

Assignment and Report

| | | | |
|---|--|---|-----------------------------|
| 1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) DAMIEN RISTAINO, LLC 0311 GEAR 15037 DESHLER CT CHARLOTTE, NC 28273, MECKLENBURG | | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 763025-2016-0319-B1B | |
| | | 3. PERMIT/LICENSE NUMBER 156119078F07443 | 4a. TARGET DATE 8/5/2016 |
| | | 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, 06/06/2016 | |

| | |
|---|--|
| 8. PURPOSE/SPECIAL INSTRUCTIONS CONDUCT FULL MFR DE/COMP INVESTIGATION | |
|---|--|

| | | | | | |
|---|---|--------------------------------|--|---------------------|--|
| 9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC | | 10. TRAVEL EXPENSES (OPTIONAL) | | | |
| NO. OF VIOLATIONS | 2 | 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: 07/28/2016 Report of Violations, Warning Letter only and No Recall inspection. Viols WL ONLY and No Recall Inspection | |
|---|--|

| | |
|--|-------|
| 12. TIME ACCOUNTING DATA | |
| ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6) | |
| JUN 2016 | 19.00 |
| JUL 2016 | 7.00 |
| ATF OFFICER'S SUBTOTAL | 26.00 |
| ATF OFFICER'S SIGNATURE | |
| TOTAL HOURS | 26.00 |

| | |
|--|--|
| 13. REVIEW AND ROUTING | |
| REVIEW COMMENTS AND RECOMMENDATION PII Folder 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 | (b)(6) (b)(6) VIEW DATE 07/29/2016 |
| ROUTING SEQUENCE AND DATE | |
| <input checked="" type="checkbox"/> 1. FELC | |
| <input type="checkbox"/> 2. | |
| <input type="checkbox"/> 3. | |
| <input type="checkbox"/> 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 quadruplicate. The original copy and the suspense copy (where required) 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 DANIEL RISTAINO, LLC | Street Address 15037 Deshler Ct. | City Charlotte | State NC | ZIP Code 28273 | County Mecklenburg | Page 1 of 1 Pages |
| License/Permit/Registry Number (if any) 1-56-119-07-8F-07443 | | Expiration Date 6/1/18 | Date(s) or Period of Inspection 6/28/16 - 6/28/16 | | | |

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 | 27CFR478.126a | In ^{(b)(3) 112} instance licensee failed to report the sale of more than one handgun to an unlicensed person within a five business day period. (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) | Licensee immediately filed the report of multiple sales. | |
| 2 | 27CFR478.124(c)(5) | Licensee failed to complete accurate ATF 4473. In ^{(b)(3) 112} instance Sec. D items 34+36 were left blank. (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) | Licensee will give secondary review to ATF form 4473 | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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

(b)(6) MANAGER, LLC

Date **6/28/2016**

Signature and Title of ATF Officer

(b)(6) Industry Operations Investigator

Date **6/28/2016**



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives
6701 Carmel Road, Suite 200
Charlotte, North Carolina 28226

www.atf.gov

August 1, 2016

763025 (b)(6)
5300

WARNING LETTER

CERTIFIED RETURN RECEIPT REQUESTED

Damien Ristaino LLC
15037 Deshler Court
Charlotte, NC 28273

RE: 1-56-119-07-8F-07443

Dear Mr. Ristaino:

During a recent compliance inspection at your firearms business covering the period of June 28, 2015 to June 28, 2016, you were cited for violations of 27 Code of Federal Regulations, Part 478. The violations were discussed with you during the inspection. A copy of the Report of Violations, Form 5030.5, issued at the time of the inspection is enclosed.

All violations were fully explained to you or your designated responsible person by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator(s). You or your responsible person indicated that you understood the requirements of the firearms laws and regulations and that corrective action 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

Damien Ristaino LLC
1-56-119-07-8F-07443

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.

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

Sincerely,

(b)(6)

Area Supervisor, Charlotte Group III
Charlotte Field Division

Enclosure

cc: Federal Firearms Licensing Center

FIREARMS INSPECTION REPORT

Name: Damien Ristaino, LLC
Trade Name:

UI#: 763025-2016-0319-B1B
FFL#: 1-56-119-07-8F-07443

Address: 15037 Deshler Court
Charlotte, NC 28273
(704) 953-5789

1 - Introduction

Inspection Profile:

On June 28, 2016 Industry Operations Investigator (IOI) (b)(6) traveled to 15037 Deshler Court, Charlotte, NC 28273 to conduct a Manufacturer disposition emphasis investigation. Present for the interview was Damien Ristaino who was identified through his North Carolina Driver's License number (b)(6) that expires on May 31, 2017.

The scope of the investigation was provided to Mr. Ristaino.

Advance notification was provided, unannounced investigation was attempted but Mr. Ristaino was at his primary job with (b)(6).

The period covered was June 28, 2015 through June 28, 2016. The investigation commenced and concluded on June 28, 2016.

No prohibiting factors were disclosed. Violations were cited see paragraphs 5, 6 and 13, ROV and applicable worksheets.

Business Profile:

Business Photos (Exhibit #01)

The Licensee's business involves manufacturing from his residence where he builds or assembles AR15s from kits by special order. The Licensee also plans to assemble 1911s but hasn't had requests for any at this point. The Licensee also conducts repairs or gunsmithing on an occasional basis.

Amongst the Licensee's suppliers are (b) (4).

The Licensee does not conduct NFA transactions and does not hold a Special Occupational Tax.

The Licensee acquired (b) firearms during the investigation period and disposed of (b)(3) firearms in the same period.

The Licensee states that when he has inventory (rarely keeps one) he stores it in a locked room with hinged security pins.

FIREARMS INSPECTION REPORT

Name: Damien Ristaino, LLC
Trade Name:

UI#: 763025-2016-0319-B1B
FFL#: 1-56-119-07-8F-07443

Ownership and Control:

The business is a Limited Liability Company with Mr. Ristaino as the Managing Member on the License. The Company is organized under the Secretary of State of North Carolina (**Exhibit #02**). The Federal Licensing System is correct and no changes need to be made. Hidden ownership is not suspected.

Variance:

There are no variances and none are being requested at this time.

2 - Recommendation

Report of Violations, Warning Letter and no Recall Inspection.

3 - Inspection History

Type of Inspection: Application

Date: 4/25/12

Investigator: IOI (b)(6)

UI# 763025-2012-0264-B1B

Recommendations: Application Approved

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

A full inventory was taken there was 1 firearm (a receiver) in inventory and 1 open entry in the Acquisition and Disposition (A&D) book. There were no discrepancies.

No firearms were traced from acquisition through disposition. There were no trafficking indicators or obliterated serial numbers uncovered during this investigation.

5 - ATF Forms 4473 – NICS & Other Dispositions

IOI (b)(6) reviewed all the ATF form 4473s for the inspection period of 6/28/15 to 6/28/16 for a total of 21 forms. The forms were reviewed for accuracy and entirety. The Licensee was cited for the following violation on (b)(6) form:

- **Violation #1 27 CFR 478.124(c)(5)**

IOI (b)(6) verified a total of 0 NICS check. There was 1 transaction on the FFL Audit Log Non-Denied Status date range from date 04/23/2016 to date 06/22/2016 which included 0 proceed responses, 1 denied transactions, 0 delayed transactions and 0 currently open transactions.

6 - Multiple Sales

The Licensee had a total of 1 multiple sales for the investigation period. The multiple sales was unreported, the Licensee was cited as follows:

FIREARMS INSPECTION REPORT

Name: Damien Ristaino, LLC
Trade Name:

UI#: 763025-2016-0319-B1B
FFL#: 1-56-119-07-8F-07443

- **Violation #2 27 CFR 478.126a**

7 - Suspicious/Prohibited Purchasers

No suspicious/prohibited purchasers were uncovered as a result of this investigation. There were no signs of trafficking or illegal purchases.

8 - Trace Activity

The Licensee had no traces during the investigation period.

9 - NFA/Importer/Collector/Manufacturer

The Licensee is not an NFA dealer, Importer, Collector of firearms. The Licensee is a Manufacturer of AR15s who puts them together from kits. The Licensee was reminded of the AFMER reporting requirements and was provided with the information related to it. The Licensee was also informed of the ITAR provision and was provided with literature containing information regarding payment and contact instructions. The 2015 AFMER report has been filed and was reviewed by IOI (b)(6).

10 - Referrals

No referrals were issued as a result of this investigation.

11 - Other

Mr. Ristaino was also advised that ATF's website address provides the ATF Quarterly Newsletters which are now available online and can be reviewed or printed out and were advised of the new 2014 ATF Regulations Reference Guide which is available to be downloaded or ordered online for \$42. This website address is also a way for the Licensee to keep informed of any updates to the Federal Firearms Regulations. The Licensee was also provided with ATF telephone numbers if he has any questions or needs further assistance in the future.

12 - Closing Actions

A closing conference was held on June 28, 2016 with Damien Ristaino. During the closing conference there was a comprehensive explanation of the Federal Firearms Rules and Regulations including definitions, miscellaneous provisions, licenses, conduct of business, required records, state laws and local ordinances.

Acknowledgement of Federal Firearms Regulations: Mr. Damien Ristaino, indicated that he understood all of the information provided by signing and dating the Acknowledgement of the Federal Firearms Rules and Regulations (**Exhibit #03**).

The following documents were provided and explained to the Licensee:

- NICS Voluntary Appeal File
- ATF P5300.18 Non-Immigrant Aliens Purchasing Firearms and Ammunition in the U.S.

FIREARMS INSPECTION REPORT

Name: Damien Ristaino, LLC
Trade Name:

UI#: 763025-2016-0319-B1B
FFL#: 1-56-119-07-8F-07443

- Letter of Requirements for Computerized Records A&D
- ATF I5300.1 Youth Handgun Safety Act Poster
- ATF 5300.2 Youth Handgun Safety Act Notice
- ATF P 3317.2 Safety and Security Information
- ATF P5300.15 FFL General Guidelines and Information
- ATF F3310.4 Report of Multiple Sales or Other Dispositions
- ATF F3310.11 Firearms Inventory Theft/Loss Report

13 – Violations

1. **27 CFR 478.124(c)(5)**

Licensee failed to obtain complete/accurate ATF 4473:

In ^(b) instance Sec. D items 34 & 36 were left blank.

(b)(3) 112 Public Law 55

(Exhibit #04)

Licensee's Response:

Licensee states that it was an "oversight."

Corrective Action:

The Licensee stated that he would give ATF 4473s a secondary review.

2. **27 CFR 478.126a**

In ^(b) instance Licensee failed to Report the sale of more than 1 handgun to an unlicensed person within a five business day period.

(b)(3) 112 Public Law 55

(Exhibit #05)

Licensee's Response:

The Licensee stated that "E-4473 electronic function did not issue the multiple sale notice."

Corrective Action:

The Licensee filed the multiple sale report immediately (Exhibit #06).

X

Industry Operations Investigator

FIREARMS INSPECTION REPORT

Name: Damien Ristaino, LLC
Trade Name:

UI#: 763025-2016-0319-B1B
FFL#: 1-56-119-07-8F-07443

Index of Worksheets

Firearms Inspection Informational Page

Firearms Inspection ATF Form 4473 (2012 Edition) Review Worksheet

Firearms Inspection Other Statistics

Index of Exhibits

1. Business Photos
2. Limited Liability Company online Secretary of State documents
3. Acknowledgement of Federal Firearms Regulations
4. ATF 4473 #55 Multiple Sale violation
5. ATF 4473 #55 Sec. D items 34 & 36 violations
6. Report of Multiple Sales