

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Losie, James Losies Reloading & Firearms 6748 State Hwy 23 Oneonta, NY 13820, Otsego		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 765075-2017-0114-B1B	
3. PERMIT/LICENSE NUMBER 616077019E00206		4a. TARGET DATE 4/25/2017	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, 01/25/2017			
8. PURPOSE/SPECIAL INSTRUCTIONS Conduct compliance inspection. High Traced Dealer.			
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	1	NO. OF REFERRALS	2111 - PER DIEM
NO. OF TECS CHECKS	2	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: 03/13/2017 Violations , Warning Letter Only and No Recall. Viols WL ONLY and No Recall Inspection			
12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)			
FEB 2017		52.50	
MAR 2017		4.00	
ATF OFFICER'S SUBTOTAL		56.50	
TOTAL HOURS		56.50	
13. REVIEW AND ROUTING			
REVIEW COMMENTS AND RECOMMENDATION DIO concurs with WL & No Recall. Using ATF O 5370.1C, Federal Firearms Admin Action Policy & Procedures, the failure to complete the multiple sale reports calls for WL. Viols WL ONLY and No Recall Inspection			
<input checked="" type="checkbox"/> REVIEWED <input checked="" type="checkbox"/> CONCUR <input checked="" type="checkbox"/> SEE COMMENTS <input type="checkbox"/> FINAL DISPOSITION			
SIGNATURE AND TITLE JACURTIS - Director of Industry Operations		REVIEW DATE 03/03/2017	

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13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Adverse Action- WL sent 3-13-17. Licensee failed to report ^{by} multiple sales

Viols WL ONLY and No Recall Inspection

☒ REVIEWED

☒ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

SIGNATURE AND TITLE

(b)(6) - Area Supervisor

(b)(6)

Digitally signed by (b)(6)

(b)(6)

Date: 2017.03.13 12:28:12 -04'00

REVIEW DATE

03/13/2017

ROUTING SEQUENCE AND DATE

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

CONTROL FILE POSTED DATE _____

Report of Violations

Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor James Losie	Street Address 6748 State Hwy 23	City Oneonta	State NY	ZIP Code 13820	County Deleware	Page <u>1</u> of <u>1</u> Pages
License/Permit/Registry Number (if any) 6-16-077-01-9E-00206		Expiration Date 05/01/2019	Date(s) or Period of Inspection 02/14/2016 through 02/14/2017			

Inspection Results

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

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (If not corrected immediately)	Date Corrections to be Made (If not corrected immediately)
1	27 CFR 478.126a	In (b)(3) 112 Public Law 55 125 instances, the licensee sold or otherwise disposed of two (2) or more handguns, at one (1) time or during five (5) consecutive business days, to an unlicensed person and failed to prepare/submit ATF Form 3310.4, Report of Multiple Handgun Sale (b)(3) 112 for purchaser (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) and (b)(3) 112 for (b)(3) 112 Public Law 55 125 STAT 552 (b)(6)		The licensee immediately submitted ATF Forms 3310.4, Report of Multiple Handgun Sale (b)(3) 112 for purchaser (b)(3) 112 Public Law 55 125 and (b)(3) 112 for (b)(3) 112 Public Law 55 125 STAT 552 (b)(6)

I have received a copy of this Report of Violations (Proprietor's signature and title)

James Losie
Sig (b)(6)

101

Date 2/17/17
Date 2/17/17

ATF E-Form 5030.5
Revised April 2005



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

March 13, 2017

Losie, James
Losies Reloading & Firearms
6748 State Hwy 23
Oneonta, NY 13820
RE: 616077019E00206

Dear Mr. Losie:

During a recent inspection at your firearms business covering the period February 2016 to February 2017 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.

Losie, James

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

Sincerely yours,

(b)(6)

Enclosure

cc: Federal Firearms Licensing Center
Buffalo II (IO) Field Office

FIREARMS INSPECTION REPORT

Name: James Donald Losie
Trade Name: D/b/a Losie's Reloading & Guns

UI#: 765075-2017-0114
FFL#: 6-16-077-01-9E-00206

Address: 6748 State Highway 23
Oneonta, New York 13820

1 - Introduction

Inspection Profile:

On February 14, 2017 ATF Industry Operations Officer (IOI) (b) (6) conducted a firearms compliance inspection of James Losie, D/b/a Losie's Reloading & Guns who maintains a Type 01, Dealer in Firearms License (FFL).

Owner/Responsible Person, James Losie (NYS DL # (b) (6)) and James Losie's son/ Responsible Person, Shannon Losie (NYS DL (b) (6)) were present and interviewed during this inspection.

The scope of this compliance inspection was to investigate whether firearms are moving from legal commerce to the illegal marketplace, which is part of the Disposition Emphasis (DE) Program. IOI (b) (6) also concentrated on evaluating the FFL's internal controls of the firearms inventory; reviewing the Acquisition and Disposition (A&D) book.

The inspection period established was from 02/14/2016-02/14/2017

Business Profile:

FFL Losie has been utilizing the Type 01, FFL since April of 2001 selling new and used long guns and hand guns to the general public. The FFL's business operations take place from a commercial location at the above listed address.

The licensee maintains all firearms available for sale in several different gun racks and counters. The building is equipped with several security cameras, monitored by an alarm company and utilizes a metal grated door when the store is closed. The licensee was in compliance with applicable state, city and county zoning laws and ordinances.

During this inspection period, the Licensee acquired (b) (4) firearms during the last 12 months. In addition, the Licensee disposed (b) (4) firearms during the last 12 months.

The FFL does not own or operate any off-site storage locations, does not participate in gun shows and does not sell firearms on the internet. The licensee's primary supplier for new firearms are (b) (4) (b) (4)

FIREARMS INSPECTION REPORT

Name: James Donald Losie
Trade Name: D/b/a Losie's Reloading & Guns

UI#: 765075-2017-0114
FFL#: 6-16-077-01-9E-00206

The FFL maintains the required New York State (NYS) Dealer in Firearms license #789 to sell handguns, the license expires on 04/30/2018.

Ownership and Control:

James Losie operates the FFL as individually owned. FFL Losie is in the process of changing his business structure to a corporation, he is currently applying for a new FFL.

All responsible persons listed on the FFL are accurate and current and coincide with the Federal Licensing System's, Licensing Registration Report.

(Reference: Exhibit #1)

Variance:

The FFL does not hold any variances issued by ATF.

2 - Recommendation

Violations, Warning Letter Only and No Recall.

3 - Inspection History

Date of Inspection: 01/31/2007
Type of Inspection: Compliance Inspection
UI#: 765060-2007-0017
Inspection Results: Report of Violation With Recall
Cited Violations: 27 CFR 478.124(e) failed to record disposition information in the bound book as required.

Date of Inspection: 06/22/2001
Type of Inspection: Compliance Inspection
UI#: 762040-2001-0566
Inspection Results: No Violations No Further Action No Referrals
Cited Violations: None

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

The FFL currently utilizes (b)(3)Pub Law 112-55 1A A&D records to track the firearms inventory. The A&D records are maintained in the required format as prescribed by 27 CFR 478.125(e). IOI (b) (6) compared the FFL's inventory to the FFL's A&D record which revealed 245 firearms in the physical inventory and (b)(3)Pub L firearms in the A&D book. There were no thefts or losses of firearms for the inspection period.

FFL Losie stated he has the following Standard Operating Procedures in place relevant to the A&D record and inventory:

FIREARMS INSPECTION REPORT

Name: James Donald Losie
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UI#: 765075-2017-0114
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- When the FFL receives or transfers/sells a firearm, the firearm is immediately recorded in the A&D book, accordingly. All firearms are tagged with an inventory control number that corresponds to the A&D record and ATF Form 4473;
- FFL Losie maintains commercial invoices for all new firearms purchased and prepares a sales invoice when a firearm is sold;
- FFL Losie conducts firearms inventory once a month. He last did inventory on February 10, 2017.

5 - ATF Forms 4473 – NICS & Other Dispositions

ATF Forms 4473

The FFL had (b)(3) - 112 ATF Form 4473 on file for this inspection period. All ATF Forms 4473 was reviewed and no discrepancies were disclosed.

The FFL facilitates transfers to other FFL's in accordance with 27 CFR 478.94 and 27 CFR 478.95. All certified copies of FFL's are maintained in a separate file and the FFL stated he utilizes ATF's FFL EZ Check system.

There were no sales to Law Enforcement Officers during this inspection period.

James Losie stated that the store has the following Standard Operating Procedures in place relevant to ATF Forms 4473:

- All ATF Forms 4473 are signed and dated by either James Losie or Shannon Losie;
- James Losie and Shannon Losie obtain I.D. from the customer and conduct the NICS background check, accordingly;
- At the close of business each day, FFL Losie reviews each ATF Form 4473 to ensure completeness and accuracy.

NICS REVIEW

IOI (b)(6) requested a NICS audit log for a list of NTN's. This query revealed 260 proceed transactions, one (1) under appeal transaction, 12 denied transactions, and two (2) open transactions for a total of (b)(3) - 112 NTN's for this inspection period.

IOI (b)(6) compared a total of (b)(3) - 112 NTN's to the associated ATF F 4473 on file and no discrepancies or straw purchases were found. The open transactions were closed and resulted in proceeds, the 1 appeal was still pending as of the date of this inspection. As stated above, the FFL had (b)(3) - 112 NICS Denials on file for this inspection period. NICS

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Denials are maintained by the FFL in a separate file in chronological and alphabetical order.

6 - Multiple Sales

While reviewing the ATF Forms 4473 for this compliance inspection period, IOI (b) (6) discovered (b)(3) Pub Law 112-55 125 instances where the Licensee sold (b)(3) Pub Law 112-55 125 or handguns at one time and ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers was not attached to the ATF Form 4473 and later discovered the form was not prepared and/or submitted to ATF, accordingly.

The Licensee was cited with **27 CFR 478.126a** for (b)(3) Pub instances of selling or otherwise disposing of (b)(3) Pub or more handguns at the same time to an unlicensed person and failed to prepare/submit ATF Form 3310.4, Report of Multiple Handgun Sale (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

(Reference: Exhibit #2 - #9; Firearms Inspection ATF Form 4473 (2016) Edition Review Worksheet and ATF Form 5030.5)

IOI (b) (6) assisted Mr. Losie in completing and submitting the required multiple sale forms to the required authorities. The forms contained information on pistols that were transferred during the inspection period. (Exhibit #10 - #17) No additional multiple sales were identified.

7 - Suspicious/Prohibited Purchasers

During the examination of records, IOI (b) (6) did not identify any potential firearms traffickers or suspicious or prohibited purchasers.

8 - Trace Activity

There were (b)(3) Pub Law 112-55 125 successful trace requests completed during the inspection period and (b)(3) Pub Law 112-55 125 unsuccessful trace conducted during the inspection period (Exhibit #18).

The (b)(3) - 112 unsuccessful trace was perfected during the course of this inspection. National Tracing Center was notified. Therefore, no unsuccessful traces were noted during the course of this inspection period.

A review of (b)(3) - 112 P successful traces reported showed (b)(3) - 112 Public Law 55 125 Stat 552

9 - NFA/Importer/Collector/Manufacturer

The FFL does not engage in the business of NFA weapons, Importing, Collecting or Manufacturing firearms.

10 - Referrals

No referrals were generated from this inspection.

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11 – Other

The FFL has the Youth Handgun Safety Act Poster posted; provides the Youth Handgun Safety Act notice to each purchaser that purchase's a handgun and provides each purchaser with a firearm safety lock, if one is not already included on the firearm.

Responsible Persons James Losie and Shannon Losie's Criminal History Checks (CHC) were "cleared" on 07/21/2016 by ATF's Federal Explosives Licensing Center.

(Reference: Exhibit #1)

On February 23, 2017 IOI (b) (6) conducted a new CHC on James and Shannon Losie via the Open Fox database that resulted in no prohibiting information.

(Reference: Exhibit #19 and #20)

IOI (b) (6) also queried the NFORCE database that revealed there is no criminal investigation open against James or Shannon Losie.

12 – Closing Actions

On February 17, 2017 IOI (b) (6) concluded the compliance inspection and discussed the inspection findings with James Losie. The licensee was cited for one violation. Federal Firearms laws and regulations were discussed, in detail, and James Losie signed the Acknowledgement of Federal Firearms Regulations. **(Reference: Exhibit #21)**

IOI (b) (6) provided the licensee with ATF Procedures 2013-1, ATF Publication 5300.4, Federal Firearms Regulations Reference Guide, and Important Notice - Selling Firearms after Revocation, Expiration, or Surrender of an FFL.

The licensee is in possession of all other current ATF forms and publications.

13 – Violations

1. 27 CFR 478.126(a)

Nature of Violation: In (b)(3) - 112 Public Law instances, the licensee sold or otherwise disposed of two (2) or more handguns, at (b)(3) - 112 Public Law time or during (b)(3) - 112 Public Law consecutive business days, to an unlicensed person and failed to prepare/submit ATF Form 3310.4, Report of Multiple Handgun Sale (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) (Exhibit #2 - #9)

Licensees Response: Licensee indicated he did not realize this was required. The Licensee stated that if he had known, the forms would have been done at the time of purchase. The licensee wanted it noted that he works with local and federal law

FIREARMS INSPECTION REPORT

Name: James Donald Losie
Trade Name: D/b/a Losie's Reloading & Guns

UI#: 765075-2017-0114
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enforcement and he did not intend to be in compliance with federal regulations. He assured IOI (b) (6) that this would not happen going forward.

Corrective Action: The licensee immediately submitted ATF Forms 3310.4, Report of Multiple Handgun Sale (b)(3) - 112 Public Law 55 125 Stat 552 (#10 - #18)

X

Industry Operations Investigator

Index of Worksheets and Exhibits

ATF E-Form 5030.5, Report of Violations

Worksheet – Firearms Inspection, ATF Form 4473 (2016 Edition) Worksheet

Exhibit #1 – Federal Licensing System's, Licensing Registration Report;

Exhibit #2 – (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Exhibit #3 –

Exhibit #4 –

Exhibit #5 –

Exhibit #6 –

Exhibit #7 –

Exhibit #8 –

Exhibit #9 –

Exhibit #10 –

Exhibit #11 –

Exhibit #12 –

Exhibit #13 –

Exhibit #14 –

Exhibit #15 –

Exhibit #16 –

Exhibit #17 –

Exhibit #18 – Firearms Trace History Request;

Exhibit #19 – (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Exhibit #20 –

Exhibit #21 – Acknowledgement of Federal Firearms Regulations.