

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) FOWLER, DALE CLEVELAND GUN SALES/CLS 3989 CR 2184 CLEVELAND, TX 77327, LIBERTY - 291	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 782050-2017-0220-B1B			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 576291017D02940</td> <td style="width: 33%;">4a. TARGET DATE</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 576291017D02940	4a. TARGET DATE	4b. TARGET HOURS
3. PERMIT/LICENSE NUMBER 576291017D02940	4a. TARGET DATE	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, 04/06/2017

8. PURPOSE/SPECIAL INSTRUCTIONS

9. INSPECTION RESULTS			<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	9	NO. OF REFERRALS		2111 - PER DIEM	
NO. OF TECS CHECKS	13	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: 06/29/2017
 The Federal Firearms Licensing System License Registration Report is accurate, there are no changes needed

Viols WL ONLY and Recall Inspection

12. TIME ACCOUNTING DATA		
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)	
APR 2017	1.00	
MAY 2017	6.00	
JUN 2017	27.00	
ATF OFFICER'S SUBTOTAL	34.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS	34.00	

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

A full inspection was conducted by IOI (b)(6). A report of violations was issued which resulted in the issuance of a warning letter and recall inspection.

Viols WL ONLY and Recall Inspection

REVIEWED
 CONCUR
 SEE COMMENTS
 FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Industry Operations Investigator	REVIEW DATE 06/29/2017
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Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) FOWLER, DALE CLEVELAND GUN SALES/CLS 3989 CR 2184 CLEVELAND, TX 77327, LIBERTY - 291	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 782050-2017-0220-B1B		
	3. PERMIT/LICENSE NUMBER 576291017D02940	4a. TARGET DATE	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

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 FOWLER, DALE CLEVELAND GUN SALES/CLS	Street Address 3989 CR 2184	City CLEVELAND	State TX	Zip Code 77327-	County LIBERTY - 291	Page 1 of 6 Pages
License/Permit/Registry Number (If any) 576291017D02940	Expiration Date 4/1/2017	Date(s) or Period of Inspection 06/01/2016 through 06/01/2017				

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:

27 CFR 478.21(a)-Failure to provide information as called for on the headings and instructions of the ATF Forms 4473 on (b)(3) form. Specifically:

(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)

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 shall ensure that forms in the future are properly completed as prescribed by the instructions on the form and the regulation.

Number: 2

Nature of Violation:

27 CFR 478.102- Failure to contact NICS or obtain a valid exception to NICS prior to transferring a firearm to a non-licensee in one instance. Specifically:

The licensee acquired firearms from (b)(3) 112 Public Law 55 to sell on consignment. (b)(3) 112 firearms were returned to (b)(3) 112 Public Law on June 20, 2017, and no NICS check was conducted. (b)(3) 112 Public La does not hold a Texas Concealed Handgun License or a Texas License to Carry.

Citation: 27 CFR 478.102(a)

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

Corrective Action to be Taken: (If not corrected immediately) On all future firearms transactions the licensee will ensure NICS is contacted prior to the transfer of a firearm to a non-licensee, and all relevant information provided by NICS regarding the transaction is recorded on an ATF Form 4473.

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 FOWLER, DALE CLEVELAND GUN SALES/CLS	Street Address 3989 CR 2184	City CLEVELAND	State TX	Zip Code 77327-	County LIBERTY - 291	Page 2 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 576291017D02940		Expiration Date 4/1/2017	Date(s) or Period of Inspection 06/01/2016 through 06/01/2017			

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:

27 CFR 478.124(a)- Failure to execute an ATF Form 4473 for the return of a firearm that was consigned to the licensee. Specifically:

(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)

Citation: 27 CFR 478.124(a)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee will ensure an ATF Form 4473 is completed when firearms are returned to a consignor.

Number: 4

Nature of Violation:

27 CFR 478.124(b)- Failure to retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order each ATF Form 4473 obtained in the course of transferring custody of the firearms.

The ATF Forms 4473 were filed by the A&D Book gun reference number.

Citation: 27 CFR 478.124(b)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall retain each ATF Form 4473 obtained in the course of transferring custody of the firearms in alphabetical, chronological, or numerical order.

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 FOWLER, DALE CLEVELAND GUN SALES/CLS	Street Address 3989 CR 2184	City CLEVELAND	State TX	Zip Code 77327-	County LIBERTY - 291	Page 3 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 576291017D02940		Expiration Date 4/1/2017	Date(s) or Period of Inspection 06/01/2016 through 06/01/2017			

Inspection Results

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

Number: 5

Nature of Violation:

27 CFR 478.124(c)(1)- Failure to obtain a properly completed ATF Form 4473, Section A, prior to making an over-the-counter transfer of a firearm to a non-licensee, on [REDACTED] forms.
 Specifically:

Question 12.d.2. Blank for the following:

(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall ensure that forms in the future are properly completed as prescribed by the instructions on the form and the regulation.

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 FOWLER, DALE CLEVELAND GUN SALES/CLS	Street Address 3989 CR 2184	City CLEVELAND	State TX	Zip Code 77327-	County LIBERTY - 291	Page 4 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 576291017D02940		Expiration Date 4/1/2017	Date(s) or Period of Inspection 06/01/2016 through 06/01/2017			

Inspection Results

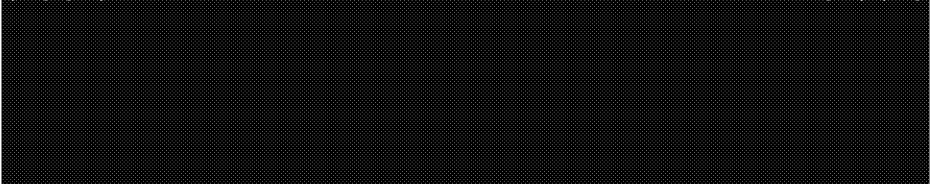
An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 6

Nature of Violation:

27 CFR 478.124(c)(4)- Failure to correctly record on the ATF Form 4473 the Model and/or Type of firearm transferred on ^{(b)(3), (b)(7)} forms. Specifically:

(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)



Citation: 27 CFR 478.124(c)(4)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall make a copy of the ATF Form 4473, make corrections to the copy and attach it to the original form. Additionally, the licensee shall ensure that forms in the future are properly completed as prescribed by the instructions on the form and the regulation.

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 FOWLER, DALE CLEVELAND GUN SALES/CLS	Street Address 3989 CR 2184	City CLEVELAND	State TX	Zip Code 77327-	County LIBERTY - 291	Page 5 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 576291017D02940		Expiration Date 4/1/2017	Date(s) or Period of Inspection 06/01/2016 through 06/01/2017			

Inspection Results

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

Number: 7

Nature of Violation:

27 CFR 478.124(c)(5)- Failure by the licensee to sign and/or record the firearm transfer date on ATF Forms 4473 as per ATF Regulations. Specifically:

(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)

Citation: 27 CFR 478.124(c)(5)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall ensure that forms in the future are properly completed as prescribed by the instructions on the form and the regulation.

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 FOWLER, DALE CLEVELAND GUN SALES/CLS	Street Address 3989 CR 2184	City CLEVELAND	State TX	Zip Code 77327-	County LIBERTY - 291	Page 6 of 6 Pages
License/Permit/Registry Number <i>(If any)</i> 576291017D02940		Expiration Date 4/1/2017	Date(s) or Period of Inspection 06/01/2016 through 06/01/2017			

Inspection Results

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

Number: 8

Nature of Violation:

27 CFR 478.125(e)- Failure to timely record the disposition of a firearm not later than seven days following the date of such transaction in [REDACTED] instance. Specifically:

(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall make the correction to the Acquisition and Disposition Book. The licensee shall ensure in the future that dispositions are properly recorded in the A&D Book no later than seven days following the date of such transactions as prescribed by the regulation.

Citation: 27 CFR 478.125(e)

Number: 9

Nature of Violation:

27 CFR 478.129(b)- Failure to retain [REDACTED] ATF Form 4473 for a period of not less than 20 years after the date of sale or disposition. Specifically:

(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee shall retain forms for the length of time as prescribed by the regulation.

Citation: 27 CFR 478.129(b)

I Have Received a Copy of This Report of Violations <i>(Proprietor's signature and title)</i>	Date
Signature and Title of ATF Officer	Date



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives
5825 N. Sam Houston Parkway West, Suite 300
Houston, Texas 77086

www.atf.gov

July 5, 2017

782050: (b)(6)
5373

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dale Fowler
Cleveland Guns Sales/CLS
3989 CR 2184
Cleveland, Texas 77327

REF: FFL# 5-76-291-01-7D-02940

Dear Mr. Fowler:

During a recent compliance inspection at your firearms business covering the period June 1, 2016 to June 1, 2017 you were cited for violations 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 by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigator. 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 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.

Mr. Dale Fowler
Cleveland Guns Sales/CLS

REF: FFL# 5-76-291-01-7D-02940

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 Investigator (b) (6) (b)(6) or me at (b)(6)

Sincerely yours,

(b)(6)

Area Supervisor
Houston VI Field Office

Enclosure: Report of Violations

cc: Federal Firearms Licensing Center
Houston VI Field Office

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

Address: 3989 CR 2184
Cleveland, Texas 77327

1 - Introduction

Inspection Profile:

Industry Operations Investigator (IOI) Amber (b)(6), of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), met with Dale Fowler, Owner, on June 1, 2017, to conduct a Southwest Border Compliance Inspection of a Type 01 Federal Firearms Licensee, Dealer in Firearms Other Than Destructive Devices. The on-site inspection commenced on June 1, 2017, and the closing conference was held on June 13, 2017. The period of the inspection was from June 1, 2016 to June 1, 2017. No other agencies were involved.

IOI (b)(6) attempted to initiate the inspection on May 30, 2016. IOI (b)(6) arrived and discovered the driveway was gated and locked. IOI (b)(6) telephoned Mr. Fowler, who stated he was at work and unavailable. An appointment was scheduled for later that week.

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(7)(E)

Business Profile:

Dale Fowler, dba Cleveland Gun Sales/CLS, is a low volume firearms dealer who operates primarily by facilitating the transfer of firearms sold online for friends and the general public. Mr. Fowler estimated about (b)(4) of his business involve completing transfers, and (b)(4) involve sales. The licensee also sells firearms on consignment, and conducts a minimal amount of gunsmith activities to include re-bluing and minor repairs. The licensee does not operate a website, and does not conduct business at gun shows. Mr. Fowler stated he has sold firearms on Gunbroker in the past, but selling online is not his regular course of business. The majority of firearms are secondary market acquired from individuals. When ordering new firearms, the licensee utilizes RSR Group as the main supplier. There were (b)(4) firearms (b)(4) sales/transfers, seven gunsmith) acquired, and (b)(4) firearms (b)(4) sales/transfers, seven gunsmith) disposed in the last 12 months.

The licensee does not hold any other ATF licenses. This license was originally issued in March 2011. The licensee does not operate any other businesses, and no other businesses are operated from the business premises. There are no off-

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

site storage locations. (b)(6)

The business is operated from Mr. Fowler's residence, which is located in a rural area outside the city of Cleveland. IOI (b)(6) utilized the Liberty District Appraisal District (LCAD) website to verify the property is owned by Dale Fowler (**Exhibit 1**). The residence is location in Liberty County. IOI (b)(6) spoke to (b)(6), Liberty County Senior Permit Clerk, who stated anyone operating a business in Liberty County must have a commercial business permit. (b)(6) confirmed Mr. Fowler has applied for the commercial business permit (**Exhibit 2**).

Ownership and Control:

The business operates as a sole proprietorship owned by Dale Eugene Fowler. There have been no unreported changes, and no hidden ownership is suspected. IOI (b)(6) queried Mr. Fowler on the Texas Secretary of State website. Mr. Fowler was not found to be involved in any additional businesses.

Mr. Fowler's Texas Sales Tax and Use Permit, Taxpayer ID 32020434976, was inactive at the previous compliance inspection conducted in September 2015. IOI (b)(6) utilized the Texas Comptroller's website to verify the status of the permit, which is currently active (**Exhibit 3**).

The licensee utilizes the business name "Cleveland Gun Sales/CLS". IOI (b)(6) confirmed the name is registered with the Liberty County Clerk and expires May 2, 2021 (**Exhibit 4**). Please note, IOI (b)(6) viewed the Assumed Name Certificate online, but was unable to save or print the document.

There are no additional responsible persons. The responsible person indicated in FLS is correct. A background check was conducted on Mr. Fowler with no disabling factors revealed.

The Federal Firearms Licensing System License Registration Report (LRR) is accurate, there are no changes needed.

Variance:

The licensee does not hold any variances.

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

2 - Recommendation

Violations, Warning Letter Only and Recall Inspection

3 - Inspection History

Date of Inspection: September 17, 2015
Type of Inspection: Disposition Emphasis Compliance Inspection
UI#: 782050-2015-0354-B1B
Inspection Results: Violations, Warning Letter Only, No Recall
Cited Violations: 27 CFR 478.21a, 27 CFR 478.124(c)(3)(iv), 27 CFR 478.124(c)(5), and 27 CFR 478.126a

Date of Inspection: January 24, 2013
Type of Inspection: Qualification Inspection
UI#: 782050-2013-0157-B1B
Inspection Results: No Violations, No Further Action, No Results
Cited Violations: None

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

A full physical gun to book inventory was conducted. The licensee maintains two A&D Books, one for sales and transfers, and one for gunsmith firearms.

There were nine firearms (seven in the sale/transfer book, two in the gunsmith book) in inventory, which did not coincide with the [REDACTED] open entries in the A&D Book. It was determined one firearm had been transferred and had not been logged out. The licensee was cited under 27 CFR 478.125(e) with regard to the discrepancy.

IOI (b)(6) traced 17 firearms through the licensee's required records from acquisition through disposition by comparing the A&D Book to the ATF Forms 4473. The trace did not reveal any discrepancies. No trafficking indicators were found. There was no discovery of obliterated serial numbers during the inspection. There was no discovery of illegal firearms.

Mr. Fowler is primarily responsible for maintaining the A&D Books. Mr. Fowler stated firearms are typically logged into and out of the A&D Book at the time the firearm is received and disposed. Mr. Fowler's son occasionally makes entries into the A&D Book. Mr. Fowler stated the firearm information is taken directly off the actual firearm rather than a box or invoice. IOI (b)(6) noticed several instances where firearm acquisition and disposition information was crossed out in the book. IOI (b)(6) discovered Mr. Fowler lined out the firearms because they were duplicate entries. IOI (b)(6) explained to Mr. Fowler that any time a firearm is crossed out, he should

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

note the reason and include the duplicate line number so it does not appear he is removing firearms from the book.

See Report of Violations, A&D Review Worksheet, and Exhibit 5- Copy of the A&D Book, Gun Reference Number 413

5 - ATF Forms 4473 – NICS & Other Dispositions

The licensee had approximately [REDACTED] ATF Forms 4473, to include three denials, for the inspection period. The forms were filed by the A&D Book gun reference number. The licensee was cited under 27 CFR 478.124(b) for failure to retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order each ATF Form 4473 obtained in the course of transferring custody of the firearms.

IOI (b)(6) reviewed [REDACTED] ATF Forms 4473, which revealed discrepancies. The licensee was cited under 27 CFR 478.21(a), 27 CFR 478.124(c)(1), 27 CFR 478.124(c)(4), and 27 CFR 478.124(c)(5) involving the errors discovered.

IOI (b)(6) discovered the licensee transferred two firearms at the same time without executing an ATF Form 4473, and without conducting a NICS check. The licensee was cited under 27 CFR 478.124(a), and 27 CFR 478.102(a). The licensee was unable to locate [REDACTED] form, and was cited under 27 CFR 478.129(b) for failure to retain one ATF Form 4473 for a period of not less than 20 years after the date of sale or disposition.

Transfers to other licensees were documented properly. No sales to law enforcement officers were conducted by the licensee, and no evidence of firearms trafficking was detected. IOI (b)(6) obtained a FFL Audit Report, which reflected three proceed responses, and three denied responses for this FFL. IOI (b)(6) verified all six of the responses, which were accurately recorded.

Mr. Fowler is primarily responsible for completing the ATF Forms 4473. Mr. Fowler stated he requires gunsmith guns to be picked up by the same person that brought them in order to reduce the amount of ATF Forms 4473. Mr. Fowler's son occasionally completes forms with customers. Mr. Fowler stated the forms are reviewed once prior to the transfer, and once after the transfer of the firearm, at which time the form is compared to the A&D Book and the firearm is logged out. IOI (b)(6) suggested conducting a final form review on at least a quarterly basis.

See Report of Violations, and ATF Forms 4473 Review Worksheets, and Exhibits 6, 7, 8, 9, and 10- Copies of ATF Forms 4473 and A&D Book

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

6 - Multiple Sales

The Violent Crime Analysis Branch (VCAB) trace history report listed (b)(3) - 112 multiple sale involving (b)(3) - 112 firearms for the last 12 months. There were no unreported multiple sales of handguns or certain rifles discovered during the inspection.

7 - Suspicious/Prohibited Purchasers

Background checks were conducted on (b)(3) - 112 Public Law 55 125 Stat 552 (b)(3) - 112 Public Law 55 125 Stat 552 (b)(3) - 112 Public Law 55 125 Stat 552. The remaining (b)(3) - 112 had ATF Forms 4473 with violations. There were no disabling factors revealed. No Suspicious/Prohibited Purchasers were disclosed during this inspection period.

8 - Trace Activity

IOI (b)(6) received a firearms trace history report of the licensee from VCAB prior to starting this inspection. There were no firearms traced to the business. There were approximately (b)(4) used firearms acquired and (b)(4) used firearms disposed of during the inspection period. Secondary market analysis conducted on seven used firearms in inventory resulted in no derogatory information.

9 - NFA/Importer/Collector/Manufacturer

The licensee is not an NFA dealer, importer, collector, or manufacturer.

10 - Referrals

No Referrals of Information were forwarded with this assignment.

11 - Other

The licensee's Type 01 Federal Firearms License was posted, along with the Youth Handgun Safety Act poster.

12 - Closing Actions

A closing conference was held on June 13, 2017, conducted by IOI (b)(6). Dale Fowler, Owner, was present for the conference. Inspection results were discussed. IOI (b)(6) then issued the ATF Form 5030.5, Report of Violations, for nine Gun Control Act violations. The violations were discussed in depth at the conference. The ROV was signed by Mr. Fowler, and a copy was provided for his records. The Acknowledgement of Federal Firearms Regulations was then completed and signed by Mr. Fowler (**Exhibit 11**). Mr. Fowler was afforded the opportunity to ask any

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

questions, and was provided with a copy of the Acknowledgement. IOI (b)(6) then reviewed the Important Notice; Selling Firearms AFTER Revocation, Expiration, or Surrender of an FFL Memo with Mr. Fowler.

Mr. Fowler was provided with the following: (1) ATF Federal Firearms Licensee Quick Reference and Best Practices Guide; (2) online link to ATF Publication 5300.4, Federal Firearm Regulations Reference Guide, Revised 2014; (3) a contact sheet with pertinent ATF telephone numbers; and (4) business card for IOI (b)(6)

13 - Violations

1. **27 CFR 478.21(a) – REPEAT OF VIOLATION CITED 9/17/15**

Nature of violation:

Failure to provide information as called for on the headings and instructions of the ATF Forms 4473 on (b)(3) form. Specifically:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

Mr. Fowler stated (b)(6) is a childhood friend, and stated these errors probably occurred because he was distracted by his conversation with the customer. Mr. Fowler stated he will give more attention to the form, and save conversation for a later time.

Corrective action:

The licensee shall ensure that forms in the future are properly completed as prescribed by the instructions on the form and the regulation.

See Report of Violations, ATF Forms 4473 Review Worksheets, and Exhibit 6-Copy of ATF Form 4473

2. **27 CFR 478.102(a)**

Nature of violation:

Failure to contact NICS or obtain a valid exception to NICS prior to transferring a firearm to a non-licensee in (b)(3) instance. Specifically:

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

The licensee acquired firearms from (b)(6) to sell on consignment. Two firearms were returned to (b)(6) on June 20, 2017, and no NICS check was conducted. (b)(6) (b)(6) not hold a Texas Concealed Handgun License or a Texas License to Carry.

Licensee's response:

Mr. Fowler stated he was not aware a NICS check is required for the return of a consigned firearm. Mr. Fowler thought consignment firearms are handled the same as gunsmith firearms in which no check is needed if the firearm is returned to the same person from which it was acquired. Mr. Fowler is now aware of the requirement to conduct a NICS check, or obtain a valid permit, for the return of consigned firearms.

Corrective action

On all future firearms transactions the licensee will ensure NICS is contacted prior to the transfer of a firearm to a non-licensee, and all relevant information provided by NICS regarding the transaction is recorded on an ATF Form 4473.

See Report of Violations, and ATF Form 4473 Review Worksheet

3. **27 CFR 478.124(a)**

Nature of violation:

Failure to execute an ATF Form 4473 for the return of a firearm that was consigned to the licensee. Specifically:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

Mr. Fowler stated he thought consignment firearms are handled the same as gunsmith firearms in which no form is needed if the firearm is returned to the same person from which it was acquired. Mr. Fowler is now aware of the requirement to complete an ATF Form 4473 for the return of a consigned firearm.

Corrective action

The licensee will ensure an ATF Form 4473 is completed when firearms are returned to a consignor.

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

See Report of Violations, and ATF Form 4473 Review Worksheet, and Exhibit 7-Copy of A&D Book, Gun Reference Number 415 and 417

4. **27 CFR 478.124(b)**

Nature of violation:

Failure to retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order each ATF Form 4473 obtained in the course of transferring custody of the firearms.

The ATF Forms 4473 were filed by the A&D Book gun reference number.

Licensee's response:

Mr. Fowler stated he previously filed the forms in chronological order. He stated he reorganized the forms by A&D Book gun reference number because he was trying to make the firearms listed on the forms easier to find in the book. Mr. Fowler will go back to filing the forms in chronological order.

Corrective action:

The licensee shall retain each ATF Form 4473 obtained in the course of transferring custody of the firearms in alphabetical, chronological, or numerical order.

Please note, IOI (b)(6) verified the ATF Forms 4473 are currently filed in chronological order. Mr. Fowler is now recording the gun reference number on Question 31 of the form, For Use by the Licensee.

See Report of Violations

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

Nature of violation:

Failure to obtain a properly completed ATF Form 4473, Section A, prior to making an over-the-counter transfer of a firearm to a non-licensee, (b)(6) forms
Specifically:

Question 12.d.2. Blank for the following

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Licensee's response:

Mr. Fowler stated these errors occurred because he is not yet used to the revised ATF Form 4473. He stated customers were supposed to skip the question regarding exceptions to the nonimmigrant visa if they answered "No" to the previous question on the last version of the ATF Form 4473. He stated he missed the "NA" box on the new form, and stated he will now make sure Question 12.d.2. is answered.


Corrective action:

The licensee shall ensure that forms in the future are properly completed as prescribed by the instructions on the form and the regulation.

See Report of Violations, ATF Forms 4473 Review Worksheets, and Exhibit 8-Copies of ATF Forms 4473

6. **27 CFR 478.124(c)(4)**

Nature of violation:

Failure to correctly record on the ATF Form 4473 the Model and/or Type of firearm transferred on  forms. Specifically:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



Licensee's response:

Mr. Fowler stated he believes these errors occurred due to human error, and because the previous ATF Form 4473 gave examples of how type should be listed (pistol, revolver, rifle, shotgun, etc.) These examples have been removed from the Type question, and are only found in the instructions of the new form.

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

Corrective action:

The licensee shall make a copy of the ATF Form 4473, make corrections to the copy and attach it to the original form. Additionally, the licensee shall ensure that forms in the future are properly completed as prescribed by the instructions on the form and the regulation.

Please note, IOI (b)(6) verified the ATF Forms 4473 have been corrected.

See Report of Violations, ATF Forms 4473 Review Worksheets, and Exhibit 9- Copies of ATF Forms 4473

7. **27 CFR 478.124(c)(5) - REPEAT OF VIOLATION CITED 9/17/15**

Nature of violation:

Failure by the licensee to sign and/or record the firearm transfer date on (b)(3) ATF Forms 4473 as per ATF Regulations. Specifically:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

Mr. Fowler stated these errors occurred due to an oversight, and in the case of Mr. Syphrett, he was distracted by his conversation with the customer. Mr. Fowler stated he will give more attention to the forms in the future.

Corrective action:

The licensee shall ensure that forms in the future are properly completed as prescribed by the instructions on the form and the regulation.

See Report of Violations, ATF Forms 4473 Review Worksheets, and Exhibit 10- Copies of ATF Forms 4473

8. **27 CFR 478.125(e)**

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

Nature of violation:

Failure to timely record the disposition of a firearm not later than seven days following the date of such transaction in ^{(b)(3) - 112} instance. Specifically:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

Mr. Fowler stated this firearm must not have been logged out because the corresponding ATF Form 4473 went missing. He stated he typically logs guns out at the end of the day by comparing the firearms on the forms to the book. However, the form with this firearm is missing.

Corrective action

The licensee shall make the correction to the Acquisition and Disposition Book. The licensee shall ensure in the future that dispositions are properly recorded in the A&D Book no later than seven days following the date of such transactions as prescribed by the regulation.

Please note, IOI ^{(b)(6)} verified the firearm has now been logged out to ^{(b)(6)} ^{(b)(6)}, with the disposition date unknown.

See Report of Violations, A&D Review Worksheet, and Exhibit 5- Copy of A&D Book

9. **27 CFR 478.129(b)**

Nature of violation:

Failure to retain ^{(b)(3) - 11} ATF Form 4473 for a period of not less than 20 years after the date of sale or disposition. Specifically:

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

Licensee's response:

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

Mr. Fowler stated he is certain a form was completed for the transfer of this firearm. Mr. Fowler stated he has looked through all of his files and was not able to locate the form. He believes the form must have been misplaced in the wrong stack of papers, and was possibly thrown out.

Corrective action

The licensee shall retain forms for the length of time as prescribed by the regulation.

Please note, IOI (b)(6) spoke to (b)(6) who stated Mr. Fowler had him complete an ATF Form 4473 when picking up this firearm. (b)(6) also provided a photograph of the serial number for this firearm.

See Report of Violations, and ATF Form 4473 Review Worksheet

 Expired certificate

X (b)(6)

Industry Operations Investigator
Signed by: ATF

Index of Worksheets and Exhibits

ATF Form 5030.5, Report of Violations

Worksheets

Exhibit 1, LCAD Property Search Details

Exhibit 2, Liberty County Emails, Commercial Business Permit

Exhibit 3, Sales Taxpayer Search

Exhibit 4, Liberty County Clerk Public Records Search, Assumed Name

Exhibit 5, Copy of A&D Book, Violation 27 CFR 478.125(e)

FIREARMS INSPECTION REPORT

Name: Dale Fowler
Trade Name: Cleveland Gun Sales / CLS

UI#: 782050-2017-0220-B1B
FFL#: 5-76-291-01-7D-02940

Exhibit 6, Copy of ATF Form 4473, Violation 27 CFR 478.21(a)

Exhibit 7, Copy of A&D Book, Violation 27 CFR 478.124(a)

Exhibit 8, Copies of ATF Forms 4473, Violation 27 CFR 478.124(c)(1)

Exhibit 9, Copies of ATF Forms 4473, Violation 27 CFR 478.124(c)(4)

Exhibit 10, Copies of ATF Forms 4473, Violation 27 CFR 478.124(c)(5)

Exhibit 11, Acknowledgement of Federal Firearms Regulations