

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) BYSTREK, KATHLEEN M CRYING EAGLE IMPORTS / CEI 1719 FRANKLIN PIERCE HIGHWAY BARRINGTON, NH 03825, STRAFFORD	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 762030-2016-0232-B1B		
	3. PERMIT/LICENSE NUMBER 602017087B00174	4a. TARGET DATE 9/30/2016	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), Acting Area Supervisor, 03/03/2016

8. PURPOSE/SPECIAL INSTRUCTIONS  
Please conduct a DE inspection.

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	1	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: 04/25/2016

Viols WL ONLY and No Recall Inspection

12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)	
APR 2016	40.00		
MAY 2016	4.00		
ATF OFFICER'S SUBTOTAL	44.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	44.00		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

The Federal Licensing System information for responsible person Kathleen Bystrek requires amendment. Bystrek's address is listed as 283 Rte 202 & 9, Barrington, NH. This was her address prior to street renaming/renumbering for Emergency 911 services. Address should read 1719 Franklin Pierce Highway, Barrington, NH. Physical location of address has never changed.

Viols WL ONLY and No Recall Inspection

☒ REVIEWED    ☒ CONCUR    ☒ SEE COMMENTS    ☒ FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Industry Operations Investigator	REVIEW DATE 05/10/2016
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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 Bystrek, Kathleen M. Crying Eagle Imports / CEI	Street Address 1719 Franklin Pierce Highway	City Barrington	State MA	ZIP Code 03825	County Strafford	Page 1 of 1 1 Pages
License/Permit/Registry Number (if any) 6-02-017-08-7B-00174		Expiration Date 02/01/2017	Date(s) or Period of Inspection April 14, 2015, to April 13, 2016			

### Inspection Results

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

Number	USC or CFR Citation	Nature of Violation	Corrective Action to be Taken (If not corrected immediately)	Date Corrections to be Made (If not corrected immediately)
1	27 CFR 478.122(a)	Records maintained by importers. "Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm imported or otherwise acquired, and the date such importation or other acquisition was made." (In (b)(3) instances, Licensee failed to record firearm acquisitions revealing the following discrepancies: (b)(3) firearms identified in physical inventory were not recorded as acquisitions and were received greater than 15 days prior.)	Licensee was instructed to record the firearm acquisitions into the A&D record.	
2	27 CFR 478.122(d)	Records Maintained by importers. "Each licensed importer shall maintain separate records of the sales or other dispositions made of firearms to nonlicensees. Such records shall be maintained in the form and manner as prescribed by §§478.124 and 478.125 in regard to firearms transaction records and records of acquisition and disposition of firearms." (In (b)(3) instances, Licensee failed to record or accurately record firearm dispositions revealing the following discrepancies: (b)(3) dispositions were incomplete, missing either date or complete address and (b)(3) dispositions were not recorded.)	Licensee was instructed to complete entries with missing dates/addresses and to reconcile the dispositions not recorded and enter them into the A&D record.	April 21, 2016

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

Signature and Title of ATF Officer  
(b)(6) Industry Operations Investigator

Date  
4/21/16

Date  
April 18, 2016

ATF Form 5010.5  
Revised April 2005



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
10 Causeway Street, Room 791  
Boston, MA 02222

www.atf.gov

May 11, 2016

762030: (b)(6)  
5300

WARNING LETTER

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mrs. Kathleen M. Bystrek  
Crying Eagle Imports / CEI  
1719 Franklin Pierce Highway  
Barrington, NH 03825

REF: FFL# 6-02-017-08-7B-00174

Dear Mrs. Bystrek,

During a recent firearms compliance inspection at your business covering the period April 14, 2015, through April 13, 2016, you were cited for a violation of Title 27, Code of Federal Regulations, Part 478. 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 (b)(6). You or your responsible person 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 ensure that criminals do not gain access to firearms. ATF appreciates the efforts you and other industry members make in this area, and we look forward to continuing to work with you in that regard.

**Crying Eagle Imports / CEI**

REF: FFL# 6-02-017-08-7B-00174

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)  
Area Supervisor, at (b)(6).

Sincerely,

(b)(6)

Area Supervisor  
Boston Area Office

Enclosure: Report of Violations

cc: Federal Firearms Licensing Center  
Boston Group V  
Director, Industry Operations, Boston Field Division



# FIREARMS INSPECTION REPORT

**Name:** Bystrek, Kathleen M.  
**Trade Name:** Crying Eagle Imports / CEI

**UI#:** 762030-2016-0232, B1B  
**FFL#:** 6-02-017-08-7B-00174

**Address:** 1719 Franklin Pierce Highway  
Barrington, NH 03825

## 1 - Introduction

### Inspection Profile:

In accordance with UI 762030-2016-0232, B1B, Industry Operations Investigator (b) (6) began a full Firearms Manufacturer and Importer (FMI) compliance inspection on Kathleen M. Bystrek's Type 08 Importer of Firearms license on April 13, 2016. Bystrek operates her business under the trade name Crying Eagle Imports or CEI. The inspection was conducted at the licensed business premises and covered the period from April 14, 2015, to April 13, 2016. Kathleen Bystrek, owner, and her husband Joseph Bystrek, assistant, were both present during the inspection. Advance notification was not provided.

### Business Profile:

The business operates as an importer and exporter of firearms, rarely engaging in retail sales. The majority of the business in recent years has been solely the exportation of firearms to individuals in other countries that are expanding their own personal collections or selling the firearms at retail. CEI has stopped taking on new exportation clients, but is continuing to conduct business with past customers. The business operates from a garage that was converted to a retail shop at the personal residence of Bystrek. The premises space is shared with Kathleen Bystrek's husband, Joseph Bystrek (6-02-33169), who operates a retail storefront FFL within the same converted garage. The premises is located in rural Barrington, NH. In the last 12 months, licensee has acquired (b) (4) firearms and disposed of approximately (b) (4) firearms. Bystrek estimates that (b) (4) of (b) (4) firearms are new and (b) (4) used and (b) (4) of the firearms are long guns to (b) (4) handguns. The primary suppliers for the business are (b) (4) (b) (4). Licensee does not operate at gun shows. CEI's services are listed on Joseph Bystrek's FFL website, [www.indianvillagefirearms.com](http://www.indianvillagefirearms.com). Kathleen Bystrek that her services are detailed on that website, but she does not conduct sales through the website. Bystrek stated that she does not operate on any firearms auction sites.

Aside from Joseph Bystrek's FFL (6-02-33169), there are no other businesses that operate from the licensed premises. Kathleen Bystrek does not conduct any other businesses. Other licenses held include: Application to Register as an Importer of U.S. Munitions (b) (6), *Exhibit 1*, Directorate of Defense Trade Controls Exporter Registration (b) (6), *Exhibit 2*, and NH License to Sell Pistols and Revolvers, *Exhibit 3*. Licensee has properly

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registered her trade name with the State of New Hampshire, *Exhibit 4*. Local zoning requirements and compliance have been confirmed in previous inspections, with no issues. License originally issued in January 2002. There is no offsite storage.

## **Ownership and Control:**

The business is a sole proprietorship with Kathleen Bystrek as the sole owner. Her husband Joseph Bystrek may assist her at times physically with packaging and preparing firearms for shipment, but does not conduct any aspects of the business. There have been no unreported changes to the business and hidden ownership is not suspected. Federal Licensing System information for responsible person Kathleen Bystrek requires amendment. Bystrek's address is listed as 283 Rte 202 & 9, Barrington, NH. This was her address prior to street renaming/renumbering for Emergency 911 services. Address should read 1719 Franklin Pierce Highway, Barrington, NH. Physical location of address has never changed.

## **Variance:**

**b3 Public Law 112-55 (125 Stat. 552)**

## **2 - Recommendation**

Violations, WL Only and No Recall Inspection

## **3 - Inspection History**

**Date of Inspection:** June 18, 2012  
**Type of Inspection:** Firearms compliance  
**UI#:** 762030-2012-0355, B1B  
**Inspection Results:** Violations, ROV Only, No Recall Inspection  
**Cited Violations:** 27 CFR 478.112(d)(1) Importation by a licensed importer.  
Licensee failed to file ATF Form 6A as required.

**Date of Inspection:** March 19, 2008  
**Type of Inspection:** Compliance inspection  
**UI#:** 762030-2008-0172, B1B  
**Inspection Results:** No Violations, No Further Action, No Referrals  
**Cited Violations:** None.

# FIREARMS INSPECTION REPORT

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**UI#:** 762030-2016-0232, B1B  
**FFL#:** 6-02-017-08-7B-00174

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

During the inspection, IOI (b) (6) conducted a full inventory with the assistance of Kathleen Bystrek, owner. IOI (b) (6) &D record is maintained in a Microsoft Excel spreadsheet, which appears to be in compliance with ATF Ruling 2013-5, with changes tracked and fields protected. There were (b) (6) firearms identified in physical inventory and (b) (6) open entries in the A&D record, which resulted in (b) (6) disposition discrepancies and (b) (6) acquisition discrepancies. Dispositions not recorded were reconciled with commercial documents. Furthermore, (b) (6) entries were incomplete, omitting some disposition information. Licensee was cited for being in violation of 27 CFR 478.122(a) and 27 CFR 478.122(d), *reference Report of Violations, Violation 1, Violation 2 and Worksheet 1*.

There were no theft or loss reports submitted during the inspection period or as a result of this in section. The A&D record is in the proper format, but not all the required information was accurate or timely made as referenced above. (b) (6) firearms were traced through licensee's records from acquisition to disposition with zero discrepancies identified. Bystrek stated that she records all acquisitions and dispositions on the day that they occur and that she is the sole person to maintain the records. Bystrek stated she does not conduct a periodic inventory review. IOI (b) (6) recommended an inventory one or two times annually could assist in ensuring accuracy with the A&D record.

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

Licensee has not conducted any retail transfers during the inspection period. All firearms are exported or transferred to other licensees. If a firearm is obtained that cannot be exported, Bystrek transfers the firearm to her husband's FFL for that business to sell the firearm at retail. There were zero ATF Forms 4473 on file for the inspections period since Bystrek did not conduct any retail sales. Transfers to other licensees appear to have been conducted properly and licensee has not made any transfers to law enforcement officers. Prior to the inspection, IOI (b) (6) obtained an FFL audit log for licensee, which contained zero transactions. There were no discrepancies. Licensee does not conduct retail transfers.

## 6 - Multiple Sales

There were zero multiple sales reported during the inspection period on the Violent Crime Analysis Branch FFL Master Query. There were zero unreported multiple sales identified during the inspection. Licensee generally does not conduct retail transfers.

## 7 - Suspicious/Prohibited Purchasers

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There were no possible traffickers, straw purchasers or other suspicious purchasers identified during the inspection. Computerized criminal history check on responsible person did not result in a hit.

### 8 - Trace Activity

There were zero traces for licensee in the last 12 months and no unsuccessful trace requests. Secondary market analysis was not conducted as there were no used handguns in inventory at the time of inspection.

### 9 - NFA/Importer/Collector/Manufacturer

(b)(3)-(26 USC 6103)

### 10 - Referrals

No referrals were generated as a result of the inspection.

### 11 - Other

As licensee does not make retail transfers, there is no requirement to display the Youth Handgun Safety Act Poster or provide the Notices. IOI (b)(6) informed Bystrek that if her business profile were to change to include retail transfers of handguns, she would be required to comply with the YHSA regulations and the Child Safety Lock Act.

Prior to the inspection, IOI (b)(6) contacted Acting Resident Agent in Charge (b)(6) (b)(6) to inquire if there were any pending investigations related to licensee or



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reasons to delay the inspection (b) (6) replied on March 21, 2016, that the inspection could proceed.

## 12 - Closing Actions

On April 21, 2016, IOI (b) (6) returned to the licensed business premises to conduct a closing conference with Kathleen Bystrek, owner. At this time, IOI (b) (6) verified inventory reconciliation and corrective action. The Report of Violations was reviewed with Bystrek, who signed the ROV, and a copy was provided for licensee's records. IOI (b) (6) answered Bystrek's questions at this time. Furthermore, IOI (b) (6) reviewed the Acknowledgement of Federal Firearms Regulations with Bystrek, who signed the Acknowledgment, *Exhibit 5*, and a copy was provided for licensee's records.

## 13 - Violations

### 1. 27 CFR 478.122(a)

#### **Nature of violation:**

Records maintained by importers.

"Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm imported or otherwise acquired, and the date such importation or other acquisition was made."

(In (b) (6) instances, Licensee failed to record firearm acquisitions revealing the following discrepancies:

(b) (6) firearms identified in physical inventory were not recorded as acquisitions and were received greater than 15 days prior.)

#### **Licensee's response:**

Licensee stated that this was an oversight. Bystrek stated that she has been preparing for an upcoming exportation and overlooked these (b) (6) firearms with all of the other packages and boxes that were at the premises.

#### **Corrective action:**

Licensee was instructed to record the firearm acquisitions into the A&D record.

### 2. 27 CFR 478.122(a)

#### **Nature of violation:**

Records Maintained by importers.

"Each licensed importer shall maintain separate records of the sales or other dispositions made of firearms to nonlicensees. Such records shall be maintained in the form and

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manner as prescribed by §§478.124 and 478.125 in regard to firearms transaction records and records of acquisition and disposition of firearms."

(In instances, Licensee failed to record or accurately record firearm dispositions revealing the following discrepancies:

dispositions were incomplete, missing either date or complete address and dispositions were not recorded, but were reconciled.)

## **Licensee's response:**

Bystrek stated that this was due to oversight on her part. She stated that she will initially put in the name of the disposition entry when she delivers it for export and then update the date and address once it has been accepted for shipping and she stated that she made some mistakes.

## **Corrective action:**

Licensee was instructed to complete entries with missing dates/addresses and to reconcile the dispositions not recorded and enter them into the A&D record.

**X**

Industry Operations Investigator

## **Index of Worksheets and Exhibits**

Report of Violations

Worksheet 1 – A&D Review

Worksheet 2 – ATF Form 4473 Review (no ATF Forms 4473 on file for inspection period)

Exhibit 1 – Application to Register as an Importer of U.S. Munitions

Exhibit 2 – DDTC Registration

Exhibit 3 – NH License to Sell Pistols and Revolvers

Exhibit 4 – NH Trade name registration

Exhibit 5 – Acknowledgement of Federal Firearms Regulations