 transactions.

Number: 3

Nature of Violation:

Failure to properly complete the NICS contact information correctly on (b)(3) transfers out of 28 forms examined. Specifically, Boxes 21c (b)(3) - Public Law 112-55 (125 Stat. 552) and Boxes 21a, 21b, 21c were blank on (b)(3) 112 ATF Form 4473 transaction (b)(3) 112.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Ensure that transferor's information is properly completed in future ATF Form 4473 transactions. Licensee was instructed to make a copy of the ATF Form 4473 and correct the error on the copy, where applicable.

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) 431017015H03850	Expiration Date	Date(s) or Period of Inspection 10/26/2016 through 11/10/2016				

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(c)(3)(iv)

Number: 4

Nature of Violation:

The licensee failed to complete Box 36 "Certification Date" on [redacted] occasion ([redacted] 112 Public L out of 28 forms examined.

Citation: 27 CFR 478.124(c)(5)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Number: 5

Nature of Violation:

Licensee failed to complete and submit ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers in a timely manner as required in [redacted] instance [redacted] 112-SS (125) Stat

Citation: 27 CFR 478.126(a)

Date Corrections to be Made: 10/26/2016

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee immediately completed and submitted the Form 3310.4 in relation to this incident. The licensee was instructed that ATF Form 3310.4 must be submitted in all multiple sales of 2 or more handguns within a 5 business day period prior to the close of business on the date of the sale.

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

Date

Signature and Title of ATF Officer

Date

FIREARMS INSPECTION REPORT

Name: Michael J. Murphy
Trade Name: Gunsmoke Firearms

UI#: 773015-2016-0477-B1B
FFL#: 4-31-017-01-8H-03850

Address: 716 Elk Creek Road
Middletown, Ohio 45042

1 - Introduction

Inspection Profile:

On 10/26/2016 Industry Operations Investigator (IOI) (b)(6) conducted a firearms disposition emphasis compliance inspection at Gunsmoke Firearms. No other Federal, State, or local agencies participated in the inspection. The sole proprietor and owner, Michael Murphy, was present. Mr. Murphy was identified by his Ohio Driver's License (b)(6), Exp. 10/11/2020, DOB (b)(6). The inspection period was identified as 10/26/2015 to 10/26/2016. Advance notice was given as this is a home occupation dealer and the licensee has other daytime employment. The inspection was conducted later than normal (began 3PM) to accommodate the industry member.

Business Profile:

The licensee operates a small home occupation business. It operates from a 2,000 square foot single family ranch style home located in rural Butler County, Ohio. Most of the firearms are stored in the basement.

In the past year the licensee has acquired (b)(4) firearms and disposed of (b)(4) firearms. Approximately (b)(4) of the firearms were handguns and (b)(4) were long guns. All of the firearms sold were retail. About (b)(4) of the firearms are new and (b)(4) are used.

The licensee does not participate in internet sales nor does he use a website or participate in gun shows. The licensee does not have any other ATF issued licenses. He does not use off site gun storage. The licensee does not operate any other businesses from the premise.

Ownership and Control:

The licensee is the sole proprietor on the license. However, the business under

FIREARMS INSPECTION REPORT

Name: Michael J. Murphy

UI#: 773015-2016-0477-B1B

Trade Name: Gunsmoke Firearms

FFL#: 4-31-017-01-8H-03850

No obliterated serial numbers were found during the inspection.

No trafficking issues were observed during this inspection. The investigator spent a considerable amount of time researching the licensee's records to ensure trafficking issues were not occurring. The licensee had a rather large amount of firearms signed out to his personal collection. This is because many of the firearms in the personal collection were used as demonstration guns at the firearms training business. The investigator conducted a complete inventory of firearms in the personal collection but only those firearms that were dispositioned from the A&D Record within the last year. All firearms were accounted for and no discrepancies were noted in the personal record.

The licensee did not have a way of distinguishing personal firearms and inventory firearms. IOI (b)(6) suggested a tagging system involving different color tags marked with a unique number that corresponded to a page and line number in the A&D Record or Personal Firearm Record. The licensee agreed and implemented such a system.

The investigator and the licensee reviewed his standard operating procedures relevant to the A&D record and inventory. The licensee stated he promptly records firearms into the A&D based on the serial number on the firearm. Dispositions are entered as soon as a firearm is sold.

5 - ATF Forms 4473 – NICS & Other Dispositions

A 100% review of ATF Form 4473s was conducted by IOI (b)(6). There were (b)(6) Form 4473 on file for the inspection period. A sampling method was not used. During the inspection period, the licensee had several dealer transfers noted in his A&D Record. The licensee had copies of Dealer licenses for all transfers initiated by him. The licensee had no sales to law enforcement officers dispositioned by a Certification Letter. The investigator compared the NICS Audit Log (**Exhibit 1**) to the ATF Form 4473s on file and all Forms were accounted for.

The following violations were noted on the Form 4473s.

- The licensee failed to ensure the transferee correctly completed ATF Forms 4473 (b)(3) occasions out of (b)(3) Forms examined. Specifically, Box 111

FIREARMS INSPECTION REPORT

Name: Michael J. Murphy

UI#: 773015-2016-0477-B1B

Trade Name: Gunsmoke Firearms

FFL#: 4-31-017-01-8H-03850

"Prohibiting Question", (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)) and Box 17 "Certification Date" (b)(3) - 112 Public Law 55 125) were blank (see Violation 1, Exhibit 3, and Worksheet 2).

- The licensee failed to record the transferee's identification information on ATF Form 4473 on (b)(3) - 112 occasion out of (b)(3) - 112 ATF Form 4473 examined (b)(3) - 112 Public Law 55 125 Stat 552). Specifically all 3 sections of Box 20a (ID Issuing Authority, ID Number, and ID Expiration Date) were blank (see Violation 2, Exhibit 3, and Worksheet 2).
- The licensee failed to properly complete the NICS contact information correctly on (b)(3) transfers out of (b)(3) - 112 forms examined. Specifically, Boxes 21c (Stone 12-3-15), and Boxes 21a, 21b, 21c were blank on (b)(3) - 112 ATF Form 4473 (b)(3) - 112 Public Law 55 125 (see Violation 3, Exhibit 3, and Worksheet 2).
- The licensee failed to complete Box 36 "Certification Date" (b)(3) - 112 occasion (b)(3) - 112 Public Law 55 125 (see Violation 4, Exhibit 3, and Worksheet 2).

6 – Multiple Sales

The licensee reported no multiple sales during the inspection period. During the inspection, (b)(3) - 112 unreported multiple sale was discovered involving (b)(3) - 112 firearms (4473 (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)) (see Violation 5, Exhibit 3, and Worksheet 2). The licensee immediately submitted a report upon request.

7 – Suspicious/Prohibited Purchasers

There were no firearms traffickers, straw purchasers or any other suspicious purchasers identified during this inspection. There were two CCH (persons) queries conducted with a negative result. No referrals were generated as a result of this inspection.

8 – Trace Activity

There were no traces conducted during this inspection period and there were no open NICS checks discovered. The licensee had no secondary market firearms in his inventory. 98% of his business involves the sale of new firearms. There were ten (10) firearms CCH queries conducted with a negative results.

9 - NFA/Importer/Collector/Manufacturer

FIREARMS INSPECTION REPORT

Name: Michael J. Murphy

UI#: 773015-2016-0477-B1B

Trade Name: Gunsmoke Firearms

FFL#: 4-31-017-01-8H-03850

The licensee is not a Class III dealer.

10 - Referrals

No referrals were generated during this inspection.

11 - Other

The licensee is compliant with the Youth Handgun safety Act and secure gun storage/safety devices requirements.

12 - Closing Actions

A closing conference was conducted on 11/10/2016. In attendance were both Michael and Lisa Murphy. An ATF Form 5030.5, Report of Violations was issued for the violations noted below, it was signed by Mr. Murphy. A review of Federal Laws was conducted including the signing of the Acknowledgement of Federal Regulations by the licensee. The licensee was very appreciative of the assistance he was given during the inspection.

13 - Violations

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

Nature of Violation:

Failure to ensure transferee correctly completed ATF Forms 4473 ^{(b)(3)-112} occasions out ^{(b)(3)-112} Forms examined. Box 111 "Prohibiting Question", ^{(b)(3)-112 Public Law 55 125 Stat 552, (b)(6)} and Box 17 "Certification Date" ^{(b)(3)-112 Public Law 55 125} were blank.

Licensee Response

Agreed with the error and stated it was an oversight on his part.

Corrective Action

Ensure that the transferee properly completed future ATF Form 4473 transactions. These errors were made by the transferee and could not be corrected. Investigator ran the transferees through NCIC/III resulting in no hits.

FIREARMS INSPECTION REPORT

Name: Michael J. Murphy **UI#:** 773015-2016-0477-B1B
Trade Name: Gunsmoke Firearms **FFL#:** 4-31-017-01-8H-03850

2. **27 CFR 478.124(c)(3)(i)**

Nature of Violation:

Failure to record the transferee's identification information on ATF Form 4473 on (b)(3) - 112 Public Law 55 125 Stat 552 ATF Form 4473 examined. Specifically all 3 sections of Box 20a (ID Issuing Authority, ID Number, and ID Expiration Date) was blank.

Licensee Response

Licensee agreed with the error and had corrected it prior to closing.

Corrective Action

Ensure that the transferee's identification information is properly completed in all ATF Form 4473 transactions.

3. **27 CFR 478.124(c)(3)(iv)**

Nature of Violation:

Failure to properly complete the NICS contact information correctly (b)(3) - 112 Public Law 55 125 Stat 552 transfers out of (b)(3) forms examined. Specifically, Boxes 21c (b)(3) - 112 Public Law 55 125 Stat 552), and Boxes 21a, 21b, 21c were blank (b)(3) - 112 Public Law 55 125 Stat 552 ATF Form 4473 transaction (b)(3) - 112 Public Law 55 125 Stat 552

Licensee Response

Licensee had no response.

Corrective Action

Ensure that transferor's information is properly completed in future ATF Form 4473 transactions. Licensee was instructed to make a copy of the ATF Form 4473 and correct the error on the copy, where applicable.

4. **27 CFR 478.124(c)(5)**

Nature of Violation:

The licensee failed to complete Box 36 "Certification Date" on (b)(3) occasion (b)(3) - 112 Public Law 55 125 Stat 552 out (b)(3) - 112 Public Law 55 125 Stat 552 forms examined.

Licensee Response

Licensee had no response.

FIREARMS INSPECTION REPORT

Name: Michael J. Murphy

UI#: 773015-2016-0477-B1B

Trade Name: Gunsmoke Firearms

FFL#: 4-31-017-01-8H-03850

Corrective Action

Licensee is to ensure that all required boxes are completed prior to any transfer of a firearm.

5. **27 CFR 478.126(a)**

Nature of Violation:

Licensee failed to complete and submit ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers in a timely manner as required ^{(b)(3) - 11} instance

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

Licensee Response

Licensee stated he did not know the rules for submitting a multiple sale report. He thought it only had to be submitted if firearms were purchased the same day.

Corrective Action

The licensee immediately completed and submitted the Form 3310.4 in relation to this incident. The licensee was instructed that ATF Form 3310.4 must be submitted in all multiple sales of 2 or more handguns within a 5 business day period prior to the close of business on the date of the sale.

(b)(6)	Industry Operations Investigator	11/21/2016
Signature	Title	Date of Report

Index of Worksheets and Exhibits

ATF Form 5030.5, Report of Violations
Firearms Worksheet Workbook (9-21-2016 version)

Exhibits

1. NICS Audit Log

FIREARMS INSPECTION REPORT

Name: Michael J. Murphy

UI#: 773015-2016-0477-B1B

Trade Name: Gunsmoke Firearms

FFL#: 4-31-017-01-8H-03850

2. ATF Form 4473 (4)
3. ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers.
4. ATF Acknowledgement of Federal Regulations