

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Rocky Mountain Guns Inc 647 South Oswego Ct. Aurora, CO 80012, Arapahoe	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 788070-2017-0106-B1B		
	3. PERMIT/LICENSE NUMBER 584005079H04996	4a. TARGET DATE 3/31/2017	4b. TARGET HOURS 40
	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, 12/06/2016

8. PURPOSE/SPECIAL INSTRUCTIONS
DE. Manufacturer Program. 100% inventory verification and 12 months ATF Forms 4473 review is required.

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	1	NO. OF REFERRALS		2111 - PER DIEM	
NO. OF TECS CHECKS	6	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: 06/19/2017

Viols WL ONLY and Recall Inspection

12. TIME ACCOUNTING DATA			
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)		(b)(6)	
FEB 2017	1.00		
JUN 2017	39.00		
ATF OFFICER'S SUBTOTAL	40.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS	40.00		

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION
The licensee was cited for missing firearms. Per ATF O 5370.1C this violation warrants a WL as the minimum AA.
Viols WL ONLY and No Recall Inspection

☒ REVIEWED ☐ CONCUR ☐ SEE COMMENTS ☒ FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 06/20/2017
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ROUTING SEQUENCE AND DATE

☐ 1. _____
☐ 2. _____
☐ 3. _____
☐ 4. July 19 2019 Document _____

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 Rocky Mountain Guns Inc	Street Address 647 South Oswego St	City Aurora	State CO	Zip Code 80012-	County Arapahoe	Page 1 of 1 Pages
License/Permit/Registry Number (If any) 584005079H04996	Expiration Date 8/1/2019	Date(s) or Period of Inspection 06/06/2017 through 06/16/2017				

Inspection Results

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

Number: 1

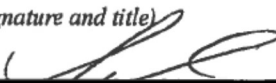
Nature of Violation:

Failure to record the disposition information in the A&D record book in (b)(3) instances. Specifically, the licensee failed to record the disposition of (b)(3) firearms and was missing (b)(3) firearms.

Citation: 27 CFR 478.123(b)

Date Corrections to be Made:
(If not corrected immediately)

Corrective Action to be Taken: Licensee is to properly record the disposition information in the A&D record book and maintain accountability for all future transactions.
(If not corrected immediately)

Have Received a Copy of This Report of Violations (Proprietor's signature and title)  President	Date 6/16/17
Signature and Title of ATF Officer July 19 2019 Document (b)(6) 540 I=I	Date 6/16/17



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Denver Field Division

June 20, 2017

www.atf.gov

788070: (b)(6)
5300

Mr. Yotam Fuchs
Rocky Mountain Guns Inc
647 South Oswego Ct
Aurora, CO 80012

Re: FFL# 5-84-005-07-9H-04996

Mr. Fuchs:

During a recent inspection at your firearms business covering the period from June 6, 2016 to June 6, 2017 you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, ATF F 5030.5, issued at the time of the inspection is enclosed.

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

Mr. Yotam Fuchs
Rocky Mountain Guns Inc

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

(b)(6)

Area Supervisor Industry Operations

cc: Federal Firearms Licensing Center
Denver VI Field Office

FIREARMS INSPECTION REPORT

Name: Rocky Mountain Guns Inc.
Trade Name:

UI#: 788070-2017-0106 B1B
FFL#: 5-84-005-07-9H-04996

Address: 647 South Oswego Ct
Aurora, Colorado 80012 Arapahoe

1 - Introduction

Inspection Profile:

On June 6, 2017, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Investigator (b) (6) conducted an unannounced manufacturer disposition emphasis inspection of Rocky Mountain Guns Inc. The inspection was conducted at the licensed premises, which is located at 647 South Oswego Ct, Aurora, Colorado. The purpose of the inspection was to examine the licensee's conduct of business and verify compliance with Federal laws and regulations. The inspection covered the period from June 6, 2016 through June 6, 2017. The responsible person interviewed during the inspection was Yotam Fuchs, President of the corporation. Mr. Fuchs was identified by Colorado driver's license number (b) (6). The onsite portion of this inspection concluded on June 16, 2017.

Business Profile:

Rocky Mountain Guns Inc. holds a Type 07 Federal Firearms License (Manufacturer of Firearms), which they use to manufacture rifles from scratch and engage in the retail sales of firearms.

Rocky Mountain Guns Inc. operates the business out of Mr. Fuchs' personal residence, which is located in a residential area in Aurora, Colorado. Investigator (b) (6) verified via the Arapahoe County Assessor's website that Mr. and Mrs. Fuchs are the owners of the premises.

During the inspection period, the licensee acquired approximately (b)(4) firearms and disposed approximately (b)(4) firearms. The licensee had (b)(4) firearms in inventory on the date of the inspection. Approximately, (b)(4) percent of the firearms acquired and sold were handguns, (b)(4) percent were receivers and (b)(4) percent were rifles. The licensee did not have any secondary market firearms in inventory. Rocky Mountain Guns Inc. uses AERO Precisions and Ballistic Advantage as their primary suppliers.

Rocky Mountain Guns Inc. conducts business at gun shows. The licensee does not engage in the online retail sales of firearms – the company website (www.rmg15.com) is for promotional purposes only. The licensee does not conduct any other business at the licensed premises, nor do they possess any additional ATF licenses.

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Investigator (b) (6) verified that the corporation is properly registered with the Colorado Secretary of State and is in possession of a valid state sales tax license. Rocky Mountain Guns Inc. is in compliance with all zoning regulations.

Rocky Mountain Guns Inc. does not utilize any offsite storage.

Rocky Mountain Guns Inc. has held their current FFL since July of 2013. The Type 07 FFL is appropriate for the business activities conducted by the licensee.

Ownership and Control:

According to the Federal Licensing System, the licensee has been operating as a corporation and Mr. Fuchs is the only individual listed as a responsible person. Investigator (b) (6) asked Mr. Fuchs if there has been any changes to the business structure and/or to the responsible persons list. Mr. Fuchs stated that there has been no changes and that he still owns 100 percent of the company. Investigator (b) (6) did not find any evidence of hidden ownership.

Variance:

(b)(3) - 112 Public Law 55 125 Stat 552

2 - Recommendation

Violations Warning Letter Only and Recall Inspection.

3 - Inspection History

Date of Inspection:	July 3, 2013
Type of Inspection:	Qualification Inspection
UI#:	788070-2013-0296
Inspection Results:	Application Approved
Cited Violations:	None

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

Investigator (b) (6) reviewed the licensee's A&D record book and verified that it was in the proper format. A full inventory was also conducted by cross-referencing the licensee's A&D record book with the physical inventory – there were 177 firearms and (b)(3) - 11 open dispositions. Investigator (b) (6) examined the discrepancy and discovered

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Name: Rocky Mountain Guns Inc.
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that the licensee failed to record the disposition information in the A&D record book in [REDACTED] instances. Specifically, the licensee failed to record the disposition information of [REDACTED] firearms and was missing [REDACTED] firearms. The licensee was cited for 27 CFR 478.123(b) – **See Violation 1, Report of Violations, Worksheet 1 and Exhibit 2.**

Investigator (b) (6) inquired about the [REDACTED] missing firearms. Mr. Fuchs stated that he is certain that the firearms were transferred to another FFL during a gun show, but is uncertain as to which FFL the firearms were transferred to. The licensee further stated that he does not have any documentation (e.g. sales receipt, invoice, etc.) to prove that the firearms were actually transferred. On June 16, 2017, the licensee submitted a Federal Firearms Licensee Firearms Inventory Theft/Loss Report to ATF – **See Exhibit 3.** No other theft/loss reports were submitted during the inspection period.

Investigator (b) (6) queried five firearms in NCIC from the licensee's A&D record book, which [REDACTED] in no hits. No illegal firearms or firearms with obliterated serial numbers were discovered during the inspection.

Investigator (b) (6) discussed internal control options with the licensee. The licensee stated that upon acquiring and/or disposing a firearm, he will immediately enter the required information in the A&D record book.

5 - ATF Forms 4473 – NICS & Other Dispositions

The licensee had a total of zero ATF Forms 4473 on file and zero denials occurred during the inspection period. The licensee's standard operating procedure is to transfer the firearm to another FFL and have them complete the firearm transaction record. Thus, there were no CBI transaction numbers to compare with any ATF Forms 4473.

The licensee did not transfer any firearms to law enforcement officers during the inspection period; however, the licensee exhibited understanding of how to handle such procedures. Investigator (b) (6) did not identify any trafficking issues.

The licensee's standard operating procedure appears to be adequate.

6 - Multiple Sales

The Violent Crime Analysis Branch firearm trace history reported the licensee was associated with zero multiple sale transactions in the past 12 months.

7 - Suspicious/Prohibited Purchasers

Investigator (b) (6) reviewed the licensee's A&D record book for possible firearm trafficking p [REDACTED]. The records revealed no suspicious/prohibited purchasers.

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Investigator (b) (6) conducted a criminal history check on Mr. Fuchs, which resulted in no hits. An NFORCE query was also conducted on Mr. Fuchs to ensure he was not the subject of a criminal investigation.

No additional criminal history checks were conducted for this inspection.

8 - Trace Activity

The Violent Crime Analysis Branch (VCAB) firearm trace history reported zero successful and zero unsuccessful trace requests for the licensee in the past 12 months. Investigator (b) (6) conducted a computerized criminal history check on five firearms from the licensee's A&D record book, which resulted in no hits. The licensee did not have any secondary market firearms in his A&D record book.

9 - NFA/Importer/Collector/Manufacturer

The licensee is not a collector, an importer or a special occupational taxpayer – the licensee is a manufacturer of firearms. The licensee manufactured 73 firearms during the inspection period. The licensee submitted his 2016 Annual Firearms Manufacturing and Exportation Report on March 24, 2017.

10 - Referrals

No referrals were submitted as a result of this inspection.

11 - Other

No other notable findings were identified as a result of this inspection.

12 - Closing Actions

On June 16, 2017, Investigator (b) (6) conducted a closing conference with Mr. Fuchs. Mr. Fuchs was informed of the assessed violations and was counseled on the corrective actions. Mr. Fuchs signed the Report of Violations and received a copy for his records – **See Report of Violations.**

Investigator (b) (6) reviewed and discussed the Acknowledgement of Federal Firearms Regulations with Mr. Fuchs. On June 16, 2017, the acknowledgement was signed and dated by Mr. Fuchs – **See Exhibit 4.**

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At the time of the closing, Mr. Fuchs was provided a copy of the Open Letter to FFLs in reference to disposition of firearms inventory following surrender, revocation or expiration of the license.

13 - Violations

1. 27 CFR 478.123(b)

Nature of Violation: Failure to record the disposition information in the A&D record book in (b)(3) Pub. instances. Specifically, the licensee failed to record the disposition of (b)(3) Pub. Law 112-55 125 § 55 firearms and was missing (b)(3) Pub. firearms.

Response of Licensee: Licensee stated that he believes the firearms were transferred to another FFL, but is uncertain as to which FFL the firearms were transferred to.

Corrective Action: Licensee is to properly record the disposition information in the A&D record book and maintain accountability for all future transactions. The violation was immediately corrected and the theft/loss report was filed on June 16, 2017.

See Violation 1, Report of Violations, Worksheet 1 and Exhibit 2.

X

(b) (6)

Industry Operations Investigator

Index of Worksheets and Exhibits

Firearms Worksheet

Exhibit 1 – Approved Marking Variance

Exhibit 2 – A&D Record Book in support of CFR 478.123(b) violation

Exhibit 3 – Federal Firearms Licensee Firearms Inventory Theft/Loss Report

Exhibit 4 – Acknowledgement of Federal Firearms Regulations Form