

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Hunter's Den, Inc. 11779 Buchanan Trail East Waynesboro, PA 17268, FRANKLIN		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 766085-2017-0056-B1B																																															
6. ATF OFFICER(S) ASSIGNED (b)(6) - Lead Investigator		3. PERMIT/LICENSE NUMBER 825055012J00130																																															
		4a. TARGET DATE 4b. TARGET HOURS 																																															
5. REQUESTED BY (SIGNATURE, TITLE AND DATE) 																																																	
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6) Area Supervisor, 10/03/2016																																																	
8. PURPOSE/SPECIAL INSTRUCTIONS Recall Inspection - you MUST notify the Area Supervisor prior to commencing your onsite. Please provide the date of your anticipated onsite so that the proper reporting to division staff may be done.																																																	
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td colspan="2" style="width: 20%;">9. INSPECTION RESULTS</td><td colspan="2" style="width: 40%;"><input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC</td><td colspan="2" style="width: 40%;">10. TRAVEL EXPENSES (OPTIONAL)</td></tr><tr><td>NO. OF VIOLATIONS</td><td>4</td><td>NO. OF REFERRALS</td><td>1</td><td>2111 - PER DIEM</td><td></td></tr><tr><td>NO. OF TECS CHECKS</td><td>11</td><td>NO. OF TECS HITS</td><td>1</td><td>2112 - P.O.A.</td><td></td></tr><tr><td rowspan="2">NO. OF TAX ADJUSTMENTS</td><td rowspan="2"></td><td>\$ VALUE OF TAX INCREASES</td><td></td><td>2113 - COMM. AIR</td><td></td></tr><tr><td>\$ VALUE OF TAX DECREASES</td><td></td><td>2114 - RENTAL CAR</td><td></td></tr><tr><td>NO. OF ASSESSMENTS</td><td></td><td>\$ VALUE OF ASSESSMENTS</td><td></td><td>2115 - GPV EXPENSES</td><td></td></tr><tr><td>NO. OF CLAIMS</td><td></td><td>\$ VALUE OF CLAIMS</td><td></td><td>2116 - MISC.</td><td></td></tr><tr><td>NO. OF TAX PERIODS</td><td></td><td>\$ VALUE OF TAXES VERIFIED</td><td></td><td>TOTAL \$ FOR INSP.</td><td></td></tr></table>				9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)		NO. OF VIOLATIONS	4	NO. OF REFERRALS	1	2111 - PER DIEM		NO. OF TECS CHECKS	11	NO. OF TECS HITS	1	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.	
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11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 03/30/2017 Alternate Recommendation: Four violations were found and cited during this inspection. All four violations cited during this inspection were repeat violations from previous inspections. A Report of Violations was issued to the licensee. Because of the repeat violations cited, a strict reading of the Administrative Action policy would allow for a recommendation of Revocation. However, the licensee was found during this inspection to have a compliance rate of 99.7% in regards to the A&D books and inventory, and was found to have a compliance rate of 97.91% compliance rate in regards to the ATF Forms 4473. The violations found would only meet the threshold of a Report of Violations issued only if this was the licensee's first inspection. Because the compliance rate for this licensee is so high, and the number of instances of violations found was lower than found in previous inspections, willfulness to not abide by the regulations cannot be articulated. It is recommended that the licensee be issued a Warning Letter to address the violations found, specifically the ATF Form 4473 Certification Section errors, with no Recall Inspection. Viols WL ONLY and No Recall Inspection																																																	
12. TIME ACCOUNTING DATA																																																	
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	3. PERMIT/LICENSE NUMBER 825055012J00130	4a. TARGET DATE	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Hunter's Den, Inc. was previously the subject of a Warning Conference in 2015 with the Harrisburg Area Supervisor. This recall inspection disclosed significant improvements in most areas. While there is still room for improvement, this licensee has implemented the compliance plan worked out with the Area Supervisor during the warning conference. Current and previous inspection violation statistics are provided below for comparison. Please note, the licensee saw a 25% increase in ATF Form 4473 transfers during the 2016-17 inspection period, making their improvement all the more significant.

	2015	2017
4473s reviewed	1,344	1,670 - 25% Increase
Violations Cited:		
Certification Section	(b) (3) - Public L	(b) (3) - Pu - 33% Reduction
Section A		90% Reduction
Other		80% Reduction
A&D Discrepancies		- violation not cited in 2015 inspection
Multiple Sale		100% Reduction

Alternate of warning letter, no recall, in lieu of revocation to administrative action policy requirement of revocation for repeat violations is appropriate as;

1. Willfulness is not evident,
2. The error rate is negligible relative to the business volume,
3. There is no evidence of straw sales/trafficking,
4. There are no unresolved traces or missing inventory,
5. There are no dispositions to prohibited individuals, nor apparent threat to public safety.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED ☒ CONCUR ☒ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	Digitally signed by (b)(6) Date: 2017.03.31 10:27:36 -04'00'	REVIEW DATE 03/16/2017
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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

www.atf.gov

May 4, 2017

766085 (b)(6)
5373

Hunter's Den, Inc
11779 Buchanan Trail East
Waynesboro, PA 17268
FFL#: 8-25-055-01-8J-00130

Dear Hunter's Den, Inc:

During a recent compliance inspection at your firearms business covering the period of January 5, 2016 through January 5, 2017, 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) inspector. 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.

Hunter's Den, Inc

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 IOI (b)(6) at (b)(6).

Sincerely yours,

(b)(6)

Enclosure

c: National Licensing Center
Philadelphia Field Division

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 Hunter's Den, Inc.	Street Address 11779 Buchanan Trail East	City Waynesboro	State PA	Zip Code 17268-	County FRANKLIN	Page 1 of 3 Pages
License/Permit/Registry Number (If any) 825055018J00130		Expiration Date 9/1/2018	Date(s) or Period of Inspection 01/05/2017 through 01/18/2017			

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:

The licensee failed to ensure that the Administrative information on the ATF F 4473 was completed as required prior to the sale or transfer of a firearm to a non-licensee in 10/3 instances for total errors: Item 10a was left blank in 10/3 instances; Item 11a was answered with a "No" answer in 10/3 instances; Item 18 was left blank in 10/3 instance; Item 24 was left blank in 10/3 instance; and Item 25 was left blank in 10/3 instance.
REPEAT VIOLATION.

Citation: 27 CFR 478.21(a)

Date Corrections to be Made: 01/25/2017
(If not corrected immediately)

Corrective Action to be Taken: The licensee was requested to attempt to contact the 10/3 customers for the ATF Forms 4473 found with errors that can be corrected to have them come back to the premises to make the necessary corrections to their respective 4473 forms. The licensee was advised that they must ensure that the ATF Forms 4473 are completed as required prior to the sale or transfer of a firearm to a non-licensee.
(If not corrected immediately)

Report of Violations

Instructions

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Name of Proprietor Hunter's Den, Inc.	Street Address 11779 Buchanan Trail East	City Waynesboro	State PA	Zip Code 17268-	County FRANKLIN	Page 2 of 3 Pages
License/Permit/Registry Number (If any) 825055018J00130		Expiration Date 9/1/2018	Date(s) or Period of Inspection 01/05/2017 through 01/18/2017			

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:

The licensee failed to ensure that Section A of the ATF Form 4473 was completed as required prior to the sale or transfer of a firearm to a non-licensee in [REDACTED] instances for a total of [REDACTED] errors: Item 2 was found to be incomplete in [REDACTED] instance; Item 11b was answered "Yes" in [REDACTED] instance; Item 11c was answered "Yes" in [REDACTED] instance; Item 11d was answered "Yes" in [REDACTED] instance; Item 11e was answered "Yes" in [REDACTED] instance; Item 11f was answered "Yes" in [REDACTED] instance; Item 11i was answered "Yes" in [REDACTED] instance; Item 11j was answered "Yes" in [REDACTED] instance; Item 11e was left blank in [REDACTED] instance; Item 11c was left blank in [REDACTED] instance; Item 11b was left blank in [REDACTED] instance; Item 11j was left blank in [REDACTED] instances; Item 11k was left blank in [REDACTED] instances; Item 11d was left blank in [REDACTED] instances; Item 13 was left blank in [REDACTED] instance; Item 16 was left blank in [REDACTED] instances; and Item 17 was left blank in [REDACTED] instances and was found to be incorrect in [REDACTED] instances.
REPEAT VIOLATION.

Citation: 27 CFR 478.124(c)(1)

Date Corrections to be Made: 01/25/2017

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The [REDACTED] customers who answered "Yes" to Certification Questions in Item 11 passed the PICS background check, and the licensee then did not have reasonable cause to believe that those customers were prohibited. The licensee was requested to attempt to contact the [REDACTED] customers for the ATF Forms 4473 found with errors that can be corrected to have them come back to the premises to make the necessary corrections to their respective 4473 forms. The licensee was advised that they must ensure that the ATF Forms 4473 are completed as required prior to the sale or transfer of a firearm to a non-licensee.

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 Hunter's Den, Inc.	Street Address 11779 Buchanan Trail East	City Waynesboro	State PA	Zip Code 17268-	County FRANKLIN	Page 3 of 3 Pages
License/Permit/Registry Number (If any) 825055018100130		Expiration Date 9/1/2018		Date(s) or Period of Inspection 01/05/2017 through 01/18/2017		

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:

The licensee failed to ensure that Section B, Identification Information of the ATF Form 4473 was completed as required prior to the sale or transfer of a firearm to a non-licensee in [redacted] instances. Item 20a was found to be incorrect in [redacted] instances (expired ID date) and incomplete in [redacted] instances ([redacted] with no expiration date listed and [redacted] with no ID number listed).
REPEAT VIOLATION.

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

Date Corrections to be Made: 01/25/2017

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee was requested to attempt to contact the [redacted] customers for the ATF Forms 4473 found with errors that can be corrected to have them come back to the premises to make the necessary corrections to their respective 4473 forms. The licensee was advised that they must ensure that the ATF Forms 4473 are completed as required prior to the sale or transfer of a firearm to a non-licensee.

Number: 4

Nature of Violation:

The licensee failed to properly maintain the firearm acquisition and disposition record book (A&D book) in [redacted] instances. [redacted] firearm was found in inventory but was logged out of the A&D book as disposed of; [redacted] firearms were found to be disposed of but were not timely logged out of the A&D books, and [redacted] firearms were found in inventory but had duplicate entries in the A&D books ([redacted] open dispositions for the same firearm).
REPEAT VIOLATION.

Citation: 27 CFR 478.125(e)

Date Corrections to be Made: 01/25/2017

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee will make the necessary corrections to the A&D books by logging out the [redacted] firearms that were disposed of and not logged out, by correcting the [redacted] firearms that had duplicate entries in the A&D books, and by correcting the [redacted] firearm entry in the gunsmith A&D book that was logged out in error.

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

Date

Signature and Title of ATF Officer

Date

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hunter's Den Inc.
11779 Buchanan Trail East
Waynesboro, PA 17268

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15-40

FIREARMS INSPECTION REPORT

Name: Hunters Den, Inc.
Trade Name: N/A

UI#: 766085-2017-0056 B1B
FFL#: 8-25-055-01-8J-00130

Address: 11779 Buchanan Trail East
Waynesboro, PA 17268 (Franklin Co.)

1 - Introduction

Inspection Profile:

On January 5th, 6th, 9th, 11th, 12th, and 18th, 2017, SIOI (b)(6) of the Harrisburg II (IO) Area Office conducted a Recall firearm compliance inspection for Hunters Den, Inc. at the above listed business premises. The licensee was not provided with advance notification of this firearm compliance inspection. Upon arrival at the above listed business premises, store owner and Responsible Person Stuart "Stu" McFerren was available for the inspection and was interviewed. Mr. McFerren assisted this SIOI with the compliance inspection for each of the above days listed. The inspection period covered the licensee's firearm activity for the past year, from 1/5/16 to 1/5/17.

Business Profile:

Hunter's Den, Inc. operates as a commercial retail firearm sales, gunsmithing, and firearm accessory sales business. The business holds a Type 01 FFL which was found to be posted as required (FFL # 8-23-00130, exp. 9/1/2018). The business also holds a current PA License to Sell Firearms, which was found posted near the FFL (# 8994, exp. 1/31/2017). Hunter's Den, Inc., owned by sole corporate officer Stuart R. "Stu" McFerren, is predominately engaging in dealing in new and used sporting rifles, shotguns, and handguns, with some gunsmithing services occurring as well. The licensee's firearm inventory consists mostly of hunting and sporting rifles and shotguns, collectible firearms, and handguns utilized for personal defense and sporting use. The licensee also sells several AR-15 type rifles, as well as other military type semi-automatic rifles. According to the licensee's records, Hunters Den, Inc. had acquired (b)(3) (b)(7)(F) firearms in the past year, and sold or disposed of approximately (b)(3) (b)(7)(F) firearms during the last year. Approximately seventy percent (70%) of the firearms sold during the past twelve months were in new condition and the other thirty percent (30%) were in used condition. (b)(3) (b)(7)(F) of the firearms in inventory are long guns, while the remaining (b)(3) (b)(7)(F) of the firearms in inventory are handguns or "other" firearms (receivers and frames). The showroom area of the store is at the rear of the building, with wall display racks for the rifles and shotguns, with handguns located in the glass display cases under the gun shop counters. The attic area and rear storage room are both used as a storage area for holding excess firearm inventory and "lay-away" firearms. Most of the new firearms are acquired from (b)(4). Because of its close proximity to the Maryland border, many of the customers of this licensee are from Maryland. In addition to regular firearm transactions,

FIREARMS INSPECTION REPORT

Name: Hunters Den, Inc.
Trade Name: N/A

UI#: 766085-2017-0056 B1B
FFL#: 8-25-055-01-8J-00130

the licensee does on occasion enter into a consignment agreement with a customer and attempt to sell the customer's firearm. Mr. McFerren's business does not engage in any firearm business over the internet or at gun shows (See attached Information and Statistics Worknote).

Hunter's Den, Inc. is located in the commercial storefront building on the Rt. 16 East business corridor district in southern Franklin Co., about three miles east of the town of Waynesboro. It was verified during the past compliance inspections in 2009 and 2012 that the licensee was in compliance with the local zoning ordinances. No further zoning compliance inquiries were made during this current inspection.

Ownership and Control:

Hunter's Den, Inc. is a PA registered corporation created in 1990. The business is owned and operated by Stuart R. McFerren. Mr. McFerren is the only corporate officer for the corporation, and he is listed as the sole Responsible Person for this licensee as appropriate. The business premises is owned by the corporation. Mr. McFerren has several employees who work for him, but none have direct oversight and/or control of the business. There are no other owners or controllers of this business. There is no hidden ownership suspected with this licensee.

Variance:

No variances are on file for this licensee, and none are needed as a result of this inspection.

2 - Recommendation

Alternate Recommendation:

Four violations were found and cited during this inspection. All four violations cited during this inspection were repeat violations from previous inspections. A Report of Violations was issued to the licensee. Because of the repeat violations cited, a strict reading of the Administrative Action policy would allow for a recommendation of Revocation. However, the licensee was found during this inspection to have a compliance rate of 99.7% in regards to the A&D books and inventory, and was found to have a compliance rate of 97.91% compliance rate in regards to the ATF Forms 4473. The violations found would only meet the threshold of a Report of Violations issued only if this was the licensee's first inspection. Because the compliance rate for this licensee is so high, and the number of instances of violations found was lower than found in previous inspections, willfulness to not abide by the regulations cannot be articulated. It is recommended that the licensee be issued a Warning Letter to address the violations found, specifically the ATF Form 4473 Certification Section errors, with no Recall Inspection.

FIREARMS INSPECTION REPORT

Name: Hunters Den, Inc.
Trade Name: N/A

UI#: 766085-2017-0056 B1B
FFL#: 8-25-055-01-8J-00130

3 - Inspection History

Date of Inspection: July 28th, 2015
Type of Inspection: Recall Firearm Compliance Inspection
UI#: 766085-2015-0062 / Lead IOI: (b)(6)
Inspection Results: Six violations found and cited. ROV issued to the licensee.
Recommend WC with WL and Recall Inspection
Cited Violations: 478.21(a); 478.124(c)(1); 478.126a; 478.99(a);
478.99(b); 478.99(c)

Date of Inspection: August 14th, 2013
Type of Inspection: Recall Firearm Compliance Inspection
UI#: 766085-2013-0183 / Lead IOI: (b)(6)
Inspection Results: Nine violations found and cited. ROV issued to the licensee.
Recommend WL with Recall Inspection.
Cited Violations: 478.125(e); 478.124(c)(1); 478.99(c); 478.124(c)(3)(i);
478.124(c)(3)(iv); 478.124(c)(5); 478.21(a); 478.126a;
478.41(a)

Date of Inspection: February 22nd, 2012
Type of Inspection: Recall Firearm Compliance Inspection
UI#: 766085-2012-0070 / Lead IOI: (b)(6)
Inspection Results: One violation found and cited. ROV issued to the licensee.
Recommend WL with Recall Inspection.
Cited Violations: 478.125(e)

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

A full A&D book review and firearm inventory verification was completed during this inspection (See Worksheet # 1, Inventory / A&D Review). It was discovered that the licensee currently uses 24 open A&D books to document the firearm transactions at the shop. All of the A&D books in use are hand written, commercially made A&D books obtained from (b)(4) (older books and gunsmith books) and from the National Association of Licensed Firearms Dealers (newer sales and transfer books). All of the open A&D books were reviewed during the inspection. The newer A&D records were found to be maintained on a shelf near the front counter of the shop, with the gunsmith A&D books maintained in the gunsmith workshop area. The books were found to be printed in the required format, and included all of the information required of an A&D record. No discrepancies were found with the required information listed for the firearms in the A&D books.

FIREARMS INSPECTION REPORT

Name: Hunters Den, Inc.
Trade Name: N/A

UI#: 766085-2017-0056 B1B
FFL#: 8-25-055-01-8J-00130

A full firearm inventory verification was completed at Hunter's Den, Inc. during this inspection. There were a total of [REDACTED] firearms found in inventory at the shop premises. However, there were [REDACTED] blank dispositions found in the A&D books. Firearms were found in display racks on the side walls of the rear portion of the shop and in glass display cases under the counters in the gun sales area, but many other firearms were found in the attic storage area and a rear storage room off of the gunsmith workshop. These firearms were compared to the licensee's acquisition and disposition record books. It was then discovered that there were [REDACTED] discrepancies found between the firearms in physical inventory and the A&D books (See Exhibit # 1, Images of the A&D book errors). They are as follows: [REDACTED] firearm was listed in the A&D book as being disposed of, but was found in inventory; [REDACTED] firearm was disposed of, but was not timely logged out of the A&D book; [REDACTED] firearms were found with a blank disposition in the A&D book but were not found in inventory (sold and not logged out), and [REDACTED] firearm were found to have duplicate entries in the A&D book. Mr. McFerren stated that he was going to conduct an inventory for tax purposes within the next couple of weeks, and would have discovered the discrepancies. There were no other inventory discrepancies found, and all firearms were accounted for during the firearm inventory. The licensee was cited for the A&D book and inventory violations listed above found during this inspection (See Violation # 4, on the attached ATF F 5030.5, Report of Violations).

There were a total of 1670 ATF Forms 4473 on file for the past year. A sample of 100 forms were reviewed to trace the firearms sold or transferred on the forms in the A&D book from the acquisition of the firearm to the final disposition of the firearm on the 4473 form. 50 forms were traced from the final disposition back through the A&D book to acquisition, and the remaining 50 firearm transactions were traced from acquisition to the final disposition on the 4473 form. No discrepancies were found.

Standard Operating Procedures/Internal Controls Evaluation: This licensee does not have any set standard operating procedures in place in regards to the firearm inventory and the A&D books. The building where the business is located has an alarmed security system in place with recorded camera surveillance to deter theft. Business owner Stu McFerren and several other employees are allowed to make entries in the A&D books for the business. Mr. McFerren stated that he tries to review the A&D books as much as he can, and stated that he tries to do an inventory of the firearms at least twice a year (one inventory at tax time) to ensure that the firearms are accounted for and the A&D books are correct. The A&D books are maintained in an orderly fashion behind the counter in the gun sales area of the shop. Firearms in inventory are kept on wall mounted display racks and display cases, away from any potential customer's reach. All firearms are tagged back to the A&D book by date of acquisition, making the inventory verification easier. Although six inventory discrepancies were found, due to the high volume of sales business for this FFL, the A&D book / inventory errors only accounted for 0.3% of the total firearm business. No

FIREARMS INSPECTION REPORT

Name: Hunters Den, Inc.
Trade Name: N/A

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internal control or SOP problems were found during this inspection. (Reference ROV Violation # 4, Worksheet # 1, and Exhibit # 1).

5 - ATF Forms 4473 – NICS & Other Dispositions

A review of all of the ATF Forms 4473 on file at Hunter's Den, Inc. for the past year was completed during this inspection (See Worksheet # 2, ATF F 4473 Review). There were a total of 1670 ATF Forms 4473 on file for this inspection period. Of the 1670 forms reviewed for the inspection period, a total of [REDACTED] forms were found to have a combined total of [REDACTED] discrepancies or errors (See Exhibit # 2, Images of sample 4473 forms found with errors). The errors found are as follows: **478.21(a)** - The licensee failed to ensure that the Administrative information on the ATF F 4473 was completed as required prior to the sale or transfer of a firearm to a non-licensee in [REDACTED] instances for total errors: Item 10a was left blank in [REDACTED] instances; Item 11a was answered with a "No" answer in [REDACTED] instances; Item 18 was left blank in [REDACTED] instance; Item 24 was left blank in [REDACTED] instance; and Item 25 was left blank in [REDACTED] instance; **478.124(c)(1)** - Item 2 was found to be incomplete in [REDACTED] instance; Item 11b was answered "Yes" in [REDACTED] instance; Item 11c was answered "Yes" in [REDACTED] instance; Item 11d was answered "Yes" in [REDACTED] instance; Item 11e was answered "Yes" in [REDACTED] instance; Item 11f was answered "Yes" in [REDACTED] instance; Item 11i was answered "Yes" in [REDACTED] instance; Item 11j was answered "Yes" in [REDACTED] instance; Item 11c was left blank in [REDACTED] instance; Item 11e was left blank in [REDACTED] instance; Item 11h was left blank in [REDACTED] instance; Item 11j was left blank in [REDACTED] instances; Item 11k was left blank in [REDACTED] instances; Item 11l was left blank in [REDACTED] instances; Item 13 was left blank in [REDACTED] instance; Item 16 was left blank in [REDACTED] instances; and Item 17 was left blank in [REDACTED] instances and was found to be incorrect in [REDACTED] instances; and **478.124(c)(3)(i)** - The licensee failed to ensure that Section B, Identification Information of the ATF Form 4473 was completed as required prior to the sale or transfer of a firearm to a non-licensee in [REDACTED] instances: Item 20a was found to be incorrect in [REDACTED] instances (expired ID date) and incomplete in [REDACTED] instances ([REDACTED] with no expiration date listed and [REDACTED] with no ID number listed). Item 20a was found to be incorrect or incomplete in [REDACTED] instances (exp. date errors); and Item 20b was found to be left blank in [REDACTED] instances. The [REDACTED] customers who had answered Certification Section questions with a "Yes" answer had all passed the PICS background check, and the licensee then would not have a reasonable cause to believe that those customers were prohibited. The specific ATF Form 4473 violations listed above were cited on an ATF F 5030.5, Report of Violations (See Violations # 1, # 2, and # 3 on the attached ROV).

A request was made to the PA State Police to obtain the PICS approval numbers for this licensee for the period from 6/1/16 to 1/3/17 (See Exhibit # 3, List of the PICS transaction numbers). There were 959 PICS transaction numbers issued to the licensee for the above 6 month period. The 959 PICS transaction numbers and denials were compared to the 4473s during the 4473 review. No discrepancies were found with the PICS transaction numbers compared to the 4473 forms.

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Standard Operating Procedures/Internal Controls Evaluation: This licensee does not have any set standard operating procedures in place in regards to the firearm transactions and the maintenance and review of the 4473 forms. Business owner Stu McFerren and his several employees all conduct firearm transactions and complete the 4473 forms. Mr. McFerren stated that the people who are conducting the firearm transactions are supposed to review the 4473 forms at the time of sale, and then have another employee or himself review the form as well to ensure that the required information is correct. The 4473 forms are maintained in transaction serial number order, which is the number of the firearm's listing in the A&D books. They are generally in chronological order as well. The denied forms were kept in a separate file in chronological order. Mr. McFerren does keep the 4473 forms separate from the bulk form files for a period of time to ensure that multiple handgun sales are being reported as required. (b)(3) total 4473 form errors were found during the inspection, including (b)(3) errors occurring in the Certification Section of the form. Due to the high volume of sales business for this FFL, the 4473 errors only accounted for 2.09% of the total forms on file for the inspection period. The licensee was advised that the 4473 form review must be more critical by him and his employees to ensure that the forms are completed as required. (Reference ROV Violations # 1, # 2, and # 3, Worksheet # 2, and Exhibits # 2 and # 3).

6 - Multiple Sales

An ATF E-Trace Multiple Handgun Sale history query was conducted for Hunter's Den, Inc. (FFL #8-25-00130) for the period of 1/5/16 to 1/5/17. This licensee was found to have been associated with 36 multiple handgun sales reported during the above listed inspection period. A review of the required firearm records at the licensed premises discovered that these 36 multiple handgun sales were reported as required, with the Multiple Handgun Sale Report forms filed with their respective 4473 forms. There were no unreported multiple handgun sales that were found to have occurred for the licensee during the inspection period

7 - Suspicious/Prohibited Purchasers

Three firearm purchasers were selected during this inspection to undergo NCIC and NLETS background checks to ensure that they are not prohibited persons (See NCIC/NLETS Worknote):

- On 12/2/16, (b)(3) 112 Public Law 55 125 31A1 552 (b)(3) answered Item 11i in the Certification Section of the 4473 form with a "Yes" answer (Misdemeanor Crime of Domestic Violence);

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- On 1/4/16, a (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) answered Item 11j in the Certification Section on the 4473 form with a “Yes” answer (Renounced US Citizenship):
- And on 5/16/16, a (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) answered Item 11b through 11f in the Certification Section on the 4473 form.

All three of these customers passed the PICS background check at the time of purchase and received a “Proceed” response. The firearms they purchased were then transferred to the above three customers at the end of the transaction. Since the three customers all passed the PICS background check, the licensee would not have a reasonable cause to believe that the customers were prohibited. The three customers listed above did not have any hits in NCIC or NLETS and are not prohibited persons.

Two purchasers were selected for further scrutiny through ATF E-Trace and Accurant for possible / potential straw purchase activity:

- A (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) of Waynesboro, PA, purchased a firearm on 11/2/16 from Hunters Den, Inc. (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) answered Item 11a in the Certification Section with a “No” answer (Are you the actual buyer / transferee?).
- A (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) of Waynesboro, PA, had three handguns transferred to her (private handgun sale) on 11/22/16 from Hunters Den, Inc. (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) answered Item 11a in the Certification Section with a “No” answer (Are you the actual buyer / transferee?). This transaction was reported as a Multiple Handgun Sale to ATF and the local chief law enforcement officer. (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) 4473 form is included in Exhibit # 2, Images of sample 4473 forms found with errors.

There was no information found on these two individuals or the firearms they purchased in ATF E-Trace. A search through Accurant for (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) discovered no prohibited persons potential associated with this purchaser. An Accurant search for (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) found a prohibited person (a (b)(3) 112 Public Law 55 125 STAT 552 (b)(6)) potentially associated with (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) as a neighbor (See Exhibit # 4, (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) reports). Although the multiple sale / transfer was reported to ATF, the additional information surrounding the purchase warrants a referral to the Philadelphia Field Division Crime Gun Intelligence Group for the (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) multiple handgun purchase/transfer (Reference Exhibit # 4).

8 - Trace Activity

The ATF E-Trace database was searched for firearm trace activity for the licensee prior to the inspection. It was discovered that Hunter’s Den, Inc. (FFL # 8-25-00130) was associated with (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) firearms trace requests for the period of 1/5/16 to 1/5/17. The shortest firearm trace had a Time to Crime period of 29 days (traced to the purchaser), and the longest firearm trace had a Time to Crime of 15 years. The average firearm trace Time to Crime period range was 7.75 years for the (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) traces during the

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inspection period. This licensee has averaged a high amount of traces due to the high volume of firearm sales over the past several years. There were no indicators found with these traces that show the licensee is knowingly involved in any firearm trafficking activity. All of the trace requests received for this licensee have been successfully completed. There were no issues discovered regarding any incomplete or unresolved firearm traces for this licensee.

Hunter's Den, Inc. does accept used firearms for trade and/or resale on a regular basis for the business. A total of [REDACTED] used firearms acquired by the licensee from the period of 12/12/16 to 1/4/17 were selected as a sample of used firearms for a Secondary Market Evaluation (See Secondary Market Evaluation Worknote). These [REDACTED] used firearms were run through the ATF E-Trace database for any trace histories, and were also run through NCIC/NLETS to determine if they had been reported stolen. All [REDACTED] used firearms selected for this workstep were found not to have been reported stolen or involved in a firearm trace. No secondary market problems were discovered during this inspection.

9 - NFA/Importer/Collector/Manufacturer

Hunter's Den, Inc. holds a Type 01 Firearm Dealer FFL, and is not licensed to conduct any firearm manufacturing/collecting/importing, and does not hold SOT to sell NFA firearms.

10 - Referrals

A Referral of Information was submitted to the Philadelphia Field Division's Crime Gun Intelligence Group in regards to the suspicious transfer of three handguns to a [REDACTED], who answered Item # 11a on the 4473 form with a "No" answer (See Section 7, Suspicious/Prohibited Purchasers above) (Reference ATF Form 5000.21, Referral of Information).

11 - Other

No safety or security concerns were found during this inspection. Hunter's Den, Inc. is a commercial firearm sales and firearm supplies store. The cooperation level of the RP and business owner Stu McFerren and his employees during the inspection was very good. The business space is large, but the actual areas where the firearms and records are kept are somewhat small with limited working space in most areas of the business premises. The hours of operation for this business are Mondays through Fridays from 10am to 6pm. No safety or security concerns or problems were encountered during the inspection. The licensee had the required Youth Handgun Safety Act poster and notices present, and also had the required secure gun storage devices available. No violations of the Secure Gun Storage and Safety Device Act, nor of the Child Safety Lock Act of 2005, were found during this inspection.

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Mr. McFerren was asked if his business was currently working with or involved with any local or state law enforcement operations to discover and arrest straw purchasers. Mr. McFerren stated that his business is currently not coordinating any anti-straw purchase operations with local or state law enforcement at this time, and not been involved with such operations since first obtaining the FFL in 1990.

The security of the business and the firearms in inventory at Hunters Den, Inc. was found to be adequate. Hunters Den, Inc. is located in a cinder block commercial building, which is kept locked when not open. Business owner Stu McFerren does have a security system and recorded camera surveillance set up in his business area to deter thefts. The long guns on the wall display racks are kept out of arm's reach of the customers, and the handguns are kept in secured display cases underneath the main counters in the gun sales area. Mr. McFerren stated that he has not had any thefts from the store (firearm or non-firearm) for many years. The licensee was advised of the surging trend of FFL burglaries, and to secure the firearms in the business as best as possible.

12 - Closing Actions

A closing conference was held with business owner Stu McFerren at the premises of Hunter's Den, Inc. at the conclusion of the inspection on January 18th, 2017. At this time, Mr. McFerren was issued the ATF F 5030.5, Report of Violations on behalf of the licensee to document the violations found during the inspection. All of the cited violations were explained in detail to Mr. McFerren, along with the corrective actions necessary to correct all of the deficiencies found during the inspection. Mr. McFerren stated that he understood the violations that were found and cited, and signed two copies of the Report of Violations form, maintaining one copy for his records. Also, an Acknowledgement of Federal Firearms Regulations Checklist was reviewed at this time with Mr. McFerren. All of Mr. McFerren's questions and concerns regarding his firearm business activities were addressed and answered during this regulations review. At the conclusion of the regulation review, Mr. McFerren signed two copies of the Acknowledgement checklist, and maintained a copy for his reference (See Exhibit # 5, Copy of the Acknowledgement form signed by Mr. McFerren). Mr. McFerren was also given an ATF contact information list for his reference should he have any questions or concerns in the future.

The license was given until COB on 1/25/17 to make the requested attempts to notify the effected customers to come back to the shop to make corrections to the errors found on the 4 ATF Forms 4473 found with errors during the inspection. Most of the customers were local and Mr. McFerren stated that he would contact via phone as he retains phone numbers for all of his customers, or by letter if needed. It was verified via telephone contact on 1/25/17 with Mr. McFerren that the customers had been contacted

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via phone or an attempt was made to contact them for them to come back to the shop to make the necessary corrections. (Reference Exhibit # 5).

13 - Violations

1. 27 CFR 478.21(a)

Nature of the Violation:

The licensee failed to ensure that the Administrative information on the ATF F 4473 was completed as required prior to the sale or transfer of a firearm to a non-licensee in [REDACTED] instances for [REDACTED] total errors: Item 10a was left blank in [REDACTED] instances; Item 11a was answered with a "No" answer in [REDACTED] instances; Item 18 was left blank in [REDACTED] instance; Item 24 was left blank in [REDACTED] instance; and Item 25 was left blank in [REDACTED] instance.

Licensee's Response: The licensee was surprised over the finding of several 4473 form errors. The licensee stated that there is a review process in place to review the forms from the time of transaction to the time of filing, and did not know why the 4473 errors were not caught.

Corrective Action: The licensee was requested to attempt to contact the 7 customers for the ATF Forms 4473 found with errors that can be corrected to have them come back to the premises to make the necessary corrections to their respective 4473 forms. The licensee was advised that they must ensure that the ATF Forms 4473 are completed as required prior to the sale or transfer of a firearm to a non-licensee.

REPEAT VIOLATION.

Reference Worksheet # 2 and Exhibit # 2

2. 27 CFR 478.124(c)(1)

Nature of the Violation:

The licensee failed to ensure that Section A of the ATF Forms 4473 was completed as required prior to the sale or transfer of a firearm to a non-licensee in [REDACTED] instances for a total of [REDACTED] errors: Item 2 was found to be incomplete in [REDACTED] instance; Item 11b was answered "Yes" in [REDACTED] instance; Item 11c was answered "Yes" in [REDACTED] instance; Item 11d was answered "Yes" in [REDACTED] instance; Item 11e was answered "Yes" in [REDACTED] instance; Item 11f was answered "Yes" in [REDACTED] instance; Item 11i was answered "Yes" in [REDACTED] instance; Item 11j was answered "Yes" in [REDACTED] instance; Item 11c was left blank in [REDACTED] instance; Item 11e was left blank in [REDACTED] instance; Item 11h was left blank in [REDACTED] instance; Item 11j was left blank in [REDACTED] instances; Item 11k was left blank in [REDACTED] instances; Item 11l was left blank in [REDACTED] instances; Item 13 was left blank in [REDACTED] instance; Item 16 was left blank in [REDACTED] instances; and Item 17 was left blank in [REDACTED] instances and was found to be incorrect in [REDACTED] instances.

Licensee's Response: The licensee was surprised over the finding of several 4473 form errors. The licensee stated that there is a review process in place to review the forms

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from the time of transaction to the time of filing, and did not know why the 4473 errors were not caught.

Corrective Action: The (b)(3) (b)(7)(F) customers who answered "Yes" to Certification Questions in Item 11 passed the PICS background check, and the licensee then did not have reasonable cause to believe that those customers were prohibited. The licensee was requested to attempt to contact the (b)(3) customers for the ATF Forms 4473 found with errors that can be corrected to have them come back to the premises to make the necessary corrections to their respective 4473 forms. The licensee was advised that they must ensure that the ATF Forms 4473 are completed as required prior to the sale or transfer of a firearm to a non-licensee.

REPEAT VIOLATION.

Reference Worksheet # 2 and Exhibit # 2

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

Nature of the Violation:

The licensee failed to ensure that Section B, Identification Information of the ATF Form 4473 was completed as required prior to the sale or transfer of a firearm to a non-licensee in (b)(3) instances: Item 20a was found to be incorrect in (b)(3) instances (expired ID date) and incomplete in (b)(3) instances ((b)(3) with no expiration date listed and (b)(3) with no ID number listed).

Licensee's Response: The licensee was surprised over the finding of several 4473 form errors. The licensee stated that there is a review process in place to review the forms from the time of transaction to the time of filing, and did not know why the 4473 errors were not caught.

Corrective Action: The licensee was requested to attempt to contact the (b)(3) customers for the ATF Forms 4473 found with errors that can be corrected to have them come back to the premises to make the necessary corrections to their respective 4473 forms. The licensee was advised that they must ensure that the ATF Forms 4473 are completed as required prior to the sale or transfer of a firearm to a non-licensee.

REPEAT VIOLATION.

Reference Worksheet # 2 and Exhibit # 2

4. **27 CFR 478.125(e)**

Nature of the Violation:

The licensee failed to properly maintain the firearm acquisition and disposition record book (A&D book) in (b)(3) instances: (b)(3) firearm was found in inventory but was logged out of the A&D book as disposed of; (b)(3) firearms were found to be disposed of but were not timely logged out of the A&D books, and (b)(3) firearms were found in inventory but had duplicate entries in the A&D books ((b)(3) open dispositions for the same firearm).

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Licensee's Response: The licensee stated that he was due to conduct an inventory at the end of January, and was not surprised to see that there were some mistakes in the A&D books.

Corrective Action: The licensee will make the necessary corrections to the A&D books by logging out the (b)(3) firearms that were disposed of and not logged out, by correcting the (b)(3) firearms that had duplicate entries in the A&D books, and by correcting the (b)(3) firearm entry in the gunsmith A&D book that was logged out in error.

REPEAT VIOLATION.

Reference Worksheet # 1 and Exhibit # 1

3/30/2017
x (b)(6)

Industry Operations Investigator
Signed by: (b)(6)

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- Worksheet # 2, ATF Form 4473 Review

Exhibit # 1, Images of the A&D book errors

Exhibit # 2, Images of sample 4473 forms found with errors

Exhibit # 3, List of the PICS transaction numbers

Exhibit # 4, (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) reports

Exhibit # 5, Copy of the Acknowledgement form signed by Mr. McFerren