

## Assignment and Report

<b>1. OPERATING NAME AND ADDRESS</b> (INCLUDE ZIP CODE AND COUNTY)  A&J Arms Inc. 304 Route 304 Bardonia, NY 10954, Rockland		<b>2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)</b> 765060-2016-0244-B1B	
<b>6. ATF OFFICER(S) ASSIGNED</b> (b)(6) - Assigned Investigator (b)(6) - Lead Investigator		<b>3. PERMIT/LICENSE NUMBER</b> 613087078E00619	
		<b>4a. TARGET DATE</b> 9/30/2016	
<b>7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)</b> (b)(6), Area Supervisor, 05/26/2016		<b>4b. TARGET HOURS</b>	
		<b>5. REQUESTED BY (SIGNATURE, TITLE AND DATE)</b>	
<b>8. PURPOSE/SPECIAL INSTRUCTIONS</b> Assist CE with investigation of (b)(6). Conduct full compliance/DE inspection			
<b>9. INSPECTION RESULTS</b> <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC			
NO. OF VIOLATIONS		5	
NO. OF TECS CHECKS		12	
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	
<b>10. TRAVEL EXPENSES (OPTIONAL)</b>			
		2111 - PER DIEM	
		2112 - P.O.A.	
		2113 - COMM. AIR	
		2114 - RENTAL CAR	
		2115 - GPV EXPENSES	
		2116 - MISC.	
		TOTAL \$ FOR INSP.	
<b>11. ATF OFFICER'S RECOMMENDATION</b>			
Submitted by (b)(6) - Industry Operations Investigator			
Submitted on: 07/25/2016			
Per the Firearms Administrative Action Policy and Procedures a Warning Conference is recommended.			
IOI (b)(6) is recommending a Warning Letter be issued as an alternative to the Firearms Administrative Action Policy and Procedures based on the nature of the violations.			
Violts WL ONLY and No Recall Inspection			
<b>12. TIME ACCOUNTING DATA</b>			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)			
JUN 2016		22.00	
AUG 2016		3.00	
ATF OFFICER'S SUBTOTAL		25.00	
		ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)			
MAY 2016		13.00	
JUN 2016		70.50	
JUL 2016		6.00	
AUG 2016		4.00	
ATF OFFICER'S SUBTOTAL		93.50	
		ATF OFFICER'S SIGNATURE	
TOTAL HOURS		118.50	

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  A&J Arms Inc. 304 Route 304 Bardonia, NY 10954, Rockland	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 765060-2016-0244-B1B		
	3. PERMIT/LICENSE NUMBER 613087078E00619	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

### 13. REVIEW AND ROUTING

#### REVIEW COMMENTS AND RECOMMENDATION

Licensee has 5 violations and one of the partners of the FFL had his own license. This entity should have known the regulations of the Gun Control Act and should not have committed this many violations of it. Moreover, per IOI (b)(6) statement of "License's Response" to the violations, Mr. Frazin seems to not know what is going on in his store. Warning Conference as per Federal Firearms Administrative Action Policy and Procedures ATF O 5370.1A is recommended.

Viols WC with WL and Recall

☒ REVIEWED

☐ CONCUR

☒ SEE COMMENTS

☒ FINAL DISPOSITION

#### SIGNATURE AND TITLE

(b)(6) - Area Supervisor

(b)(6)

Digitally signed by (b)(6)  
DN: c=US, o=U.S. Government, ou=Dept of  
Justice, ou=ATF, cn=(b)(6)  
Date: 2016.08.22 21:43:44 -0400

#### REVIEW DATE

07/08/2016

#### REVIEW COMMENTS AND RECOMMENDATION

After DIO review, WC is recommended based on the FFL's failure to report (b)(6) multiple sales involving (b)(6) handguns.

Viols WC with WL and Recall

☒ REVIEWED

☐ CONCUR

☒ SEE COMMENTS

☐ FINAL DISPOSITION

#### SIGNATURE AND TITLE

JACURTIS - Director of Industry Operations

#### REVIEW DATE

07/11/2016

#### 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 A&J Arms Inc.	Street Address 304 Route 304	City Bardonia	State NY	Zip Code 10954-	County Rockland	Page 1 of 2 Pages
License/Permit/Registry Number <i>(If any)</i> 613087078E00619		Expiration Date 5/1/2018	Date(s) or Period of Inspection 05/26/2016 through 06/21/2016			

Inspection Results

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

Number: 1

Nature of Violation:

Licensee failed to require the purchaser to complete Question 11a on the Firearms Transaction Record on (b)(3)(A) occasion.

Licensee failed to record the information under Questions 31 (corporate name/address), 32 (Federal Firearms License Number), 33 (Seller's name) and 35 (Seller's Title) on the Firearms Transaction Record on (b)(3) occasions.

Citation: 27 CFR 478.21(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee was instructed on how to complete the Firearms Transaction Record. The licensee made a copy of page 3 of the Firearms Transaction Record and completed Questions 31, 32, 33 and 35.

Number: 2

Nature of Violation:

Licensee failed to require the purchaser to complete Question 17 (certification date) on the Firearms Transaction Record on (b)(3) occasion.

Citation: 27 CFR 478.124(c)(1)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee was instructed on how to complete the Firearms Transaction Record.

Number: 3

Nature of Violation:

Licensee failed to complete Questions 34 (seller's signature) and 36 (date transferred) on the Firearms Transaction Record on (b)(3) occasions.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Licensee made a copy of page 3 of the Firearms Transaction Record and signed and dated Questions 34 and 36.

April 9 2019 Document Production

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For Official Use Only

ATF E-Form 5030 5  
Revised April 2005

## Report of Violations

### Instructions

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Name of Proprietor A&J Arms Inc.	Street Address 304 Route 304	City Bardonia	State NY	Zip Code 10954-	County Rockland	Page 2 of 2 Pages
License/Permit/Registry Number <i>(If any)</i> 613087078E00619		Expiration Date 5/1/2018		Date(s) or Period of Inspection 05/26/2016 through 06/21/2016		

### Inspection Results

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

**Citation:** 27 CFR 478.124(c)(5)

**Number:** 4

**Nature of Violation:**

Licensee failed to complete the Report of Multiple Sale or Other Disposition of Pistols and Revolvers (ATF F 3310.4) on (b)(3) occasions involving (b)(3) 112 Public Law 55 firearms.

**Citation:** 27 CFR 478.126a

**Number:** 5

**Nature of Violation:**

Licensee failed to record the disposition of (b)(3) 112 firearms in the Acquisition/Disposition book.

**Citation:** 27 CFR 478.125(e)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:** On June 14, 2016, Mr. Frazin completed the ATF F 3310.4, reported the firearms missing and faxed the form to ATF.  
*(If not corrected immediately)*

**Date Corrections to be Made:** 06/21/2016

*(If not corrected immediately)*

**Corrective Action to be Taken:** An ATF Inventory Theft/Loss Report was submitted for (b)(3) 1 firearm that could not be located: (b)(3) - Public Law 112-55 (125 Stat. 552)  
*(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

Date





**U.S. Department of Justice**  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
*32 Old Slip, Suite 3500, New York, NY 10005*

www.atf.gov

August 22, 2016

765060 (b)(6)  
5700

Arden Frazin  
A&J Arms Inc.  
304 Route 304  
Bardonia, NY 10954

RE: 613087078E00619

Dear Mr. Frazin:

This letter is a follow-up to the warning conference held with you on August 18, 2016. During this conference, the violations cited during the inspection covering the period 5/26/15 to 5/26/16 and the necessary corrective action to prevent the violation(s) from reoccurring were discussed.

You were given the opportunity to comment on the violations and what specific action you have taken to ensure that the violations will not reoccur. With respect to the violations cited below, we are providing a summary of your response to each violation.

Violation 1 - 27 CFR 478.21(a):

Licensee failed to require the purchaser to complete Question 11a on the Firearms Transaction Record on (b)(3) (b)(7)(F) occasion. Licensee failed to record the information under Questions 31 (corporate name/address), 32 (Federal Firearms License Number), 33 (Seller's name) and 35 (Seller's Title) on the Firearms Transaction Record on (b)(3) (b)(7)(F) occasions.

You stated that you understand the violation and that you corrected them. You said you had a (b) (6) (b)(6) who showed you the wrong way to do things. You also stated that the State Police came and you changed your locks and alarms

Violation 2 - 27 CFR 478.124(c)(1):

Licensee failed to require the purchaser to complete Question 17 (certification date) on the Firearms Transaction Record on (b)(3) (b)(7)(F) occasion.

A&J Arms Inc.

Licensee failed to complete Questions 34 (seller's signature) and 36 (date transferred) on the Firearms Transaction Record on (b)(3) 112 occasions.

You stated that you understand the severity of the problem. You said you had (b) (6) (b)(6). You said you have no excuse. You said you will call ATF if you need anything.

Violation 4 - 27 CFR 478.126a

Licensee failed to complete the Report of Multiple Sale or Other Disposition of Pistols and Revolvers (ATF F 3310.4) on (b)(3) 112 occasions involving (b)(3) 112 Pub Lc Law 55 125 STA firearms.

Violation 5 - 27 CFR 478.125(e)

Licensee failed to record the disposition of three firearms in the Acquisition/Disposition book.

You provided a back-up spreadsheet. You said you will not delete any information, but make corrections. You said that your son is responsible for maintaining the spreadsheet. You stated that (b)(6) told you to use "white-out". You said you now know not to do that.

The violations for which you were cited could adversely impact law enforcement's ability to reduce violent crime and protect the public. You are reminded that future violations, repeat or otherwise, could be viewed as willful and may result in the revocation of your license. You may anticipate further inspections to ensure your compliance.

Please contact us if you have any questions concerning your responsibilities as a licensee or if you require further clarification about particular requirements of Federal firearms laws.

Sincerely yours,

(b)(6)

Area Supervisor

c: Federal Firearms Licensing Center  
New York VI (IO) Field Office.

Enclosure

# FIREARMS INSPECTION REPORT

**Name:** A&J Arms Inc.  
**Trade Name:**

**UI#:** 765060-2016-0244  
**FFL#:** 6-13-087-07-8E-00619

**Address:** 304 Route 304  
Bardonia, NY 10954

## 1 - Introduction

### Inspection Profile:

On May 26, 2016, Industry Operations Investigators (IOI) (b)(6) and (b)(6) commenced a compliance inspection of A&J Arms Inc. (A&J Arms) based on a special request assignment (referral) received for Jerry Ganz (FFL 6-13-33227). The Jerry Ganz referral generated a full compliance inspection of A&J Arms. Refer to U.I. #765060-2016-0126.

IOIs (b)(6) and (b)(6) met with the owner of A&J Arms, Arden Frazin. Mr. Frazin identified himself with a New York State Driver's License and New York State Pistol Permit.

The inspection period was May 26, 2015 to May 25, 2016.

### Business Profile:

A&J Arms holds a Manufacturer of Firearms Other Than Destructive Devices license. The business is operated from a commercial storefront located in an urban area of Rockland County. A&J Arms acquired approximately (b)(4) firearms and disposed of approximately (b)(4) firearms in the last 12 months.

A&J Arms is in the business of buying new and used long guns and hand guns and selling to the public, law enforcement and at gun shows in the New York area. A&J Arms uses the manufacturing license to occasionally convert firearms to make them New York compliant. Mr. Frazin stated that he did not manufacture or convert any firearms during the inspection period.

The licensee acquires firearms from the following wholesalers: (b)(4) (b)(4).

### Ownership and Control:

A&J Arms Inc. is a corporation owned and operated by Arden Frazin. Mr. Frazin is the sole officer of the corporation and only responsible person listed on the license. Mr. Frazin stated that he plans to add (b)(6), as a responsible person. There were no unreported changes made to the license.

### Variance:

There are no variances on file and the licensee did not request any variances.

# FIREARMS INSPECTION REPORT

Name: A&J Arms Inc.  
Trade Name:

UI#: 765060-2016-0244  
FFL#: 6-13-087-07-8E-00619

## 2 - Recommendation

Per the Firearms Administrative Action Policy and Procedures (ATF O 5370.1B) a Warning Conference is recommended.

IOI (b)(6) is recommending a Warning Letter be issued as an alternative to the Firearms Administrative Action Policy and Procedures based on the nature of the violations.

## 3 - Inspection History

Date of Inspection: March 13, 2015  
Type of Inspection: Qualification  
UI#: 765060-2015-0120  
Inspection Results: Approved  
Cited Violations: N/A

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

IOIs (b)(6) and (b)(6) received a special request assignment (referral) from the Hartford Area Office to obtain information on firearms sold at out of state gun shows by Jerry Ganz (FFL 6-13-33227). On May 25, 2016, IOIs (b)(6) and (b)(6) visited Mr. Ganz business premises located at 176 Route 304, Bardonia, New York. The premises was found to be empty and no forwarding information provided. IOIs (b)(6) and (b)(6) then went to Jerry Ganz's residence located at 14 Palisades Court, Pomona, New York. Mr. Ganz was not available at the time; therefore an appointment was scheduled. On May 26, 2016, IOIs (b)(6) and (b)(6) met Mr. Ganz at his residence. Mr. Ganz stated that he is no longer in business and his original license was mailed to the Federal Firearms Licensing Center. Mr. Ganz stated that the majority of his records were destroyed in a flood and that his remaining records and firearms inventory are with A&J Arms located at 304 Route 304, Bardonia, New York. Refer to U.I. #765060-2016-0126.

The Jerry Ganz referral generated a full compliance inspection of A&J Arms.

On May 26, 2016, IOIs (b)(6) and (b)(6) generated a full compliance inspection of A&J Arms. A&J Arms and Jerry Ganz were collocated at the same business premises, 176 Route 304, Bardonia, New York. In September 2015, A&J Arms relocated to 304 Route 304, Bardonia, New York.



# FIREARMS INSPECTION REPORT

**Name:** A&J Arms Inc.  
**Trade Name:**

**UI#:** 765060-2016-0244  
**FFL#:** 6-13-087-07-8E-00619

IOIs (b)(6) and (b)(6) examined the Acquisition/Disposition (A/D) books maintained by A&J Arms. Mr. Frazin stated that he has four A/D books. Two of the A/D books were firearms acquired by Jerry Ganz in 2014 and up to June 2015. Mr. Frazin stated that he continued to use Jerry Ganz's A/D books since he acquired the inventory from Jerry Ganz and there were still open entries in the A/D books.

IOIs (b)(6) and (b)(6) conducted an inventory of the open entries in Jerry Ganz's A/D books. There were (b)(3) - 11 open entries in Jerry Ganz's A/D books entitled Book #1 and Book #2. (b)(3) - 112 Public Law 55 125 of the firearms were acquired by Jerry Ganz and (b)(3) - 112 Public Law 55 125 of the firearms were acquired by A&J Arms from July 1, 2015 to the end of the book dated November 2, 2015. As a result of the inspection there were (b)(3) - 11 firearms missing in inventory which were acquired by Jerry Ganz. Refer to U.I. #765060-2016-0126.

A total of (b)(3) - 11 firearms were transferred from Jerry Ganz's A/D books to A&J Arms A/D books.

On June 1, 2016, IOIs (b)(6) and (b)(6) commenced a full inventory of A&J Arms. A&J Arms had a total of (b)(3) - 11 firearms in his two A/D books and an additional (b)(3) - 11 firearms transferred from Jerry Ganz's A/D books. A total of 421 firearms were in inventory. IOIs (b)(6) and (b)(6) examined the firearms and compared them to the A/D books. There were three firearms that the licensee failed to record the disposition in the A/D books. An ATF Inventory Theft/Loss Report was filed for (b)(3) - 11 missing/lost firearm. (b)(3) - 112 Public Law 55 125 Stat 552 **Reference Exhibit 1 – ATF Inventory Theft/Loss Report.**

**(See Violation #1/Inventory and A&D Review Worksheet/Attachment 1)**

A Report of Violations was issued for the following:

## **27 CFR 478.125(e) – Violation #1**

- Licensee failed to record the disposition of three firearms in the Acquisition/Disposition book.

## **5 - ATF Forms 4473 – NICS & Other Dispositions**

IOIs (b)(6) and (b)(6) conducted a full examination of the Firearms Transaction Records (4473 forms) on file for the inspection period. The licensee had (b)(3) - 11 4473 forms on file for the inspection period. IOIs (b)(6) and (b)(6) examined all of the 4473 forms on file for the period. The licensee maintains their 4473 forms in chronological order.

# FIREARMS INSPECTION REPORT

Name: A&J Arms Inc.  
Trade Name:

UI#: 765060-2016-0244  
FFL#: 6-13-087-07-8E-00619

The NICS Audit Log was reviewed and covered the period April 7, 2016 to June 6, 2016. Per the NICS Audit Log there were 129 proceed NICS transactions conducted during the period. There were 7 denied transactions on file for the period. IOI (b)(6) and (b)(6) compared the NICS transactions to the 4473 forms and did not identify any discrepancies.

(See Violation #2, 3, 4/ATF Form 4473 Review Worksheet/Exhibit 2)

A Report of Violations was issued for the following:

## 27 CFR 478.21(a) – Violation #2

- Licensee failed to require the purchaser to complete Question 11a on the 4473 form on (b)(3) occasion.
- Licensee failed to record the information under Questions 31, 32, 33 and 35 on (b)(3) occasions.

## 27 CFR 478.124(c)(1) – Violation #3

- Licensee failed to require the purchaser to complete Question 17 on the 4473 form on (b)(3) occasion.

## 27 CFR 478.124(c)(5) – Violation #4

- Licensee failed to complete Questions 34 and 36 on the 4473 form on (b)(3) occasions.

## 6 - Multiple Sales

IOIs (b)(6) and (b)(6) examined (b)(3) multiple sales involving (b)(3) firearms during the inspection period. There were (b)(3) multiple sales involving (b)(3) firearms reported on the Crime Gun Analysis Branch Master Query. IOIs (b)(6) and (b)(6) discovered that the licensee failed to execute the Report of Multiple Sale or Other Disposition of Pistols and Revolvers on (b)(3) occasions involving (b)(3) firearms. The Report of Multiple Sale form was prepared and faxed to the National Tracing Center.

(ref. Violation #3/ATF Form 4473 Review Worksheet/Exhibit 3)

A Report of Violations was issued for the following:

## 27 CFR 478.126a – Violation #5

# FIREARMS INSPECTION REPORT

Name: A&J Arms Inc.  
Trade Name:

UI#: 765060-2016-0244  
FFL#: 6-13-087-07-8E-00619

- Licensee failed to execute the Report of Multiple Sale or Other Disposition of Pistols and Revolvers on [REDACTED] occasions involving [REDACTED] firearms.

## 7 - Suspicious/Prohibited Purchasers

IOIs [REDACTED] and [REDACTED] did not identify any suspicious/prohibited purchasers.

## 8 - Trace Activity

There were no traces reported on the Crime Gun Analysis Branch Master Query during the inspection period.

A random sample of secondary market firearms were run through OpenFox. No derogatory information was discovered.

## 9 - NFA/Importer/Collector/Manufacturer

The licensee does not sell NFA weapons, import or collect firearms. A&J Arms has not manufactured any firearms since they obtained their license in April 2015. IOI [REDACTED] reviewed the Annual Firearms Manufacturing and Exportation Report filed by the licensee on March 10, 2016.

## 10 - Referrals

IOIs [REDACTED] and [REDACTED] did not generate any referrals.

## 11 - Other

On May 25, 2016, IOIs [REDACTED] and [REDACTED] received a referral from the Hartford Area Office to obtain information on firearms sold at out of state gun shows by Jerry Ganz (U.I. #765060-2016-0126). IOIs [REDACTED] and [REDACTED] visited the business premises of Jerry Ganz located at 176 Route 304, Bardonia, New York and found the premises to be empty. IOIs [REDACTED] and [REDACTED] then visited Mr. Ganz at his residence located at 14 Palisades Court, Mount Ivy, New York 10910. Mr. Ganz was not available; therefore an appointment was scheduled for the following day.

On May 26, 2016, IOIs [REDACTED] and [REDACTED] met with Mr. Ganz at his residence. Mr. Ganz stated that he is no longer in business and his original Federal Firearms License (#6-13-087-01-7D-33227) was mailed to ATF in April or May of 2015. Mr. Ganz stated that he does not have any of the required records prior to May 2014 because they were destroyed in a flood. Mr. Ganz stated that A&J Arms acquired his inventory of firearms. Mr. Ganz was a responsible person of A&J Arms. Mr. Frazin removed Jerry Ganz as responsible person on February 25, 2016. Refer to U.I. #765060-2016-0126.

## 12 - Closing Actions

On June 21, 2016, IOI [REDACTED] conducted a closing conference and issued a Report of Violations Arden Frazin of A&J Arms Inc. IOI [REDACTED] explained to Mr. Frazin the

# FIREARMS INSPECTION REPORT

**Name:** A&J Arms Inc.  
**Trade Name:**

**UI#:** 765060-2016-0244  
**FFL#:** 6-13-087-07-8E-00619

importance of maintaining the required ATF records; i.e. maintaining the Acquisition/Disposition book, completing the 4473 forms, conducting NICS checks, completing and submitting the Report of Multiple Sale or Other Disposition of Pistols and Revolvers and the ATF Inventory Theft/Loss report.

Mr. Frazin signed the Acknowledgement of Federal Firearms Regulations and a copy was provided. **Refer to Exhibit 4 - Report of Violations and Exhibit 5 - Acknowledgement of Regulations.**

## 13 – Violations

### 1. 27 CFR 478.125(e)

#### **Nature of Violation:**

- Licensee failed to record the disposition of (b)(3) - 112 P firearms in the Acquisition/Disposition book.

#### **Licensee's Response:**

Licensee stated that he believes someone stole the missing firearm because he does not recall selling or transferring the firearm.

#### **Corrective Action:**

An ATF Inventory Theft/Loss Report was submitted for (b)(3) - 112 P firearm that could not be located: (b)(3) - 112 Public Law 55 125 Stat 552

### 2. 27 CFR 478.21(a)

#### **Nature of Violation:**

- Licensee failed to require the purchaser to complete Question 11a on the 4473 form on (b)(3) - 112 occasion.
- Licensee failed to record the information under Questions 31, 32, 33 and 35 on (b)(3) - 112 occasions.

#### **Licensee's Response:**

Licensee stated that he was probably busy that day and failed to include the information. Mr. Franzin stated that he will ensure that the Firearms Transaction Record is completed in the future.



## FIREARMS INSPECTION REPORT

**Name:** A&J Arms Inc.  
**Trade Name:**

**UI#:** 765060-2016-0244  
**FFL#:** 6-13-087-07-8E-00619

### **Corrective Action:**

The licensee was instructed on how to complete the Firearms Transaction Record. The licensee made a copy of (b)(3) - 112 Public Law 55 Stat 552 of the Firearms Transaction Record and completed Questions (b)(3) - 112 Public Law 55 Stat 552.

### 3. **27 CFR 478.125(c)(1)**

#### **Nature of Violation:**

- Licensee failed to require the purchaser to complete Question 17 on the 4473 form on (b)(3) - 11 occasion.

#### **Licensee's Response:**

The licensee stated that he did not realize the date was missing. Mr. Frazin stated that he will comply in the future.

#### **Corrective Action:**

The licensee was instructed on how to complete the Firearms Transaction Record.

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

#### **Nature of Violation:**

- Licensee failed to complete Questions 34 and 36 on the 4473 form on (b)(3) - 11 occasions.

#### **Licensee's Response:**

The licensee stated that he was probably busy in the store that day and failed to complete Questions 34 and 36. Mr. Frazin stated that he will ensure that the Firearms Transaction Record is completed in the future.

#### **Corrective Action:**

Licensee made a copy of (b)(3) - 112 Public Law 55 Stat 552 of the Firearms Transaction Record and signed and dated Questions (b)(3) - 112 Public Law 55 Stat 552.

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

#### **Nature of Violation:**

- Licensee failed to execute the Report of Multiple Sale or Other Disposition of Pistols and Revolvers on (b)(3) - 11 occasions involving (b)(3) - 11 firearms.

## FIREARMS INSPECTION REPORT

**Name:** A&J Arms Inc.  
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### **Licensee's Response:**

The licensee stated that he is positive he completed the ATF F 3310.4 forms for the six transactions, but failed to maintain a copy. Mr. Frazin stated that he will ensure that the forms are completed in the future.

### **Corrective Action:**

On June 14, 2016, Mr. Frazin completed the ATF F 3310.4 and faxed the form to ATF.

**X**

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Industry Operations Investigator

### **Index of Worksheets and Exhibits**

**Exhibit 1:** ATF Inventory Theft/Loss Report

**Exhibit 2:** Copy of 4473 forms

**Exhibit 3:** Copy of 4473 Multiple Sales

**Exhibit 4:** Report of Violations

**Exhibit 5:** Acknowledgement of Federal Firearms Regulations

**Attachment 1:** Worksheets

**Address:** 304 Route 304  
Bardonia, NY 10954

## **1 - Introduction**

### **Inspection Profile:**

On May 26, 2016, Industry Operations Investigators (IOI) (b)(6) and (b)(6) commenced a compliance inspection of A&J Arms Inc. (A&J Arms) based on a special request assignment (referral) received for Jerry Ganz (FFL 6-13-33227). The Jerry Ganz referral generated a full compliance inspection of A&J Arms. Refer to U.I. #765060-2016-0126.

IOIs (b)(6) and (b)(6) met with the owner of A&J Arms, Arden Frazin. Mr. Frazin identified himself with a New York State Driver's License and New York State Pistol Permit.

The inspection period was May 26, 2015 to May 25, 2016.

### **Business Profile:**

A&J Arms holds a Manufacturer of Firearms Other Than Destructive Devices license. The business is operated from a commercial storefront located in an urban area of Rockland County. A&J Arms acquired approximately (b)(4) firearms and disposed of approximately (b)(4) firearms in the last 12 months.

A&J Arms is in the business of buying new and used long guns and hand guns and selling to the public, law enforcement and at gun shows in the New York area. A&J Arms uses the manufacturing license to occasionally convert firearms to make them New York compliant. Mr. Frazin stated that he did not manufacture or convert any firearms during the inspection period.

The licensee acquires firearms from the following wholesalers: (b)(4)  
(b)(4)

### **Ownership and Control:**

A&J Arms Inc. is a corporation owned and operated by Arden Frazin. Mr. Frazin is the sole officer of the corporation and only responsible person listed on the license. Mr. Frazin stated that he plans to add his son, Ross Frazin, as a responsible person. There were no unreported changes made to the license.

### **Variance:**

There are no variances on file and the licensee did not request any variances.



## **2 - Recommendation**

Per the Firearms Administrative Action Policy and Procedures (ATF O 5370.1B) a Warning Conference is recommended.

IOI (b)(6) is recommending a Warning Letter be issued as an alternative to the Firearms Administrative Action Policy and Procedures based on the nature of the violations.

## **3 - Inspection History**

<b>Date of Inspection:</b>	March 13, 2015
<b>Type of Inspection:</b>	Qualification
<b>UI#:</b>	765060-2015-0120
<b>Inspection Results:</b>	Approved
<b>Cited Violations:</b>	N/A

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

IOIs (b)(6) and (b)(6) received a special request assignment (referral) from the Hartford Area Office to obtain information on firearms sold at out of state gun shows by Jerry Ganz (FFL 6-13-33227). On May 25, 2016, IOIs (b)(6) and (b)(6) visited Mr. Ganz business premises located at 176 Route 304, Bardonia, New York. The premises was found to be empty and no forwarding information provided. IOIs (b)(6) and (b)(6) then went to Jerry Ganz's residence located at (b)(6). (b)(6) Mr. Ganz was not available at the time; therefore an appointment was scheduled. On May 26, 2016, IOIs (b)(6) and (b)(6) met Mr. Ganz at his residence. Mr. Ganz stated that he is no longer in business and his original license was mailed to the Federal Firearms Licensing Center. Mr. Ganz stated that the majority of his records were destroyed in a flood and that his remaining records and firearms inventory are with A&J Arms located at 304 Route 304, Bardonia, New York. Refer to U.I. #765060-2016-0126.

The Jerry Ganz referral generated a full compliance inspection of A&J Arms.

On May 26, 2016, IOIs (b)(6) and (b)(6) generated a full compliance inspection of A&J Arms. A&J Arms and Jerry Ganz were collocated at the same business premises, 176 Route 304, Bardonia, New York. In September 2015, A&J Arms relocated to 304 Route 304, Bardonia, New York.



IOIs (b)(6) and (b)(6) examined the Acquisition/Disposition (A/D) books maintained by A&J Arms. Mr. Frazin stated that he has four A/D books. Two of the A/D books were firearms acquired by Jerry Ganz in 2014 and up to June 2015. Mr. Frazin stated that he continued to use Jerry Ganz's A/D books since he acquired the inventory from Jerry Ganz and there were still open entries in the A/D books.

IOIs (b)(6) and (b)(6) conducted an inventory of the open entries in Jerry Ganz's A/D books. There were (b)(3) - 11 open entries in Jerry Ganz's A/D books entitled Book #1 and Book #2. (b)(3) - 112 Public Law 55 125 of the firearms were acquired by Jerry Ganz and (b)(3) - 112 Public Law 55 125 of the firearms were acquired by A&J Arms from July 1, 2015 to the end of the book dated November 2, 2015. As a result of the inspection there were (b)(3) - 11 firearms missing in inventory which were acquired by Jerry Ganz. Refer to U.I. #765060-2016-0126.

A total of (b)(3) - 11 firearms were transferred from Jerry Ganz's A/D books to A&J Arms A/D books.

On June 1, 2016, IOIs (b)(6) and (b)(6) commenced a full inventory of A&J Arms. A&J Arms had a total of 313 firearms in his two A/D books and an additional (b)(3) - 11 firearms transferred from Jerry Ganz's A/D books. A total of 421 firearms were in inventory. IOIs (b)(6) and (b)(6) examined the firearms and compared them to the A/D books. There were (b)(3) - 112 Public Law 55 125 firearms that the licensee failed to record the disposition in the A/D books. An ATF Inventory Theft/Loss Report was filed for (b)(3) - 11 missing/lost firearm: (b)(3) - 112 Public Law 55 125 Stat 552. **Reference Exhibit 1 – ATF Inventory Theft/Loss Report.**

**(See Violation #1/Inventory and A&D Review Worksheet/Attachment 1)**

A Report of Violations was issued for the following:

**27 CFR 478.125(e) – Violation #1**

- Licensee failed to record the disposition of (b)(3) - 112 P firearms in the Acquisition/Disposition book.

**5 - ATF Forms 4473 – NICS & Other Dispositions**

IOIs (b)(6) and (b)(6) conducted a full examination of the Firearms Transaction Records (4473 forms) on file for the inspection period. The licensee had (b)(3) - 11 4473 forms on file for the inspection period. IOIs (b)(6) and (b)(6) examined all of the 4473 forms on file for the period. The licensee maintains their 4473 forms in chronological order.

The NICS Audit Log was reviewed and covered the period April 7, 2016 to June 6, 2016. Per the NICS Audit Log there were 129 proceed NICS transactions conducted during the period. There were 7 denied transactions on file for the period. IOI (b)(6) and (b)(6) compared the NICS transactions to the 4473 forms and did not identify any discrepancies.

(See Violation #2, 3, 4/ATF Form 4473 Review Worksheet/Exhibit 2)

A Report of Violations was issued for the following:

27 CFR 478.21(a) – Violation #2

- Licensee failed to require the purchaser to complete Question 11a on the 4473 form on (b)(3) occasion.
- Licensee failed to record the information under Questions 31, 32, 33 and 35 on (b)(3) occasions.

27 CFR 478.124(c)(1) – Violation #3

- Licensee failed to require the purchaser to complete Question 17 on the 4473 form on (b)(3) occasion.

27 CFR 478.124(c)(5) – Violation #4

- Licensee failed to complete Questions 34 and 36 on the 4473 form on (b)(3) occasions.

6 - Multiple Sales

IOIs (b)(6) and (b)(6) examined (b)(3) multiple sales involving (b)(3) firearms during the inspection period. There were (b)(3) multiple sales involving (b)(3) firearms reported on the Crime Gun Analysis Branch Master Query. IOIs (b)(6) and (b)(6) discovered that the licensee failed to execute the Report of Multiple Sale or Other Disposition of Pistols and Revolvers on (b)(3) occasions involving (b)(3) firearms. The Report of Multiple Sale form was prepared and faxed to the National Tracing Center.

(ref. Violation #3/ATF Form 4473 Review Worksheet/Exhibit 3)

A Report of Violations was issued for the following:

27 CFR 478.126a – Violation #5

- Licensee failed to execute the Report of Multiple Sale or Other Disposition of Pistols and Revolvers on [REDACTED] occasions involving [REDACTED] firearms.

7 - Suspicious/Prohibited Purchasers

IOIs [REDACTED] and [REDACTED] did not identify any suspicious/prohibited purchasers.

8 - Trace Activity

There were no traces reported on the Crime Gun Analysis Branch Master Query during the inspection period.

A random sample of secondary market firearms were run through OpenFox. No derogatory information was discovered.

9 - NFA/Importer/Collector/Manufacturer

The licensee does not sell NFA weapons, import or collect firearms. A&J Arms has not manufactured any firearms since they obtained their license in April 2015. IOI [REDACTED] reviewed the Annual Firearms Manufacturing and Exportation Report filed by the licensee on March 10, 2016.

10 - Referrals

IOIs [REDACTED] and [REDACTED] did not generate any referrals.

11 - Other

On May 25, 2016, IOIs [REDACTED] and [REDACTED] received a referral from the Hartford Area Office to obtain information on firearms sold at out of state gun shows by Jerry Ganz (U.I. #765060-2016-0126). IOIs [REDACTED] and [REDACTED] visited the business premises of Jerry Ganz located at 176 Route 304, Bardonia, New York and found the premises to be empty. IOIs [REDACTED] and [REDACTED] then visited Mr. Ganz at his residence located at 14 Palisades Court, Mount Ivy, New York 10910. Mr. Ganz was not available; therefore an appointment was scheduled for the following day.

On May 26, 2016, IOIs [REDACTED] and [REDACTED] met with Mr. Ganz at his residence. Mr. Ganz stated that he is no longer in business and his original Federal Firearms License (#6-13-087-01-7D-33227) was mailed to ATF in April or May of 2015. Mr. Ganz stated that he does not have any of the required records prior to May 2014 because they were destroyed in a flood. Mr. Ganz stated that A&J Arms acquired his inventory of firearms. Mr. Ganz was a responsible person of A&J Arms. Mr. Frazin removed Jerry Ganz as responsible person on February 25, 2016. Refer to U.I. #765060-2016-0126.

12 - Closing Actions

On June 21, 2016, IOI [REDACTED] conducted a closing conference and issued a Report of Violations Arden Frazin of A&J Arms Inc. IOI [REDACTED] explained to Mr. Frazin the

importance of maintaining the required ATF records; i.e. maintaining the Acquisition/Disposition book, completing the 4473 forms, conducting NICS checks, completing and submitting the Report of Multiple Sale or Other Disposition of Pistols and Revolvers and the ATF Inventory Theft/Loss report.

Mr. Frazin signed the Acknowledgement of Federal Firearms Regulations and a copy was provided. **Refer to Exhibit 4 - Report of Violations and Exhibit 5 - Acknowledgement of Regulations.**

### **13 – Violations**

#### **1. 27 CFR 478.125(e)**

##### **Nature of Violation:**

- Licensee failed to record the disposition of (b)(3) - 112 P firearms in the Acquisition/Disposition book.

##### **Licensee's Response:**

Licensee stated that he believes someone stole the missing firearm because he does not recall selling or transferring the firearm.

##### **Corrective Action:**

An ATF Inventory Theft/Loss Report was submitted for (b)(3) - 11 firearm that could not be located: (b)(3) - 112 Public Law 55 125 Stat 552

#### **2. 27 CFR 478.21(a)**

##### **Nature of Violation:**

- Licensee failed to require the purchaser to complete Question 11a on the 4473 form on (b)(3) - 11 occasion.
- Licensee failed to record the information under Questions 31, 32, 33 and 35 on (b)(3) - occasions.

##### **Licensee's Response:**

Licensee stated that he was probably busy that day and failed to include the information. Mr. Franzin stated that he will ensure that the Firearms Transaction Record is completed in the future.



Corrective Action:

The licensee was instructed on how to complete the Firearms Transaction Record. The licensee made a copy (b)(3) - 112 Public Law 55 of the Firearms Transaction Record and completed Questions 31, 32, 33 and 35.

3. 27 CFR 478.125(c)(1)

Nature of Violation:

- Licensee failed to require the purchaser to complete Question 17 on the 4473 form on (b)(3) - 11 occasion.

Licensee's Response:

The licensee stated that he did not realize the date was missing. Mr. Frazin stated that he will comply in the future.

Corrective Action:

The licensee was instructed on how to complete the Firearms Transaction Record.

4. 27 CFR 478.124(c)(5)

Nature of Violation:

- Licensee failed to complete Questions 34 and 36 on the 4473 form on (b)(3) occasions.

Licensee's Response:

The licensee stated that he was probably busy in the store that day and failed to complete Questions 34 and 36. Mr. Frazin stated that he will ensure that the Firearms Transaction Record is completed in the future.

Corrective Action:

Licensee made a (b)(3) - 112 Public Law 55 125 Stat 552 of the Firearms Transaction Record and signed and dated Questions 34 and 36.

5. 27 CFR 478.126(a)

Nature of Violation:

- Licensee failed to execute the Report of Multiple Sale or Other Disposition of Pistols and Revolvers on (b)(3) occasions involving (b)(3) firearms.

**Licensee's Response:**

The licensee stated that he is positive he completed the ATF F 3310.4 forms for the [REDACTED] transactions, but failed to maintain a copy. Mr. Frazin stated that he will ensure that the forms are completed in the future.

**Corrective Action:**

On June 14, 2016, Mr. Frazin completed the ATF F 3310.4 and faxed the form to ATF.

**X**

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Industry Operations Investigator

**Index of Worksheets and Exhibits**

**Exhibit 1:** ATF Inventory Theft/Loss Report

**Exhibit 2:** Copy of 4473 forms

**Exhibit 3:** Copy of 4473 Multiple Sales

**Exhibit 4:** Report of Violations

**Exhibit 5:** Acknowledgement of Federal Firearms Regulations

**Attachment 1:** Worksheets