

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) ANDREW D MACFARLANE ADM GUN AND RIFLE MAKERS 500 N KIMBALL AVE #109 SOUTHLAKE, TX 76092, TARRANT		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 781080-2016-0070-B1B		
		3. PERMIT/LICENSE NUMBER 575439015J04948	4a. TARGET DATE 9/15/2016	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 Commence onsite after 07/15/16 Recall inspection - wc held 08/14/15				
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		NO. OF TECS HITS	1	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 6/20/16				
Investigator (b)(6) recommends a WL and Recall in lieu of a WC. The instances of all violations were very low.				
Viols WL ONLY and Recall Inspection				
12. TIME ACCOUNTING DATA				
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
JUL 2016 1.00				
AUG 2016 18.00				
ATF OFFICER'S SUBTOTAL		19.00	ATF OFFICER'S SIGNATURE	
ATF OFFICER'S NAME (MONTH, YEAR, HOURS) (b)(6)				
JUL 2016 2.00				
AUG 2016 15.00				
ATF OFFICER'S SUBTOTAL		17.00	ATF OFFICER'S SIGNATURE	
TOTAL HOURS		36.00		
13. REVIEW AND ROUTING				
REVIEW COMMENTS AND RECOMMENDATION				
Viols WL ONLY and Recall Inspection				
<input checked="" type="checkbox"/> REVIEWED <input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> SEE COMMENTS <input checked="" type="checkbox"/> FINAL DISPOSITION				
SIGNATURE AND TITLE (b)(6) - Acting DIO			REVIEW DATE 09/06/2016	

Assignment and Report

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	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 ANDREW D MACFARLANE ADM GUN AND RIFLE MAKERS	Street Address 500 N KIMBALL AVE #109	City SOUTHLAKE	State TX	Zip Code 76092-	County TARRANT	Page 1 of 2 Pages
License/Permit/Registry Number <i>(If any)</i> 575439015J04948		Expiration Date		Date(s) or Period of Inspection 08/25/2016 through 08/25/2016		

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 of licensee to obtain (b)(3) properly completed ATF Forms 4473 where the transferee omitted Block 10a.

Citation: 27 CFR 478.21(a)
- Date Corrections to be Made:**
(If not corrected immediately)

Corrective Action to be Taken: The licensee will ensure to obtain properly completed ATF Forms 4473.
(If not corrected immediately)
- Number:** 2

Nature of Violation:
Failure of licensee to obtain (b)(3) properly completed ATF Form 4473 where the transferee did not record the state of residence in Block 13.

Citation: 27 CFR 478.124(c)(1)
- Date Corrections to be Made:**
(If not corrected immediately)

Corrective Action to be Taken: The licensee will ensure to obtain properly completed ATF Forms 4473.
(If not corrected immediately)
- Number:** 3

Nature of Violation:
Failure of licensee to record the date NICS was contacted in Block 21a on (b)(3)(1) ATF Form 4473.

Citation: 27 CFR 478.124(c)(3)(iv)
- Date Corrections to be Made:**
(If not corrected immediately)

Corrective Action to be Taken: The licensee will ensure to obtain properly completed ATF Forms 4473.
(If not corrected immediately)

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Violations

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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 ANDREW D MACFARLANE ADM GUN AND RIFLE MAKERS	Street Address 500 N KIMBALL AVE #109	City SOUTHLAKE	State TX	Zip Code 76092-	County TARRANT	Page 2 of 2 Pages
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License/Permit/Registry Number (If any) 575439015J04948	Expiration Date	Date(s) or Period of Inspection 08/25/2016 through 08/25/2016
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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:
Failure of licensee to complete and submit ATF Form 3310.12 for the transfer of  rifles larger than .22 caliber that accept a detachable magazine

Citation: 18 U.S.C. 923(g)(5)(A)

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

Corrective Action to be Taken: ATF Form 3310.12 was completed for this transaction during the inspection

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

For Official Use Only

October 9 2019 Production

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ATF E-Form 5030 5
Revised April 2005

Certified/Return Receipt

September 9, 2016

ANDREW D. MACFARLANE
ADM GUN AND RIFLE MAKERS
500 N KIMBALL AVE #109
SOUTHLAKE, TX 76092-
RE: 575439015J04948

Dear Mr. MacFarlane:

During a recent inspection at your firearms business covering the period 08/25/15 to 08/25/16 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 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 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.

ANDREW D. MACFARLANE

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) (b)(6), Ft. Worth Area Office Supervisor at (b)(6).

Sincerely yours,

(b)(6)
Ft. Worth Area Office Supervisor

Enclosure

c: Federal Firearms Licensing Center
Fort Worth (IO) Field Office

FIREARMS INSPECTION REPORT

Name: Andrew D MacFarlane
Trade Name: ADM Gun and Rifle Makers
Address: 500 N Kimball Avenue #109
Southlake, TX 76092, Tarrant

UI#: 781080-2016-0070-B1B
FFL#: 5-75-439-01-5J-04948

1 - Introduction

Inspection Profile:

On August 22, 2016 Industry Operations Investigators (b)(6) and (b)(6) attempted to conduct an unannounced SWB Recall Inspection at the business premises of Mr. Andrew MacFarlane. Upon arrival Investigators (b)(6) discovered the business was closed. Investigator (b)(6) called Mr. MacFarlane, at that time Mr. MacFarlane advised he (b)(6) and could not be at the business that day but rescheduled for August 25, 2016.

On August 25, 2016 Investigators (b)(6) interviewed Mr. MacFarlane, identified by TX driver's license (b)(6). The period covered for this inspection was the previous 12 months. Investigators (b)(6) held the closeout for this inspection on August 25, 2016. No other Federal, State, or local agencies were present.

Business Profile:

Mr. MacFarlane described his business as primarily being gunsmithing for sporting shotguns and rifles manufactured between 1890's and 1940's. Mr. MacFarlane conducts internet transfers but stated he does not intend to have this as a part of his business any longer. Mr. MacFarlane stated he does have a website: ADMGUN.com. Mr. MacFarlane stated he advertises gunsmithing on the website and obtains approximately 10% of his customers from the website.

This licensee is located in a business suite in an urban part of Southlake, TX.

A review of the licensee's acquisition and disposition (A&D) record disclosed the licensee to have acquired and disposed of approximately (b)(4) firearms in the previous 12 months.

Mr. MacFarlane stated approximately (b)(4) of his business deals in new firearms.

Mr. MacFarlane stated that he does not conduct business at gun shows and has no off site storage of firearms.

At the business location the suite is shared with another licensee, 5-75-12181Eulless Armory LLC, however the licensees have their own office space. Mr. MacFarlane stated he has no other businesses and holds no other ATF licenses.

Mr. MacFarlane has had his license since August of 2009.

FIREARMS INSPECTION REPORT

Name: Andrew D MacFarlane
Trade Name: ADM Gun and Rifle Makers

UI#: 781080-2016-0070-B1B
FFL#: 5-75-439-01-5J-04948

Ownership and Control:

There were no unreported changes to this sole proprietorship. The sole proprietor owns (b)(4) percent of the business. Mr. MacFarlane discussed possibly applying for a new license as a Type 07 Manufacturer of Firearms as well as possibly starting an LLC.

The Federal Licensing System (FLS) correctly shows Mr. MacFarlane as the only responsible person. Hidden ownership is not suspected.

Variance:

This licensee has no ATF approved variance. No variance was requested at the time of inspection.

2 - Recommendation

Viols WL ONLY and Recall Inspection.

Investigator (b)(6) recommends a WL and Recall in lieu of a WC. The instances of all violations were very low.

3 - Inspection History

Date and Type of Inspection: July 15, 2015
UI#: 781080-2015-0266-B1B
Inspection Results: Violations, WC with WL and Recall
Cited Violations: 478.21(a) 478.124(c)(1) 478.124(c)(3)(iv)
478.126a 18 U.S.C. 44.923(g)(5)(A)

Date and Type of Inspection: August 21, 2012
UI#: 781080-2012-0147-B1B
Inspection Results: Viols WL Only No Recall
Cited Violations: 478.124(c)(3)(iv) 478.126a

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

The licensee had (b)(6) open dispositions in the A&D record and 175 firearms in inventory. A full inventory conducted by Investigators (b)(6) disclosed no A&D discrepancies.

The licensee's A&D record is in the proper format and entries are timely made.

The licensee did not complete an ATF Form 3310.11 (theft/loss) during the previous 12 months and did not complete one as a result of this inspection.

FIREARMS INSPECTION REPORT

Name: Andrew D MacFarlane
Trade Name: ADM Gun and Rifle Makers

UI#: 781080-2016-0070-B1B
FFL#: 5-75-439-01-5J-04948

Investigators (b)(6) discovered no firearms with obliterated serial numbers.

Investigators (b)(6) discovered no trafficking related issues.

Investigator (b)(6) compared 25 ATF Forms 4473 to the disposition entries and discovered no discrepancies.

Mr. MacFarlane stated he immediately records the acquisition of firearms or disposition of firearms while the customer is in the store. Mr. MacFarlane stated when a firearm is received via postal service it is recorded the same day. Mr. MacFarlane stated when he conducts a transfer he has the customer sign the disposition record at the time of transfer.

5 - ATF Forms 4473 – NICS & Other Dispositions

The licensee had (b)(3) ATF Forms 4473 on file for the inspection period. Investigators (b)(6) reviewed all of the forms on file and discovered 3 violations involving (b)(3) ATF Forms 4473. (ROV 1-3).

The FFL Audit Report disclosed 5 NTN's for the licensee. Investigator (b)(6) compared the 5 NTN's with the corresponding ATF Forms 4473 with no discrepancies disclosed.

Mr. MacFarlane did not have any ATF Forms 4473 where the transaction did not take place.

The licensee is properly conducting FFL to FFL transfers.

The licensee produced no transactions utilizing the provisions of 478.134.

Mr. MacFarlane stated he is the only person responsible for reviewing the ATF Forms 4473.

6 – Multiple Sales

The Violent Crime Analysis Branch (VCAB) query disclosed no multiple sales to this licensee in the previous 12 months. Investigators (b)(6) discovered (b)(3) - 11 unreported multiple rifle sale involving (b)(6) rifles (ROV4).

7 – Suspicious/Prohibited Purchasers

This licensee primarily conducts gunsmithing activities and a low volume of transfers. Because of the low volume of transfers Investigator (b)(6) discovered no suspicious/prohibited purchasers.

FIREARMS INSPECTION REPORT

Name: Andrew D MacFarlane
Trade Name: ADM Gun and Rifle Makers

UI#: 781080-2016-0070-B1B
FFL#: 5-75-439-01-5J-04948

8 - Trace Activity

The licensee had no trace requests on the VCAB query.

9 - NFA/Importer/Collector/Manufacturer

During the inspection Mr. MacFarlane stated that he does not manufacture firearms. Mr. MacFarlane was aware that building firearms for customers that were not previously owned by the customers is firearm manufacturing. Mr. MacFarlane has the customer provide the firearm frame on which the firearm will be built. Prior to conducting this inspection, Investigator (b)(6) contacted ATF FATD and verified that this way of conducting business is considered gunsmithing.

This licensee does not conduct business in NFA or import firearms.

10 - Referrals

This assignment generated no referrals.

11 - Other

The licensee had no Special Attention Flags in FLS that would indicate that this FFL was under a current ATF criminal enforcement investigation at the time of the inspection.

A query of this licensee in N-Force disclosed no open ATF criminal enforcement investigations.

The licensee had the Youth Handgun Safety Act poster (ATF I 5300.1) displayed and the Youth Handgun Safety Act Notice (ATF I 5300.2) for distribution.

A NCIC check was conducted on Mr. MacFarlane and disclosed no prohibiting information.

Mr. MacFarlane stated he has firearm safety devices available for purchase.

12 - Closing Actions

On August 25, 2016, Investigators (b)(6) discussed and explained all of the information on the Acknowledgement of Federal Firearms Regulations to Mr. MacFarlane (**Exhibit 1**). Investigators (b)(6) afforded Mr. MacFarlane the opportunity to ask questions. Mr. MacFarlane completed the form and kept a copy for his records.

On August 25, 2016, Investigators (b)(6) discussed and explained all of the information on the Report of Violations to Mr. MacFarlane. Investigators (b)(6) afforded Mr. MacFarlane the opportunity to ask questions. Mr. MacFarlane completed the form and kept a copy for his records.

FIREARMS INSPECTION REPORT

Name: Andrew D MacFarlane
Trade Name: ADM Gun and Rifle Makers

UI#: 781080-2016-0070-B1B
FFL#: 5-75-439-01-5J-04948

13 - Violations

1. **27 CFR 478.21(a) *Repeat Violation from 2015**
Failure of licensee to obtain [REDACTED] properly completed ATF Forms 4473 where the transferee omitted Block 10a.

Nature of Violation: The ATF Forms 4473 for this violation are recorded on line 13 and 16 on Worksheet 2 and attached as **Exhibit 2**.

Licensee's Response: Mr. MacFarlane stated that this violation was an oversight and will not happen again because he is discontinuing conducting transfers.

Licensee's Corrective Action: The licensee will ensure to obtain properly completed ATF Forms 4473.
2. **27 CFR 478.124(c)(1) *Repeat Violation from 2015**
Failure of licensee to obtain [REDACTED] properly completed ATF Form 4473 where the transferee did not record the state of residence in Block 13.

Nature of Violation: The ATF Form 4473 for this violation is recorded on line 12 on Worksheet 2 and attached as **Exhibit 3**.

Licensee's Response: Mr. MacFarlane stated that this violation was an oversight and will not happen again because he is discontinuing conducting transfers.

Licensee's Corrective Action: The licensee will ensure to obtain properly completed ATF Forms 4473.
3. **27 CFR 478.124(c)(3)(iv) *Repeat Violation from 2012 and 2015**
Failure of licensee to record the date NICS was contacted in Block 21a on [REDACTED] ATF Form 4473.

Nature of Violation: The ATF Form 4473 for this violation is recorded on line 15 on Worksheet 2 and attached as **Exhibit 4**.

Licensee's Response: Mr. MacFarlane stated that this violation was an oversight and will not happen again because he is discontinuing conducting transfers.

Licensee's Corrective Action: The licensee will ensure to obtain properly completed ATF Forms 4473.
4. **18 USC 44 923(g)(5)(A) *Repeat Violation from 2015**
Failure of licensee to complete and submit ATF Form 3310.12 for the transfer of [REDACTED] rifles larger than .22 caliber that accept a detachable magazine.

FIREARMS INSPECTION REPORT

Name: Andrew D MacFarlane
Trade Name: ADM Gun and Rifle Makers

UI#: 781080-2016-0070-B1B
FFL#: 5-75-439-01-5J-04948

Nature of Violation: The ATF Form 4473 for this violation is recorded on line 17 on Worksheet 2 and attached as **Exhibit 5**.

Licensees Response: Mr. MacFarlane stated he did not know there was an ATF form to complete multiple sales of rifles.

Licensees Corrective Action: ATF Form 3310.12 was completed for this transaction during the inspection (**Exhibit 5**).

X

Industry Operations Investigator

Index of Worksheets and Exhibits

EXHIBIT 1 Acknowledgement of Federal Firearms Regulations

EXHIBIT 2 ATF Form 4473 for 27 CFR 478.21(a) Violation

EXHIBIT 3 ATF Form 4473 for 27 CFR 478.124(c)(1) Violation

EXHIBIT 4 ATF Form 4473 for 27 CFR 478.124(c)(3)(iv) Violation

EXHIBIT 5 ATF Form 4473 and ATF Form 3310.12 for 18 USC 44 923 (g)(5)(A) Violation