# **Assignment and Report**

1. OPERATING NAME AND ADDRESS					2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)					
(INCLUDE ZIP CODE AND COUNTY)					778025-2017-0170-B1B					
American Defense Manufacturing LLC 2525 S 162nd St New Berlin,WI 53151, Waukesha					3. PERMIT/LICENSE NUMBER   4a. TARGET DATE   4b. TARGET HOURS   339133017E07062   9/22/2017					
						BY (SIGNATURE, TITL	LE AND DATE)			
6. ATF OFFICER(S) ASSIGNI (b)(6) - L	ED .ead Inves	tigator								
7. ASSIGNED BY (SIGNATUR	RE, TITLE A	AND DATE)								
<b>(b)(6)</b> , Area	Superviso	r, 10/03/2016								
8. PURPOSE/SPECIAL INST	RUCTIONS									
Conduct a DE compliant with 3-39-070640 & 3-39	ce inspect		l12 Pub	lic Law	55 125 Stat 5	52 and disc	cuss best business practices. Do			
9. INSPECTION RESULTS		CK IF NO VIOLA		<u>DJUSTME</u>	NTS, ETC		EXPENSES (OPTIONAL)			
NO. OF VIOLATIONS  NO. OF TECS CHECKS	6 2	NO. OF REFER				2111 - PER DI 2112 - P.O.A.	EIVI			
		\$ VALUE OF TA		ASES		2112 - 1.O.A.	AID			
NO. OF TAX ADJUSTMENTS		\$ VALUE OF TA				2114 - RENTA				
NO. OF ASSESSMENTS		\$ VALUE OF A				2115 - GPV E				
NO. OF CLAIMS		\$ VALUE OF C		NIS		2116 - MISC.	AFEINSES			
NO. OF TAX PERIODS		\$ VALUE OF T		IEIED		TOTAL \$ FOR	INCD			
11. ATF OFFICER'S RECOMI		<u> </u>				TOTAL STOR	INSF.			
Submitted by (b)(6)  Submitted on: 03/13/20  Viols WL ONLY and	17	ustry Operatior	is Investiç	jator						
				E ACCOU	NTING DATA					
ATF OFFICER'S NAME (MO		R, HOURS)	)(6)							
NOV 20		2.00								
DEC 20 JAN 20		16.00 8.00								
FEB 20		11.00								
MAR 20		5.00								
ATF OFFICER'S SUBTOTAL		42.00	ATF OFFI	ICER'S SIC	NATURE					
TOTAL HOURS		42.00								
			13. RE	VIEW AN	D ROUTING					
REVIEW COMMENTS AND F Viols WL ONLY and										
_										
	VIEWED	CON	CUR ———	SE	E COMMENTS	FINAL DISPO	SITION			
SIGNATURE AND TITLE (b)(6) - Area Super	/isor					REVIEW DATE 03/14/2017				

Bureau of Alcohol, Tobacco, Firearms and Explosives

# **Assignment and Report**

1. OPERATING NAME AND ADDRESS	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)							
(INCLUDE ZIP CODE AND COUNTY)	778025-2017-0170-B1B							
American Defense Manufacturing LLC	3. PERMIT/LICENSE NUMBER 4a. TARGET DATE 4b. TARGET HOURS							
2525 S 162nd St	339133017E07062 9/22/2017							
New Berlin,WI 53151, Waukesha	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)							
ROUTING SEQUENCE AND DATE								
☐ 1.								
2	CONTROL FILE POSTED DATE							
☐ 3.	. OONTHOLTIELT GOTED DATE							
4								

Bureau of Alcohol, Tobacco, Firearms and Explosives

# Report of Violations

Please write firmly with a ball point pen when representative. The remaining copies will be su		officers will prepare th					sponsible
Name of Proprietor American Defense Manufacturing LLC	Street Address 2525 S 162nd St			State WI	Zip Code 53151-	County Waukesha	Page 1 of 3 Pages
License/Permit/Registry Number (If any) 339133017E07062			Date(s) or Period of Inspection 12/02/2016 through 02/16/2017				
An examination of your premises, records and			ion Results				
Nature of Violation:  The licensee failed to accurately prepare the forms, as follows:  1)	signature) was blank n date) was blank rearms) was blank ame/address) was blank er) was blank me) was blank	d (ATF Form 4473) or	(If not corr Corrective	ctions to be Mad ected immediately Action to be Tak ected immediately	n: Licensee shall	follow all instruction on asferee follows all instruc	
Number: 2  Nature of Violation:  The licensee failed to accurately prepare Firearms Transactions Records (ATF Form 4473), as follows:  1) instances in section 20a (identification of buyer) was left blank			(If not corr Corrective	ctions to be Mad ected immediately Action to be Tak ected immediately	n: Licensee shall	properly note all identifi he transferee on the Form	

Citation: 27 CFR 478.124(c)(3)(i)

4473), as follows:

Citation: 27 CFR 478.124(c)(5)

Bureau of Alcohol, Tobacco, Firearms and Explosives

# Report of Violations

Please write firmly with a ball point pen when representative. The remaining copies will be s		F officers will prepare thi					sponsible	
Name of Proprietor American Defense Manufacturing LLC	Street Address 2525 S 162nd St		City New Berlin	State WI	Zip Code 53151-	County Waukesha	Page 2 of 3 Pages	
License/Permit/Registry Number (If any) 339133017E07062	Expiration Date 5/1/2017			or Period of Inspection 016 through 02/16/2017				
An examination of your premises records and	operations has disclosed th		on Results	explained to your				
An examination of your premises, records and operations has disclosed the following violations with Number: 3  Nature of Violation:  The licensee failed to accurately prepare the Firearms Transaction Record (ATF Form 4473) on forms, as follows:			Date Corrections to be Made: (If not corrected immediately)  Correction Action to be Takeny Licenses shall properly note the response provided by the					
1) (DOS) 11215 instances in section 21a (Date of N 2) (DOS) 11215 instances in 21b (transaction numb 3) instances in 21c (NICS response) v	er) was blank							
Citation: 27 CFR 478.124(c)(3)(iv)								
Number: 4  Nature of Violation:  The licensee failed to accurately prepare	Firearms Transactions R	ecords (ATF Form	(If not corr Corrective	ections to be Made rected immediately, Action to be Take rected immediately	n: Licensee shall	sign and date the form it		

instances in section 36 was left blank

(If not corrected immediately)

is disqualified by law from receiving the firearm.

Bureau of Alcohol, Tobacco, Firearms and Explosives

# Report of Violations

Please write firmly with a ball point pen when co representative. The remaining copies will be sub-		officers will prepare						sponsible
Name of Proprietor American Defense Manufacturing LLC	Street Address 2525 S 162nd St		City S New Berlin		ate I	Zip Code 53151-	County Waukesha	Page 3 of 3 Pages
License/Permit/Registry Number (If any) Expiration Date 339133017E07062 5/1/2017			Date(s) or Period of Inspection 12/02/2016 through 02/16/2017					
An examination of your premises, records and op	erations has disclosed th		which have been	n explained to s	7011			
Number: 5  Nature of Violation:  The licensee failed to maintain an Acquisition a prescribed. The licensee failed to make accurate Disposition Record as follows:  1) instances of acquisitions not recorded accurate instances of acquisitions not recorded 3) instances of acquisitions not recorded 4) t duplicate entries of firearms  Citation: 27 CFR 478.125(e)	e and timely entries in the		(If not cor Corrective	ections to be M rected immedia Action to be I rected immedia	<i>itely)</i> Taken	ticensee shall of firearms as p 5300.4. Licens required acquir	maintain acquisition and prescribed in Table 4 of ee shall timely and accusition and disposition in I disposition record.	the ATF Publication trately enter all
Number: 6  Nature of Violation:  The licensee failed to prepare a Report of Multimultiple handguns sold in instances and instances and instance than one handgun within a five day period Citation: 27 CFR 478.126a	of, at one time or duri				enever the licensee sells or during any five cons	e a report of multiple sales or other the licensee sells or otherwise disposes ing any five consecutive business days, is to an unlicensed person.		
I Have Received a Copy of This Report of Violation	s (Proprietor's signati	ure and title)						Date
Signature and Title of ATF Officer						Date		



Bureau of Alcohol, Tobacco, Firearms and Explosives

1000 N. Water Street, Suite 1400 Milwaukee, WI 53202

March 13, 2017

www.atf.gov

778025: **(b)(6)** 

#### WARNING LETTER

#### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

American Defense Manufacturing LLC ATTN: John Gross and William Orne 2525 S 162nd St New Berlin, WI 53151

FFL # 3-39-07062

#### **Dear Mr. Gross and Orne:**

During a recent compliance inspection conducted on December 2, 2016 – February 2, 2017, at your firearms business covering the period of December 2, 2015, through December 2, 2016, you were cited for violations of 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 (b)(6). You indicated that you understood the requirements of the firearms laws and regulations. You further indicated 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 effort 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.

# American Defense Manufacturing LLC 3-39-07062

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 Industry Operations Investigator (b)(6) at (414)727-6200.

### Sincerely yours,



Area Supervisor Milwaukee II Field Office

#### **Enclosure**

Cc: Federal Firearms Licensing Center Milwaukee II Field Office

Name: American Defense Manufacturing UI#: 778025-2017-0170-B1B

LLC

**Trade Name:** FFL#: 3-39-133-01-7E-07062

Address: 2525 S 162<sup>nd</sup> Street

New Berlin, WI 53151

#### 1 - Introduction

#### **Inspection Profile:**

Industry Operations Investigator (b) (6) initiated a disposition emphasis compliance inspection of Type 01 (dealer) Federal firearms licensee American Defense Manufacturing LLC on 12/2/2016. The onsite inspection continued on 12/6/2016, 12/7/2016, 12/12/2016, 12/13/2016, 1/6/2017, 1/26/17, and a closing conference and regulations review was conducted on 2/16/2017. The inspection took place at the above noted business premises and was initiated unannounced. Investigator (b) (6) interviewed Partner William Orne (identified with a Wisconsin driver's license #(b) (6) expires 3/27/2022) and Partner John Gross (b) (6) expires 12/17/2023). The inspection period was 12/2/2015-12/2/2016. The licensee has held a license since 2014. This is the licensee's first compliance inspection.

The inspection was conducted simultaneously with an inspection of American Defense Manufacturing LLC (FFL # 3-39-07064) and W/S Machine & Tool Inc (FFL # 3-39-07069). (See UI#'s 778025-2017-0126-B1B and 778025-2017-0127-B1B)

#### **Business Profile:**

The Type 01 license held by American Defense Manufacturing LLC is primarily utilized to conduct firearms sales and third party transfers to the general public. The business location is within a factory. W/S Machine & Tool Inc also conducts business at the premises, and is operated by Mr. Orne and Mr. Gross. All firearms transactions involving non-licensed individuals were completed through the Type 01 license held by American Defense Manufacturing LLC. Manufacturing activities were conducted with the Type 07 license held by American Defense Manufacturing LLC and by W/S Machine & Tool Inc. Sales of all tested firearms were conducted under the Type 01 license held by American Defense Manufacturing LLC. American Defense Manufacturing LLC pays the SOT, however business involving NFA weapons was only conducted with the Type 07 license. American Defense Manufacturing LLC does not transfer firearms at banquet events and does not conduct business at gun shows. The Type 01 license held by American Defense Manufacturing LLC acquired approximately firearms and disposed approximately firearms from 12/2/2015 through 12/2/2016. The primary supplier of firearms was (b) (4) No additional ATF license is required.

Name: American Defense Manufacturing UI#: 778025-2017-0170-B1B

LLC

**Trade Name:** FFL#: 3-39-133-01-7E-07062

#### **Ownership and Control:**

American Defense Manufacturing LLC is a Wisconsin registered company with a status of "Restored to Good Standing." The responsible persons stated there were no changes in ownership or control of the business. Mr. Orne and Mr. Gross are the only responsible persons listed in FLS. No additional responsible persons were discovered by Investigator (b)(6) during the course of the inspection. (See Exhibit 1 – WI DFI)

#### Variance:

There are no approved variances on file for the Type 01 license held by American Defense Manufacturing LLC. No variances were requested as a result of the compliance inspection.

#### 2 - Recommendation

Viols WL ONLY and Recall Inspection

## 3 - Inspection History

**Date and Type of Inspection:** 3/25/2014, Qualification Inspection

UI#: 778025-2014-0263-B1B Inspection Results: Approve Application

Cited Violations: None

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

The licensee maintained electronic A&D records. The licensee's records were evaluated and found to be not in the proper format as required by the regulations. The licensee was cited for this violation. The licensee performed corrective action and reformatted the A&D record comply with 478.125(e). Investigator (b)(6) conducted a full inventory reconciliation during this inspection. 228 firearms were inventoried and compared to the A&D Record. Investigator (b)(6) identified and cited American Defense Manufacturing LLC for 64 untimely or inaccurate entries. (See Worksheets, Report of Violations, Exhibit 2 – A&D Entry Errors)

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

Investigator (b)(6) reviewed ATF Forms 4473 on file from 12/2/2015 through 12/2/2016 for completeness and accuracy. The following errors were discovered during

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Name: American Defense Manufacturing UI#: 778025-2017-0170-B1B

LLC

**Trade Name:** FFL#: 3-39-133-01-7E-07062

the review of Forms 4473:

stance in section 24 (recertification signature) was blank
nstances in section 25 (recertification date) was blank
stances in section 30a (number of firearms) was blank
instances in section 31 (corporate name/address) was blank
instances in section 32 (FFL Number) was blank
nstances in section 33 (transferor name) was blank
stances in section 35 (transferor title) was blank
nstances in section 20a (identification of buyer) was left blank
instances in section 21a (Date of NICS check) was blank
instances in 21b (transaction number) was blank
instances in 21c (NICS response) was blank
instances in section 36 was left blank

The licensee was cited for these violations. (See Worksheets, Report of Violations, and Exhibit 3 - ATF Form 4473 Errors)

Investigator (b)(6) obtained an FFL Audit Log prior to the inspection and compared it to Forms 4473 of file. The audit log revealed no "Denied" transactions since obtaining the license. (See Exhibit 4 – FFL Audit Log)

The licensee did not make any dispositions to law enforcement officers. Licensee to licensee transactions appeared to be properly completed.

## 6 – Multiple Sales

American Defense Manufacturing LLC reported two multiple sales of handguns to ATF during the inspection period. unreported multiple sales were identified by Investigator (b)(6). The licensee was cited for this violation. (See Worksheets, Report of Violation, Exhibit 5 – FFL Trace History, and Exhibit 6 – Unreported Multiple Handgun Sales)

#### 7 – Suspicious/Prohibited Purchasers

No suspicious or prohibited purchasers were identified during the inspection. Investigator (b)(6) did not identify any instances of straw transactions.

#### 8 – Trace Activity

ATF successfully traced one firearm through American Defense Manufacturing LLC during the inspection period. No incomplete traces were associated with the licensee.

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Name: American Defense Manufacturing UI#: 778025-2017-0170-B1B

LLC

**Trade Name:** FFL#: 3-39-133-01-7E-07062

The traced firearm was sold to Responsible Person John Gross. Investigator (b)(6) discussed this transaction with Mr. Gross, and advised him of best practices for selling personal firearms. Mr. Gross explained he would be sure to log personal firearms into the business inventory, note transaction on a Form 4473, and perform a NICS background checks for all future sales of his personal firearms.

No secondary market analysis was conducted by Investigator (b)(6) because American Defense Manufacturing LLC deals in new firearms. (See Exhibit 3 – FFL Trace History)

## 9 - NFA/Importer/Collector/Manufacturer

American Defense Manufacturing LLC conducted manufacturing activities under their Type 07 license. American Defense Manufacturing LLC pays the SOT, however conducts business in NFA weapons under their Type 07 license. American Defense Manufacturing LLC does not hold a curio and relic license or import firearms.

#### 10 - Referrals

No referrals were generated during this inspection.

#### 11 - Other

Investigator (b)(6) conducted NCIC and NLETS checks on Mr. Orne and Mr. Gross. No disabling convictions were disclosed.

#### 12 - Closing Actions

Investigator (b)(6) held a closing conference with Mr. Orne and Mr. Gross on 2/16/2017. Investigator (b)(6) also reviewed an Acknowledgement of Federal Firearms Regulations with them during the closing conference, answered all of their questions, and provided them with area office contact information for future assistance. A copy of the Acknowledgment was provided to Mr. Orne and Mr. Gross. Investigator (b)(6) reviewed the ROV with Mr. Orne and Mr. Gross during the closing conference. A copy of the signed ROV was provided to Mr. Orne and Mr. Gross. Investigator (b)(6) also confirmed all corrective action was completed by the licensee. (See Report of Violations and Exhibit 7 – Acknowledgment of Federal Firearms Regulations)

Name: American Defense Manufacturing UI#: 778025-2017-0170-B1B

LLC

**Trade Name:** FFL#: 3-39-133-01-7E-07062

#### 13 - Violations

#### 1. **27 CFR 478.21(a)**

**Nature of Violation** – The licensee failed to accurately prepare the Firearms Transaction Record (ATF Form 4473) on forms, as follows:

instance in section 24 (recertification signature) was blank instances in section 25 (recertification date) was blank instances in section 30a (number of firearms) was blank e instances in section 31 (corporate name/address) was blank e instances in section 32 (FFL Number) was blank instances in section 33 (transferor name) was blank instances in section 35 (transferor title) was blank stances of acquisitions not recorded accurately instance of an acquisition not recorded

**Licensee's Response** – Mr. Orne and Mr. Gross acknowledged the violation occurred and understood the violation. Mr. Orne and Mr. Gross explained they planned to double check forms for errors prior to transferring firearms in the future.

**Corrective Action** – Licensee shall follow all instruction on the Form 4473 and ensure the transferee follows all instructions on the Form 4473.

#### 2. **27 CFR 478.124(c)(3)(i)**

**Nature of Violation** – The licensee failed to accurately prepare Firearms Transactions Records (ATF Form 4473), as follows:

1) instances in section 20a (identification of buyer) was left blank

**Licensee's Response** – Mr. Orne and Mr. Gross acknowledged the violation occurred and understood the violation. Mr. Orne and Mr. Gross explained they planned to double check forms for errors prior to transferring firearms in the future.

**Corrective Action** – Licensee shall properly note all identification documents presented by the transferee on the Form 4473.

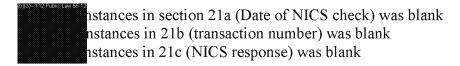
Name: American Defense Manufacturing UI#: 778025-2017-0170-B1B

LLC

**Trade Name:** FFL#: 3-39-133-01-7E-07062

#### 3. 27 CFR 478.124(c)(3)(iv)

Nature of Violation – The licensee failed to accurately prepare the Firearms Transaction Record (ATF Form 4473) on forms, as follows:



**Licensee's Response** – Mr. Orne and Mr. Gross acknowledged the violation occurred and understood the violation. Mr. Orne and Mr. Gross explained they planned to double check forms for errors prior to transferring firearms in the future.

**Corrective Action** – Licensee shall properly note the response provided by the system on the Form 4473.

## 4. **27 CFR 478.124(c)(5)**

Nature of Violation – The licensee failed to accurately prepare Firearms Transactions Records (ATF Form 4473), as follows: instances in section 36 was left blank

**Licensee's Response** – Mr. Orne and Mr. Gross acknowledged the violation occurred and understood the violation. Mr. Orne and Mr. Gross explained they planned to double check forms for errors prior to transferring firearms in the future.

**Corrective Action** – Licensee shall sign and date the form if the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm.

# 5. **27 CFR 478.125(e)**

**Nature of Violation** – The licensee failed to maintain an Acquisition and Disposition Record in the format as prescribed. The licensee failed to make accurate and timely entries in the Acquisition and Disposition Record as follows:

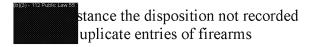
instances of acquisitions not recorded accurately nstances of acquisitions not recorded

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Name: American Defense Manufacturing UI#: 778025-2017-0170-B1B

LLC

**Trade Name:** FFL#: 3-39-133-01-7E-07062



Licensee's Response – Mr. Orne and Mr. Gross acknowledged their records were not in the proper format prior to the inspection. Mr. Orne and Mr. Gross performed corrective action and reformatted their records to comply with ATF regulations. Mr. Gross explained the untimely and inaccurate errors occurred due to change over in book keeping personnel. Mr. Orne and Mr. Gross explained they instituted new standard operating procedures to ensure firearms are immediately entered into records upon receipt or disposition. The licensee also plans to conduct quarterly inventories in the future.

**Corrective Action** – Licensee shall maintain acquisition and disposition records of firearms as prescribed in Table 4 of the ATF Publication 5300.4. Licensee shall timely and accurately enter all required acquisition and disposition information in the acquisition and disposition record.

#### 6. **27 CFR 478.126a**

Nature of Violation – The licensee failed to prepare a Report of Multiple Handgun Sales (ATF Form 3310.4) for multiple handguns sold in instances and involving six firearms, when a buyer purchased more than one handgun within a five day period.

**Licensee's Response** – Mr. Orne and Mr. Gross acknowledged they failed to file two multiple handgun sales reports to ATF. Corrective action was performed by the licensee. Mr. Orne and Mr. Gross planned to retrain their employees of this requirement and pay more attention when they dispose of two or more handguns to a non-licensed individual.

**Corrective Action** – Licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more handguns to an unlicensed person.

Name: American Defense Manufacturing UI#: 778025-2017-0170-B1B

LLC

**Trade Name:** FFL#: 3-39-133-01-7E-07062



# **Index of Worksheets and Exhibits**

Report of Violations

Worksheets

Exhibit 1 – WI DFI

Exhibit 2 – A&D Entry Errors

Exhibit 3 - ATF Form 4473 Errors

Exhibit 4 – FFL Audit Log

Exhibit 5 – FFL Trace History

Exhibit 6 – Unreported Multiple Handgun Sales

Exhibit 7 – Acknowledgment of Federal Firearms Regulations