

Assignment and Report

| | | | | |
|--|----|--|--------------------------------------|--------------------------------|
| 1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Del Sports Inc 817 Main Street Margaretville, NY 12455, Delaware | | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 765060-2016-0041-B1B | | |
| | | 3. PERMIT/LICENSE NUMBER 616025016L08337 | 4a. TARGET DATE 11/30/2015 | 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, 10/01/2015 | | | | |
| 8. PURPOSE/SPECIAL INSTRUCTIONS Conduct mandatory 2yr Recall inspection. WC held 11/2014 | | | | |
| 9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC | | | | |
| NO. OF VIOLATIONS | 4 | NO. OF REFERRALS | | 10. TRAVEL EXPENSES (OPTIONAL) |
| NO. OF TECS CHECKS | 12 | NO. OF TECS HITS | | 2111 - PER DIEM |
| NO. OF TAX ADJUSTMENTS | | \$ VALUE OF TAX INCREASES | | 2112 - P.O.A. |
| | | \$ VALUE OF TAX DECREASES | | 2113 - COMM. AIR |
| NO. OF ASSESSMENTS | | \$ VALUE OF ASSESSMENTS | | 2114 - RENTAL CAR |
| NO. OF CLAIMS | | \$ VALUE OF CLAIMS | | 2115 - GPV EXPENSES |
| NO. OF TAX PERIODS | | \$ VALUE OF TAXES VERIFIED | | 2116 - MISC. |
| | | | | TOTAL \$ FOR INSP. |
| 11. ATF OFFICER'S RECOMMENDATION Submitted by (b)(6) - Industry Operations Investigator Submitted on: 12/11/2015 On November 17, 2015 Investigators (IOIs) (b)(6) and (b)(6) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) began a recall compliance inspection at the premise of Del Sports Inc. On November 19, 2015 at the conclusion of the onsite inspection the investigators conducted a closing conference with David Budin and Antonia Budin at which time the investigator also issued David Budin a Report of Violations. Viols WL ONLY and Recall Inspection | | | | |
| 12. TIME ACCOUNTING DATA | | | | |
| ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6) | | | | |
| NOV 2015 | | 36.50 | | |
| DEC 2015 | | 17.50 | | |
| ATF OFFICER'S SUBTOTAL | | 54.00 | ATF OFFICER'S SIGNATURE | |
| ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6) | | | | |
| NOV 2015 | | 29.00 | | |
| ATF OFFICER'S SUBTOTAL | | 29.00 | ATF OFFICER'S SIGNATURE | |
| TOTAL HOURS | | 83.00 | | |

Assignment and Report

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| | | | |

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Discussed inspection with Lead IOI. No recall necessary. WL only.

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)
DN: cn=(b)(6), o=New
York Field Division, NY-VI, ou=ATF,
email=(b)(6), c=US
Date: 2015.12.16 15:34:16 -05'00'

REVIEW DATE

12/16/2015

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 Del Sports Inc | Street Address 817 Main Street | City Margaretville | State NY | Zip Code 12455- | County Delaware | Page 1 of 4 Pages |
| License/Permit/Registry Number (If any) 616025016L08337 | | Expiration Date 11/1/2016 | | Date(s) or Period of Inspection 11/17/2014 through 11/16/2015 | | |

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 in (b)(3) 112 instances per 27 CFR 478.124(c)(1) to obtain a completed ATF F 4473 certifying the transferee is not prohibited from possessing a firearm in or affecting commerce.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Licensee was reminded to review all ATF form 4473's for completeness and accuracy prior to completing an over the counter firearms transaction to any unlicensed person.

(b)(3) 112 Public Law 55 125 STAT 552

Citation: 27 CFR 478.124(c)(1)

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 Del Sports Inc | Street Address 817 Main Street | City Margaretville | State NY | Zip Code 12455- | County Delaware | Page 2 of 4 Pages |
| License/Permit/Registry Number (If any) 616025016L08337 | | Expiration Date 11/1/2016 | Date(s) or Period of Inspection 11/17/2014 through 11/16/2015 | | | |

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:

Per 27 CFR 478.21 licensee failed in (b)(3) 11 instances to follow instructions on ATF form 4473 prior to an over the counter firearm transfer to a non-licensee. More specifically on ATF F 4473

(b)(3) 112 Public Law 55 125 STAT 552

Citation: 27 CFR 478.21(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Licensee was reminded to review all ATF F 4473's for completeness and accuracy prior to completing an over the counter firearms transaction to any unlicensed person.

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.

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| Name of Proprietor Del Sports Inc | Street Address 817 Main Street | City Margaretville | State NY | Zip Code 12455- | County Delaware | Page 3 of 4 Pages |
| License/Permit/Registry Number (If any) 616025016L08337 | | Expiration Date 11/1/2016 | | Date(s) or Period of Inspection 11/17/2014 through 11/16/2015 | | |

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:

Licensee failed to in (b)(3) 112 PL instance to record acquisitions and/or dispositions per 27 CFR 478.125(e).

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Licensee was told to make timely and accurate entries as required by 27 CFR 125(e) in the acquisition and disposition records on all firearms transactions conducted.

(b)(3) 112 Public Law 55 125 STAT 552

Citation: 27 CFR 478.125(e)

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 Del Sports Inc | Street Address 817 Main Street | City Margaretville | State NY | Zip Code 12455- | County Delaware | Page 4 of 4 Pages |
| License/Permit/Registry Number (If any) 616025016L08337 | | Expiration Date 11/1/2016 | Date(s) or Period of Inspection 11/17/2014 through 11/16/2015 | | | |

Inspection Results

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

Number: 4

Nature of Violation:

Licensee ^{(b)(3)(1)(2)} instance proceeded with a firearm transfer when the purchaser answered "Yes" to prohibiting questions 11b thru 11i of ^{(b)(3) - Public Law 112-55 (125 Stat. 552)} 27 CFR 478.99 a licensed dealer shall not sell or otherwise dispose of any firearm to any person knowing or having reasonable cause to believe that such person is prohibited from receiving firearms.

Citation: 27 CFR 478.99(c)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

Licensee was told to review all ATF F 4473's for completeness and accuracy prior to completing an over the counter firearms transaction to any unlicensed person.

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

(b)(6)

Industry Operations Investigator

Date

11/19/15

Date

11/19/15



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

32 Old Slip, Suite 3500, New York, NY 10005

December 16, 2015

www.atf.gov

765060 (b)(6)

Del Sports Inc.
c/o Mr. David Budin
817 Main Street
Margaretville, NY 12455
RE: 616025016L08337

Dear Mr. Budin:

During a recent inspection at your firearms business covering the period November 17, 2014 to November 16, 2015 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. 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.

Del Sports Inc.

Should you have any questions regarding this matter, please contact (b)(6),
Industry Operations Investigator at (b)(6).

Sincerely yours,

(b)(6)

Enclosure

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

Address: 817 Main Street
Margaretville, New York 12455

1 - Introduction

Inspection Profile:

On November 17, 2015 Investigators (IOIs) (b)(6) and (b)(6) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) began a recall compliance inspection at the premise of Del Sports Inc. The onsite inspection lasted three days (November 17, 18 and 19th). The inspection period covered November 17, 2014 – November 16, 2015. The investigators completed a full inventory of firearms and review of all required records.

During the inspection the President David Budin and (b)(6) were present and interviewed by the investigators. On November 19, 2015 at the conclusion of the onsite inspection the investigators conducted a closing conference with David Budin and (b)(6) at which time the investigator also issued David Budin a Report of Violations.

Business Profile:

The licensee operates a retail shop in the village of Margaretville. The licensee sells firearms and accessories and provides basic gunsmithing services. The premise is owned by David Budin and (b)(6) and therefore no landlord verification was required. Zoning approval was verified by IOI (b)(6) in a past inspection and is documented in the area office file.

During the inspection period the licensee acquired (b)(4) and in the same time frame (b)(4) firearms were disposed of. Approximately (b)(4)% of all firearm acquisitions and dispositions were of used firearms. Del Sports Inc.'s conducts 100% of their business activity from their licensed premise, they do not participate in gun shows. The licensee also facilitates transfers of firearms for those individuals who purchase via the internet or who must comply with the New York Safe Act. The licensee acquires firearms from the following wholesalers: (b)(4)

The licensee has the following New York State licenses required for handguns:

Dealers License No. D794, expires 5/31/2018
Gunsmith License No.237, expires 5/31/2018

The current Type-01 Dealer in Firearms Other Than Destructive Devices is the appropriate type to cover the business activities.

Ownership and Control:

The business entity is a corporation owned and operated by David Budin. On 11/12/2015 Investigator (b)(6) verified the corporation remains active by querying New York Division of Corporations website. The corporation operates under Employee Identification Number of (b)(3) 26USC6103.

No other responsible persons / hidden ownership disclosed as a result of this inspection.

IOI (b)(6) ran a Criminal history query of David Budin which resulted in no hits.

Variance:

The investigator found no need for a variance during this inspection. The investigator did however reminded the licensees of their requirement to request and obtain a variance if they had any activity that was not in conformity with the federal firearms regulations

2 - Recommendation

Violations Warning Letter and No Recall Inspection

3 - Inspection History

Date and Type of Inspection: 11/18/2013 Recall Inspection
UI#: 765060-2014-0051
Inspection Results: Violations With Warning Conference and Warning Letter and Recall Inspection

Date and Type of Inspection: 8/20/2013 Recall Inspection
UI#: 765060-2012-0292
Inspection Results: Violations With Warning Conference and Warning Letter and Recall Inspection.

Date and Type of Inspection: 3/7/2011 Compliance Inspection
UI#: 765060-2011-0084
Inspection Results: Violations With Warning Conference and Warning Letter and Recall Inspection.

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

Investigators (b)(6) and (b)(6) completed a full comparison of firearms in inventory to Del Sports Inc.'s disposition records (A&D books). The investigators found that the corporation had (b)(3) 26USC6103 open entries and 298 firearms in its physical inventory.

IOI (b)(6) cited the licensee for failure in (b)(3) Pub law 112-55 125 Stat. 552 instances to properly account for firearms in their A&D records, per 27 CFR 478.125(e) as follows:

- Licensee failed to record the required acquisition (b)(3) Pub law 112-55 125 Stat. 552 received on March 22, 2014 for repair.
(Attachment -Signed ROV & Worksheet 1)
- Licensee failed to timely record the disposition of (b)(3) Pub law 112-55 125 Stat. 552 on ATF F 4473 dated August 31, 2012. During the investigators' first review of the A&D book the disposition entry was open. During the reconciliation by the licensee he believed that the firearm had been reported missing during his 2013 inspection (b)(3) Pub law 112-55 125 Stat. 552 and recorded that information as the disposition. When the investigators reviewed the 2013 theft/loss report they discovered that the firearm reported was the same Make and model but the serial number was (b)(3) Pub law 112-55 125 Stat. 552, not a match to the missing firearm. A search of the licensee's ATF 4473s by IOI (b)(6) found an ATF Form 4473 numbered (b)(3) Pub law 112-55 125 Stat. 552 and dated (b)(3) Pub law 112-55 125 Stat. 552, which was used to sell both (b)(3) Pub law 112-55 125 Stat. 552 found missing during this inspection (serial # (b)(3) Pub law 112-55 125 Stat. 552) as well as (b)(3) Pub law 112-55 125 Stat. 552 the licensee had reported as missing during his 2013 inspection (serial # (b)(3) Pub law 112-55 125 Stat. 552). IOI (b)(6) directed the licensee to correct the entry for the missing (b)(3) Pub law 112-55 125 Stat. 552 in his A&D record as well as contact ATF to have his 2013 Theft/Loss Report amended. The licensee made the correction to his A&D record and faxed a letter to ATF to have his 2013 Theft/Loss Report amended.
(Attachment -Signed ROV Exhibit 1 Copy of ATF Form 4473 dated (b)(3) Pub law 112-55 125 Stat. 552, Exhibit 2 Copy of A&D Record with corrected Entry, Exhibit 3 Copy of Fax to Amended 2013 Report & Worksheet 1)
- Licensee failed to record the disposition in the required acquisition and disposition book of (b)(3) Pub law 112-55 125 Stat. 552. Neither the firearm nor any documentation was located during the inspection and the firearm was reported missing to both the local police and ATF via ATF Form 3310.11.
(Attachment -Signed ROV, Exhibit 4 Copy of 2015 ATF Theft/Loss Report and Worksheet 1)

During the investigators' interview of David Budin he was asked by the investigators about Del Sports Inc.'s standard operating procedures as it relates to their A&D records. David Budin stated to the investigators that he and (b)(6) are the only people that makes entries into their A&D records.

The FFL maintains a separate A&D book for his gunsmith activities, the investigators

reviewed both of the licensee's A&D record books and found that they had been entering all the required information when they did make entries into their A&D records.

5 - ATF Forms 4473 – NICS & Other Dispositions

Del Sports Inc. had completed (b)(3) Pub ATF Forms 4473s during the inspection period. Investigators (b)(6) and (b)(6) reviewed all (b)(3) Pub forms. During the investigators' review of the ATF Form 4473s the investigator found that the licensee files it's ATF Form 4473s chronologically and they maintain a separate file for cancel, voids and denied transactions as required. At the conclusion of the investigators' review the investigators discovered:

- Licensee failed in (b)(3) Pub instances to follow instructions on ATF form 4473 prior to an over the counter firearm transfer to a non-licensee. More specifically on (b)(3) Pub law 112-55 125 Stat. 552 dated February 8, 2015 and (b)(3) Pub law 112-55 125 Stat. 552 dated March 27, 2015 question 11(a) was answered "yes" indicating the purchaser was not the actual buyer of the firearm. The investigator cited the licensee, per 27 CFR 478.21(a) See Violations #13 below.
(Exhibit 5 Copy of (b)(3) Pub law 112-55 125 Stat. 552, Attachment Signed ROV & Worksheet 2)
- Licensee in (b)(3) Pub instance proceeded with a firearm transfer when the purchaser answered "Yes" to prohibiting questions 11b thru 11l on (b)(3) Pub law 112-55 125 Stat. 552, dated February 8, 2015. The investigator cited the licensee, per 27 CFR 478.99(c), see Violations #13 below.
(Exhibit-6 Copy of (b)(3) Pub law 112-55 125 Stat. 552, Attachment Signed ROV & Worksheet 2)
- Licensee failed in (b)(3) Pub instances to obtain a completed ATF F 4473 certifying the transferee is not prohibited from possessing a firearm in or affecting commerce as follows:

(b)(3) Pub law 112-55 125 Stat. 552

IOI (b)(6) cited the licensee, per 27 CFR 478.124 (c)(1), see Violations below.
(Exhibit 7 Copy of (b)(3) Pub law 112-55 125 Stat. 552, Attachment Signed ROV & Worksheet 2)

Investigator (b)(6) requested and obtained an FFL Audit Report prior to the onsite inspection. The investigator compared the report to the licensee's ATF Form 4473s and found no discrepancies. In total 74 NICS transaction numbers (NTNs) consisting of 60 proceeds, 1 open and 14 Denied transactions were verified by Investigator (b)(6). (Exhibit 8 Copy of FLS Audit Report)

Del Sports maintains certified copies of licenses for dealer to dealer transfers. During the investigators interview with David Budin they reminded him of the proper procedure for transferring a firearm to law enforcement for "official use".

During the investigators' interview of David Budin he was asked by the investigators about Del Sports Inc.'s standard operating procedures as it relates to their ATF Form 4473s. David stated to the investigators that he and his mother try to review the forms each day but often they get too overwhelmed with customers. IOI (b)(6) explained that they needed to ensure the forms are reviewed timely and thoroughly prior to being filed. David stated that they would start a new procedure to ensure at least two people review the form before the firearm is booked out and the form is filed.

6 – Multiple Sales

Per the Violent Crimes Analysis Branch Report the licensee had no report of multiple sales. A review of the licensee's records by Investigators (b)(6) and (b)(6) disclosed that the licensee had no unreported multiple sales.

7 – Suspicious/Prohibited Purchasers

Investigator (b)(6) ran NCIC and eTrace queries on (b)(3) Pub firearm purchasers resulting in and no positive hits.

8 – Trace Activity

The investigator requested a trace report which disclosed the licensee had (b)(3) Pub trace requests during the inspection period. The licensee was able to successfully trace (b)(3) Pub of the request. IOI (b)(6) questioned David Budin why he was unable to complete the remaining (b)(3) Pub traces. The licensee stated that the shop was flooded in 2012 and a large number of his records were destroyed. (Exhibit 9 Copy of Trace Report)

During the period of this inspection the investigator found that the licensee had (b)(3) Pub acquisitions. In the same inspection period the investigator found that the licensee had (b)(3) Pub dispositions.

Investigator (b)(6) completed a query of eight firearms in NCIC which resulted in no hits.

9 - NFA/Importer/Collector/Manufacturer

Licensee does not conduct NFA, importer or collecting activity under this license.

10 - Referrals

The investigator found no information that required a referral to be generated.

11 - Other

During this inspection the investigators found that David Budin had a severe degenerative vision issue. The medical issues causes his vision to be very limited and therefore he depends on (b)(6), to maintain most of his records. During this inspection the investigators observed on numerous occasions David requesting his mother assistance to read documents. From the beginning and throughout the entirety of this inspection, including the closing conference, David Budin's mother was present and involved. (b)(6) provide IOI (b)(6) her New York State Driver's license as proof of her identity ((b)(6) expiration (b)(6)).

12 - Closing Actions

On November 19, 2015 Investigators (b)(6) and (b)(6) held a closing conference with David Budin. The investigators reviewed the firearms regulations line-by-line with the licensee per the Acknowledgement of Federal Firearms Regulations form. At the conclusion of the review David Budin certified receipt by signing the Acknowledgement of Federal Firearms Regulations form. (**Exhibit 10** Signed Acknowledgment)

At the conclusion of the review of the Federal Firearms Regulations IOI (b)(6) issued the Report of violations to the licensee. The investigator explained each violation and backup documentation to the licensee at that time. Once all violations were reviewed David Budin signed the ROV as proof of his receipt. (**Attachment** Signed Report of Violations)

The investigator provided the licensee with the following informational documents:

- ATF F 3310.11: Theft/Loss Report
- ATF F 4473 (5300.9): Firearms Transaction Record
- ATF I 5300.23A: Notice to Dealers Participating in Gun Shows
- ATF P 5300.14: Federal Firearms Regulations Reference Guide
- ATF P 5300.15: Federal Firearms Licensee Quick Reference and Best Practices Guide (revised 8/2010)
- NICS Guide for Appealing a Firearm transfer brochure
- NICS E-Check brochure
- List of ATF telephone numbers and addresses

13 - Violations

1. **27 CFR 478.125(e)**
“REPEAT OF VIOLATION CITED ON March 17, 2011, SEPTEMBER 7, 2012 and February 11, 2014.”

Violation

Licensee failed to in (b)(3) Pub law instance to record acquisitions and/or dispositions per 27 CFR 478.125(e).

1. Licensee failed to record the required acquisition (b)(3) Pub law 112-55 125 Stat. 552 received on March 22, 2014 for repair.

2. Licensee failed to timely record the disposition of (b)(3) Pub law 112-55 125 Stat. 552 on ATF F 4473 dated August 31, 2012

3. Licensee failed to record the disposition in the required acquisition and disposition book of (b)(3) Pub law 112-55 125 Stat. 552. Neither the firearm nor any documentation was located during the inspection and the firearm was reported missing.

Licensee's Response

David Budin stated that he had thought he had kept his records up-to-date and accurate.

Corrective Action

Licensee entered the (b)(3) Pub law 112-55 125 Stat. 552 into his repair A&D book.

Licensee reported the (b)(3) Pub law 112-55 125 Stat. 552 missing, via ATF inventory theft/loss report form number 3310.11, to ATF and to the Delaware County Sheriff's Department.

Licensee entered disposition information per ATF F 4473 dated August 31, 2012 for the (b)(3) Pub law 112-55 125 Stat. 552 into the acquisition and disposition record.

Further the IOIs reminded the licensee to make timely and accurate entries as required by 27 CFR 125(e) in the acquisition and disposition records on all firearms transactions conducted.

Attachment -Signed ROV Exhibit 1 Copy of ATF Form 4473 dated 8/31/12, **Exhibit 2** Copy of A&D Record with corrected Entry, **Exhibit 3** Copy of Fax to Amended 2013 Theft/Loss Report, **Exhibit 4** Copy of 2015 ATF Theft/Loss Report **Exhibit 11** Copy pf Previous ROVs & **Worksheet 1**

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

Violation

Licensee failed in (b)(3) Pub instances to follow instructions on ATF form 4473 prior to an over the counter firearm transfer to a non-licensee. More specifically on (b)(3) - 112 Public Law 55 125 Stat question 11(a) was answered "yes" indicating the purchaser was not the actual buyer of the firearm.

Exhibit 5 Copy of (b)(3) Pub law 112-55 125 Stat. 552, Attachment Signed ROV & Worksheet 2

Licensee's Response

David Budin stated to the investigators that sometimes it gets really busy with customers and he gets rushed. He further stated to the investigators that he was aware of his requirements and would be sure to slow down in the future.

Corrective Action

Licensee was reminded to review all ATF F 4473's for completeness and accuracy prior to completing an over the counter firearms transaction to any unlicensed person.

3. **27 CFR 478.99(c)**

Violation

Licensee in (b)(3) Pub instance proceeded with a firearm transfer when the purchaser answered "Yes" to prohibiting questions 11b thru 11l on (b)(3) - 112 Public Law 55 125 Stat 552

Exhibit-6 Copy of (b)(3) Pub law 112-55 125 Stat. 552, Attachment Signed ROV & Worksheet 2

Licensee's Response

David Budin stated to the investigators he was unsure how this violation happened other than trying to get done too fast.

Corrective Action

Licensee was instructed by the investigator to always review the ATF Form 4473s prior to transfer to ensure they are complete and accurate.

4. **27 CFR 478.124(c)(1)**

Violation

Licensee failed in (b)(3) Pub instances to obtain a completed ATF F 4473 certifying the transferee is not prohibited from possessing a firearm in or affecting commerce as follows:

(b)(3) Pub law 112-55 125 Stat. 552

(b)(3) Pub law 112-55 125 Stat. 552

Exhibit 7 Copy of (b)(3) Pub law 112-55 125 Stat. 552
Attachment Signed ROV & Worksheet 2

Licensee's Response

David Budin stated to the investigators he was unsure how this violation happened other than trying to get done too fast.

Corrective Action

Licensee was reminded by the investigators to review all ATF F 4473's for completeness and accuracy prior to completing an over the counter firearms transaction to any unlicensed person.

X

(b)(6)

Industry Operations Investigator

Index of Worksheets and Exhibits

ATTACHMENT:

- Signed ROVs
- Work Sheets

EXHIBITS:

1. Copy of ATF Form 4473 dated 8/31/12 Report of Violations
2. Copy of A&D Record with corrected Entry
3. Copy of Fax to Amended 2013 Theft/Loss Report
4. Copy of 2015 ATF Theft/Loss Report
5. Copy of (b)(3) Pub law 112-55 125 Stat. 552
6. Copy of
7. Copy of
8. Copy of FLS Audit Report
9. Copy of Trace Report
10. Signed Acknowledgment
11. Copy of Previous Report of Violations

