

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) McLains Sporting Goods, Inc. 1001 Union Center-Maine Hwy Box 5 Endicott, NY 13760, Broome		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 765075-2017-0100-B1B	
		3. PERMIT/LICENSE NUMBER 616007019F35795	4a. TARGET DATE 4/4/2017
		4b. TARGET HOURS	
5. REQUESTED BY (SIGNATURE, TITLE AND DATE)			
6. ATF OFFICER(S) ASSIGNED (b)(6) - Lead Investigator (b)(6) - Assigned Investigator			
7. ASSIGNED BY (SIGNATURE, TITLE AND DATE) (b)(6) , Area Supervisor, 01/04/2017			
8. PURPOSE/SPECIAL INSTRUCTIONS Conduct compliance inspection. High NICS denial.			
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC			
NO. OF VIOLATIONS	1	NO. OF REFERRALS	2
NO. OF TECS CHECKS	137	NO. OF TECS HITS	
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TAX INCREASES	
		\$ VALUE OF TAX DECREASES	
NO. OF ASSESSMENTS		\$ VALUE OF ASSESSMENTS	
NO. OF CLAIMS		\$ VALUE OF CLAIMS	
NO. OF TAX PERIODS		\$ VALUE OF TAXES VERIFIED	
		2111 - PER DIEM	
		2112 - P.O.A.	
		2113 - COMM. AIR	
		2114 - RENTAL CAR	
		2115 - GPV EXPENSES	
		2116 - MISC.	
		TOTAL \$ FOR INSP.	
11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Investigator Submitted on: 02/15/2017 Viols WL ONLY and No Recall Inspection			
12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)			
JAN 2017 9.00			
FEB 2017 41.00			
ATF OFFICER'S SUBTOTAL		50.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)			
JAN 2017 14.00			
FEB 2017 28.00			
ATF OFFICER'S SUBTOTAL		42.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS		92.00	
13. REVIEW AND ROUTING			
REVIEW COMMENTS AND RECOMMENDATION Adverse Action - WL only, sent 2-15-17. PII created Viols WL ONLY and No Recall Inspection			
<input checked="" type="checkbox"/> REVIEWED <input checked="" type="checkbox"/> CONCUR <input checked="" type="checkbox"/> SEE COMMENTS <input checked="" type="checkbox"/> FINAL DISPOSITION			
SIGNATURE AND TITLE (b)(6) - Area Supervisor		Digitally signed by (b)(6) <small>Date: 2017.02.15 11:59:12 -0500</small>	REVIEW DATE 02/15/2017

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	3. PERMIT/LICENSE NUMBER 616007019F35795	4a. TARGET DATE 4/4/2017	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

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 McLain's Sporting Goods, Inc.	Street Address 1001 Union Center Maine Hwy	City Endicott	State NY	Zip Code 13760-	County Broome	Page 1 of 1 Pages
License/Permit/Registry Number (If any) 616007019F35795		Expiration Date 6/1/2019		Date(s) or Period of Inspection 01/31/2016 through 02/07/2017		

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:

In (b)(3) 112 Public instances, the licensee sold or otherwise disposed of 2 or more handguns, at one time or during five consecutive business days, to an unlicensed person and failed to prepare/submit ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, for purchasers (b)(3) 112 Public Law 55 125 STAT 552 (b)(6)

Citation: 27 CFR 478.126a

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee immediately submitted ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, for purchasers (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)

Darryl G. McLain President

Date 2/7/2017

Sign (b)(6) Investigator

Heb. 4/11

Date 2/7/2017



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

February 15, 2017

McLains Sporting Goods, Inc.
1001 Union Center-Maine Hwy Box 5
Endicott, NY 13760
RE: 616007019F35795

Dear Mr. McLain:

During a recent inspection at your firearms business covering the period January 2016 to January 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 Investigators (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.

McLains Sporting Goods, Inc.

Should you have any questions regarding this matter, please contact (b)(6), Area Supervisor at (716)853-5170.

Sincerely yours,

(b)(6)

Enclosure

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

FIREARMS INSPECTION REPORT

Name: McLain's Sporting Goods, Inc.
Trade Name:

UI#: 765075-2017-0100-B1B
FFL#: 6-16-007-01-9F-35795

Address: 1001 Union Center-Maine Hwy, Box 5
Endicott, NY 13760 (Broome County)

1 - Introduction

Inspection Profile:

On Tuesday January 31, 2017, Industry Operations Investigators (IOI's) (b) (6) and (b) (6) commenced an unannounced Federal Firearms Compliance Inspection at the licensed business premises of Federal Firearms Licensee (FFL) McLain's Sporting Goods, Inc., located at 1001 Union Center-Maine Highway, Endicott, NY (Broome County). This inspection was continued on February 1 and completed onsite on February 7, 2017.

The inspection focused on all firearm activity conducted by the licensee during the period of 1/31/2016 through 1/31/2017. During this inspection, Mr. Harry McLain, President and Responsible Person (NYS DL# (b) (6) Exp. (b) (6) was interviewed and assisted with the inspection.

Business Profile:

McLain's Sporting Goods, Inc. operates from a commercial zoned building located at 1001 Union Center-Maine Highway, Endicott, New York (Broome County). The licensee deals in new and used long guns, handguns, black powder firearms and fishing/hunting supplies. There are no zoning restrictions that prohibit the sale of firearms from the licensed premises. The licensee stores their entire firearm inventory at the licensed premises. There is no off-site storage of firearms being utilized. All firearms sales are conducted at the licensed business premises and at licensed gun shows.

The licensee is licensed by ATF under FFL # 6-16-007-01-9F-35795 (Ex. 6/1/2019). During the inspection period, McLain's Sporting Goods, Inc. acquired approximately (b) (4) firearms and disposed of approximately one (b) (4) firearms.

The licensee does not maintain off-site storage of firearms. The licensee's primary suppliers of firearms include, but are not limited to, (b)(4) (b)(4)

The licensee maintains the required New York State Dealer in Firearms license (License D-634, Expiration Date: 1/1/2019). (Exhibit 16)

FIREARMS INSPECTION REPORT

Name: McLain's Sporting Goods, Inc.
Trade Name:

UI#: 765075-2017-0100-B1B
FFL#: 6-16-007-01-9F-35795

Ownership and Control:

McLains's Sporting Goods, Inc. (EIN (b)(3) 26 U.S.C. § 6103) is a registered corporation in New York State with a filing date of 9/29/1994. (Exhibit 6) There have been no changes in ownership or control. The FLS system information was reviewed with the licensee and was verified to be accurate and complete. Mr. McLain is listed as the President and his wife, Susan McLain is listed as the Secretary and Vice President. There are no other responsible persons on the license. (Exhibit 7) Mr. McLain is solely responsible for the firearms records. No evidence of hidden ownership was discovered during the course of this inspection and hidden ownership is not suspected. The licensee is actively engaged in firearms sales.

On January 5, 2017 Criminal history queries were run on Mr. McLain and Mrs. McLain that disclosed no prohibiting information. (Exhibits 8 & 9)

Variance:

The licensee does not maintain any variances with ATF. The licensee did not request any variances during the course of this inspection.

2 - Recommendation

Viols WL ONLY and No Recall Inspection

3 - Inspection History

This is the third full compliance inspection conducted on the licensee since they obtained their initial Federal Firearms License in May of 1995.

Date and Type of Inspection: 02/26/2013 DE Compliance Inspection
UI#: 765075-2013-0048-B1B
Inspection Results: No Viols No Further Action No Referrals
Cited Violations: None

Date and Type of Inspection: 05/02/2006 DE Compliance Inspection
UI#: 765075-2006-0199-B1B
Inspection Results: No Viols No Further Action No Referrals
Cited Violations: None

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

IOI's (b) (6) conducted a full verification of the FFL's firearm inventory. As a result, McLain's Sporting Goods, Inc. was found to have five hundred eighteen (518) firearms in inventory. A review of the licensee's acquisition and disposition records disclosed (b)(3)Pub Law 112-55 125 § 552 open entries. Each firearm was verified

FIREARMS INSPECTION REPORT

Name: McLain's Sporting Goods, Inc.
Trade Name:

UI#: 765075-2017-0100-B1B
FFL#: 6-16-007-01-9F-35795

from inventory to the acquisition and disposition records to ensure that the inventory was correct and that all guns were properly documented into the FFL's acquisition and disposition record. There were no discrepancies discovered as a result of the full inventory check. There had been no thefts or losses during this compliance inspection period.

The FFL utilizes handwritten bound books to maintain their acquisition and disposition records. IOI's (b) (6) reviewed the FFL's bound books for compliance with 27 CFR 478.125(e). At the time of inspection, the licensee was found to be in compliance with regulations.

5 - ATF Forms 4473 – NICS & Other Dispositions

There were (b)(3) - 112 Public Law 55 125 Stat 552) ATF Forms 4473 on file for this inspection period. IOIs (b) (6) and (b) (6) conducted a thorough review of all (b)(3) - 112 ATF Forms 4473 with no discrepancies noted. Additionally, There were 168 total NICS checks verified by IOI's (b) (6) and (b) (6) physically verifying the FFL Audit Log Report to the ATF Form 4473's. Of these 168 NICS checks 5 were for denials and the other 163 were for proceed transactions. IOI (b) (6) verified that the licensee was maintaining all denials in a separate folder. During this review there were no discrepancies. (Exhibit 10.)

6 - Multiple Sales

There were (b)(3)Pub Law 112-55 125 § 552 multiple handgun sale reports for the inspection period. IOIs (b) (6) identified (b)(3) unreported multiple handgun sales involving (b)(3)Pub Law 112-55 125 handguns that were discovered while reviewing ATF Forms 4473 (Exhibits 11 & 12). Through a review of the ATF Forms 4473, IOI (b) (6) verified that the licensee had not completed these (b)(3) - 112 ATF Forms 3310.4 as required and identified these (b)(3) - 112 instances where the licensee failed to complete an ATF Form 3310.4 as required. As a result of this information, an ATF Form 5030.5, Report of Violations was generated and given to this licensee. (Reference Firearms Worksheet Workbook and ATF E-Form 5030.5, Report of Violations) IOIs (b) (6) assisted Mr. McLain on February 7, 2017 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. (Exhibits 13 & 14) No additional multiple sales were identified.

7 - Suspicious/Prohibited Purchasers

Two suspicious purchasers were identified as being potential non-licensees engaged in the business of dealing firearms without a Federal Firearms License. As a result, two referrals were submitted to (b) (6) Supervisor, New York Field Division, for

FIREARMS INSPECTION REPORT

Name: McLain's Sporting Goods, Inc.
Trade Name:

UI#: 765075-2017-0100-B1B
FFL#: 6-16-007-01-9F-35795

informational purposes. See ATF Forms 5000.21, Referral of Information, for more information. (Reference Referrals and Exhibits 2-5) The two individuals were as follows:

1. (b)(6), (b)(7)(C)
2. (b)(6), (b)(7)(C)

IOI (b)(6) ran OpenFox Queries on both individuals and no hits were discovered. (Exhibits 3, 5)

8 - Trace Activity

There were (b)(3)Pub Law 112-55 successful trace requests completed during the inspection period and (b)(3)Pub Law 112-55 unsuccessful trace conducted during the inspection period (Exhibit 15).

The (b)(6), (b)(7)(C) unsuccessful trace was perfected during the course of this inspection. National Tracing Center was notified. (Exhibit 17) Therefore, no unsuccessful traces were noted during the course of this inspection period.

9 - NFA/Importer/Collector/Manufacturer

The licensee does not deal in NFA weapons. Additionally, the licensee does not engage in any Importing, Collecting or Manufacturing of Firearms.

10 - Referrals

Two suspicious purchasers were identified as being potential non-licensees engaged in the business of dealing firearms without a Federal Firearms License. Two referrals were submitted to (b)(6) Supervisor, New York Field Division, for informational purposes. See ATF Forms 5000.21, Referral of Information, for more information. (Reference Referrals and Exhibits 2-5) The two individuals were as follows:

1. (b)(6), (b)(7)(C)
2. (b)(6), (b)(7)(C)

IOI (b)(6) ran OpenFox Queries on both individuals and no hits were discovered. (Exhibits 3, 5)

Additionally, IOI (b)(6) ran E-Trace queries on all (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) resulting in zero hits on any of the firearms.

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Trade Name:

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11 - Other

IOI (b) (6) observed that the licensee had the Youth Handgun Safety Act (YHSA) poster displayed at the licensed premises and will be providing handgun purchasers with the required YHSA notice pamphlets. The licensee understands the requirements of the Child Safety Lock Act of 2005. All handguns purchased are provided with locks.

Mr. McLain stated that he does attend numerous licensed gun shows and is aware of proper ATF regulations regarding the transfer of firearms at licensed gun shows.

12 - Closing Actions

A closing conference was conducted on February 7, 2017. IOI's (b) (6) as well as Owner and Responsible Person Mr. Harry McLain were present at the closing conference. The licensee was cited for one violation. The Acknowledgement of Federal Firearms Regulations was reviewed with Mr. McLain and signed and he was provided with a copy of the Report of Violations as well as the Acknowledgement of Federal Firearms Regulations. (Exhibit 1)

13 - Violations

27 CFR 478.126a

Nature of Violation: In (b)(3) Pub Law 112-55 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 Sale or Other Disposition of Pistols and Revolvers, for purchasers (b)(3) - 112 Public Law 55-125 Stat 552, (b)(6). (Exhibits 11 & 12)

Licensees Response: Licensee indicated that this was an oversight on his behalf and that in the future all forms will be rechecked to ensure everything is accurate.

Corrective Action: The licensee immediately submitted ATF Forms 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers for purchasers (b)(3) - 112 Public Law 55-125 Stat 552, (b)(6). (Exhibits 13 & 14)

FIREARMS INSPECTION REPORT

Name: McLain's Sporting Goods, Inc.
Trade Name:

UI#: 765075-2017-0100-B1B
FFL#: 6-16-007-01-9F-35795

2/15/2017

X (b) (6)

Signed by: (b) (6)

Investigator

2/14/2017

Signature

Title

Date of Report

Index of Worksheets and Exhibits

WORKSHEETS:

- Informational Page
- Worksheet 1-Inventory, A&D
- Worksheet 2-ATF Form 4473 (2012 Edition)
- Worksheet 2-ATF Form 4473 (2016 Edition)
- Other Statistics

EXHIBITS:

- Exhibit 1-"Acknowledgement of Federal Firearms Regulations."
- Exhibit 2 (b)(6), (b)(7)(C)
- Exhibit 3 (b)(6), (b)(7)(C)
- Exhibit 4 (b)(6), (b)(7)(C)
- Exhibit 5 (b)(6), (b)(7)(C)
- Exhibit 6 (b)(6), (b)(7)(C)
- Exhibit 7-Federal Licensing System (FLS) Query.
- Exhibit 8 (b)(6)
- Exhibit 9 (b)(6)
- Exhibit 10-NICS Audit Log.
- Exhibit 11-(b)(3) - 112 Public Law 55 125 Stat reported Multiple Sale ATF Form 4473.
- Exhibit 12-(b)(3) - 112 Public Law 55 125 Stat reported Multiple Sale ATF Form 4473.
- Exhibit 13-(b)(3) - 112 Public Law 55 125 Stat Form 3310.4, Report of Multiple Sale.
- Exhibit 14-(b)(3) - 112 Public Law 55 125 Stat ATF Form 3310.4, Report of Multiple Sale.
- Exhibit 15-VCAB Report.
- Exhibit 16-NY State Dealer in Firearms License.
- Exhibit 17-Traces Perfected During Inspection.