

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Harold Lee Miller Miller's Gun Repair & Service 155 Bailey Switch Rd Bluefield, VA 24605, Tazewell		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 768090-2016-0159-B1B		
		3. PERMIT/LICENSE NUMBER 154185017M11731	4a. TARGET DATE	4b. TARGET HOURS
		5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		
6. ATF OFFICER(S) ASSIGNED (b)(6) - Assigned Investigator (b)(6) - Lead Investigator				
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6), Area Supervisor, 09/13/2016				
8. PURPOSE/SPECIAL INSTRUCTIONS pls conduct a DE inspection -- expires 12/1/17				
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC				
NO. OF VIOLATIONS	1	NO. OF REFERRALS		10. TRAVEL EXPENSES (OPTIONAL)
NO. OF TECS CHECKS	19	NO. OF TECS HITS	1	2111 - PER DIEM
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES		2112 - P.O.A.
		\$ VALUE OF TAX DECREASES		2113 - COMM. AIR
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS		2114 - RENTAL CAR
NO. OF CLAIMS		\$ VALUE OF CLAIMS		2115 - GPV EXPENSES
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED		2116 - MISC.
				TOTAL \$ FOR INSP.
11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 10/18/2016 FFL has repeated the Multiple Sales Form violation (on 10 occasions) despite receiving a Warning Letter for that specific violation in the past. Violts WC with WL and Recall				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
SEP 2016		16.00		
ATF OFFICER'S SUBTOTAL		16.00		ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
SEP 2016		58.00		
OCT 2016		42.00		
ATF OFFICER'S SUBTOTAL		100.00		ATF OFFICER'S SIGNATURE
TOTAL HOURS		116.00		

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13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

ALTERNATE RECOMMENDATION

Onsite DE inspection conducted by IOI (b)(6); began on 9-20-16 and ended on 9-23-16. This is the first inspection since 2010, where the FFL was cited for 5 violations. During this inspection only one violation was cited for failure to report multiple sales. The Adverse Action Policy recommends that a Warning Conference be conducted when 5 or more multiple sales are unreported. The Area Supervisor believes that a warning letter and recall inspection would be more appropriate due to the following:

- 5 violations were cited at last inspection in 2010, versus only one this time
- There are no inventory issues or missing firearms
- The FFL has been educated by the IOI of the importance of reporting multiple sales

Due to these reasons, the Area Supervisor recommends a warning letter and recall.

Pll sent to DIO for his recommendation.

Viols WL ONLY and Recall Inspection

☒ REVIEWED

☐ CONCUR

☒ SEE COMMENTS

☐ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) - Area Supervisor

(b)(6)

REVIEW DATE

11/08/2016

REVIEW COMMENTS AND RECOMMENDATION

DIO recommends an alternate recommendation of a warning letter and no recall inspection. The previous inspection of the FFL in 2010 resulted in a warning conference for failing to complete reports of multiple sales of handguns and 4 other violations. The current inspection revealed that the FFL had one violation, which was the failure to complete reports of a multiple sale of handguns. This constituted a repeat violation and warning conference per the Firearms Adverse Action Policy. It should be noted that the FFL properly accounted for 100% of his firearms inventory and did not have any trace activity.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☐ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

MFFRONCZA2 - Director of Industry Operations

REVIEW DATE

11/14/2016

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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 Harold Lee Miller Miller's Gun Repair & Service	Street Address 155 Bailey Switch Rd	City Bluefield	State VA	Zip Code 24605-	County Tazewell	Page 1 of 1 Pages
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License/Permit/Registry Number (If any) 154185017M11731	Expiration Date 12/4/2017	Date(s) or Period of Inspection 09/20/2015 through 09/23/2016
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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:
On (b)(3)(1)(2) FOFN occasions involving (b)(3)(1)(2) Public Law 92-600 handguns/pistols, the FFL failed to complete and file the Multiple Sale of Handguns and Pistols Form as required.

Citation: 27 CFR 478.126(a)

Date Corrections to be Made: 09/30/2016
(If not corrected immediately)

Corrective Action to be Taken: IOI (b)(6) the licensee that all Multiple sales of hanguns and pistols must be be reported and the licensee was instructed how to do so.
(If not corrected immediately)

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

Date

Signature and Title of ATF Officer
March 11 2019 Document Production 347

Date

For Official Use Only

ATF E-Form 5030 5
Revised April 2005



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives
310 First Street SW, Suite 500
Roanoke, VA 24011

November 16, 2016

www.atf.gov

Harold Lee Miller
Miller's Gun Repair & Service
155 Bailey Switch Rd
Bluefield, VA 24605-
RE: 1-54-185-01-7M-11731

Dear Mr. Miller:

During a recent inspection at your firearms business covering the period September 2015 to September 2016 you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, ATF F 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 (b)(6). You indicated that you understood the requirements of the firearms laws and regulations and 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 efforts 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 to ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area. We look forward to continuing to work with you in that regard.

You are reminded that retention of your Federal firearms license is conditioned upon your compliance with Federal laws and regulations. Any future violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license. Please ensure that future compliance is achieved. Should you have any questions regarding this matter, please contact (b)(6), Area Supervisor at (b)(6).

Sincerely yours

(b)(6)

Area Supervisor

Enclosure
c: Federal Firearms Licensing Center
Roanoke II (IO) Field Office
March 11 2019 Document Production

FIREARMS INSPECTION REPORT

Name: Harold Lee Miller
Trade Name: Miller's Gun Repair and Service

UI#: 768090-2016-0159
FFL#: 1-54-185-01-7M-11731

Address: 155 Bailey Switch Road
Bluefield, VA 24605

1 - Introduction

Inspection Profile:

On 09/20/2016 Industry Operations Investigators (b)(6) conducted an unannounced Compliance Inspection (Type 01, Dealer in Firearms), at the Business Premises of Harold Lee Miller, d/b/a Miller's Gun Repair and Service, Bluefield, VA.

IOI (b)(6) interviewed Harold Lee Miller, Sole Proprietor and Responsible Person for the business. The scope of this inspection consisted of a review of the Licensee's ATF forms 4473, Acquisition and Disposition Records, and a 100% reconciliation of the physical inventory.

The period of inspection was defined as from 09/20/2015 to 09/20/2016.

Business Profile:

Harold Lee Miller is the sole proprietor and Responsible Person for Miller's Gun Repair and Service, Bluefield, VA.

A Type 01 FFL, the licensee stated he deals to the general public, friends and family and other FFL's.

The business is located in a commercial/residential section of the City of Bluefield in Tazewell County, VA.

All firearms are secured within the business or on the person of the licensee.

The licensee does not conduct internet sales.

No other businesses are conducted at this location.

There are no other ATF licenses held by the licensee.

The licensee has been in possession of an ATF license since 1981.

Ownership and Control:

A review of the FLS database shows the following:

Harold Lee Miler, is the Sole Owner and Responsible Person for this FFL, Type 01.

There have been no unreported changes to the business and all information contained in the FLS database appears to be accurate and complete.

Variance:

There are no approved or pending variances for this licensee.

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2 - Recommendation

Investigators (b)(6) disclosed one (1) violation during this field inspection. An ATF Form 5030.5, Report of Violations, was prepared and issued to the licensee. The violation was a repeat violation of failing to complete and submit the ATF multiple sale of handguns/pistols form on (b)(3) 112 Public Law 55 occasions. Due to the number of times the violation occurred and the fact it is a repeat violation, a Warning Letter and Warning Conference are recommended in this case.

3 - Inspection History

Date of Inspection: 03/10/2010
Type of Inspection: Compliance
UI#: 768090-2010-0057
Inspection Results: Warning Letter Issued
Cited Violations: 27 CFR 478.21(a) – (b)(3) 112 Public Law 55 counts of Failure to Obtain all of the information called for in each form as indicated by the headings on the form, the instructions on or pertaining to the form, and as prescribed by the Director
27 CFR 478.99(c) – Sales or deliveries to prohibited categories of persons.
A licensed manufacturer, licensed importer, licensed dealer, or licensed collector shall not sell or otherwise dispose of any firearm or ammunition to any person answering YES to Question 11b on the ATF Form 4473 which asks if the purchaser ..."is under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year?".
27 CFR 478.124(c)(1) – (b)(3) 112 Public Law 55 counts of failure to obtain properly completed ATF Form 4473 PRIOR to transfer of a firearm to an unlicensed individual.
27 CFR 478.125(e) – (b)(3) 112 Public Law 55 counts of Failure to timely record the Acquisition and Disposition of firearms transacted by this Licensee.
27 CFR 478.126a – (b)(3) 112 Public Law 55 instances of failure to prepare and submit an ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, when transferring two or more handguns to an unlicensed individual within a period of five consecutive business days.

FIREARMS INSPECTION REPORT

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

Investigators (b)(6) conducted a complete inventory. All firearms were accounted for.

Investigators (b)(6) reviewed the Acquisitions and Dispositions record. No discrepancies were found.

The Acquisition and Disposition record is in the proper format, and all the required information is accurate and was made in a timely manner.

There were no theft/loss reports filed during the inspection period or as a result of this inspection.

5 - ATF Forms 4473 – NICS & Other Dispositions

Investigators (b)(6) reviewed (b)(6) ATF Forms 4473 that had been executed during the period of review.

Investigator (b)(6) was able to reconcile the Virginia State Police Background Check information with FFL's transaction records and disclosed no violations.

6 - Multiple Sales

A query of the Violent Crime Analysis Branch disclosed no report of any multiple sales associated with this FFL during the inspection period.

During the review, Investigators (b)(6) were able to identify (b)(3) 112 Public Law instances, involving (b)(3) 112 Public Law 55-125 firearms, in which a multiple sale was not reported to ATF as required.

Investigator (b)(6) instructed the licensee on the preparation and submission of the ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers. FFL was given till 09/30/2016 to complete and submit the Multiple Sales Forms and forward IOI (b)(6) proof of submission.

A Violation of 27 CFR 478.126a was cited. This was a Repeat Violation. **(Exhibit 3)**

7 - Suspicious/Prohibited Purchasers

There were no suspicious/prohibited purchasers identified during the inspection.

FIREARMS INSPECTION REPORT

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8 - Trace Activity

A query of the Violent Crime Analysis Branch disclosed (b)(3)(1)(2)Public L trace associated with this FFL during the inspection period.

9 - NFA/Importer/Collector/Manufacturer

The licensee is NOT authorized to deal in firearms and articles subject to the National Firearms Act.

The licensee does not conduct Importation, nor is he a Collector or Manufacturer.

10 - Referrals

There were no referrals generated during this inspection.

11 - Other

There were No items of Interest disclosed during the course of this FFL Compliance Inspection.

On 10/18/2016 IOI (b)(6) received confirmation from the FFL through the mail that the ATF form(s) 3310.4 (Report of Multiple Sale of Pistols/Revolvers) that were missing have now been mailed in per ATF regulations.

12 - Closing Actions

On 09/23/2016 Investigator (b)(6) conducted a closing conference with the Sole Owner Harold Lee Miller.

Investigator (b)(6) and the license reviewed and signed the Acknowledgement of Federal Firearms Regulations.

Upon answering all of the Licensee's questions, Investigator (b)(6) provided the Licensee with a copy of the acknowledgement for future reference. **(Exhibit 1)**

Investigator (b)(6) repeatedly encouraged the Licensee to contact ATF with any questions or concerns and supplied the licensee with current contact information for the Roanoke Area Office and Bristol Post of Duty.

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13 - Violations

1. 27 CFR 478.126a: Repeat Violation.

The licensee failed in (b)(3) 112 FFLC L1 instances to complete ATF Form 3310.4, Report of Multiple Sales or Other Disposition of Pistols and Revolvers.

Investigator (b)(6) thoroughly explained the reporting requirements associated with the Multiple Sale of Pistols and Revolvers to unlicensed individuals and instructed the licensee regarding the completion and submission of the form.

Mr. Miller said that he thought the form was not needed anymore because in 2013 he received (b)(3) 112 FFLC L1 Multiple Sales forms he mailed back undelivered. FFL showed the returned forms to IOI (b)(6) for confirmation.

FFL stated he will endeavor to comply with this requirement in the future.

X

Industry Operations Investigator

Index of Worksheets and Exhibits

- 1 – Acknowledgement of Federal Firearms Regulations.
- 2 – FFL Compliance Inspection Worksheets.
- 3 - ATF Form 5030.5, Report of Violations.

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