

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY)  Dunn, Casey William 1867 Keene Road Nicholasville, KY 40356, Jessamine		2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 775025-2017-0038-B1B			
		3. PERMIT/LICENSE NUMBER 461113079E05258	4a. TARGET DATE 8/31/2017	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, 10/04/2016					
8. PURPOSE/SPECIAL INSTRUCTIONS Please conduct a Disposition Emphasis compliance inspection, to include a complete inventory and review of all ATF Forms 4473 available for the inspection period. Verify ownership, responsible persons status, and contact information. Document each finding, and enter all required information into N-SPECT.					
9. INSPECTION RESULTS <input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC					
NO. OF VIOLATIONS		4	NO. OF REFERRALS	2	2111 - PER DIEM
NO. OF TECS CHECKS		26	NO. OF TECS HITS	1	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.	

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### 11. ATF OFFICER'S RECOMMENDATION

Submitted by (b)(6) - Industry Operations Investigator

Submitted on: 06/08/2017

On April 12, 2017, Senior Industry Operations Investigator (SI) (b)(6) initiated compliance inspection of the type 07 Federal Firearms License (FFL) held by Casey William Dunn. Advance notice of this inspection was given on March 29, 2017 because the licensee only had weekend business hours listed.

Owner/RP Casey Dunn (b)(6) was present and interviewed during the inspection and closing conference. Field work concluded and a closing conference was held on June 5, 2017.

Casey Dunn owns and operates this type 07 manufacturer of firearms FFL, which was issued on April 2, 2013. The license is operated from a residential premises owned by Mr. Dunn in rural Nicholasville, KY. He has never used this license to manufacture any firearms and is primarily engaged in the business selling firearms to friends and family and facilitating incoming internet transfers to the general public.

In the 12 months preceding the inspection, the licensee acquired roughly (b)(4) firearms and disposed of approximately (b)(4) firearms. SI (b)(6) verified that there were 85 ATF Forms 4473 on file for the last 12 months. SI (b)(6) also conducted a full inventory reconciliation and found that there were 17 firearms in inventory at the time of inspection and 17 open dispositions in the Acquisition and Disposition (A&D) record. No discrepancies were identified and a theft/loss report did not need to be filed as a result of this inspection or during this inspection period.

SI (b)(6) issued ATF Form 5030.5, Report of Violations, for four violations:

- 1) 27 CFR 478.102(a)(1) – The licensee failed to conduct a NICS check prior to the transfer of a firearm to an unlicensed individual on one occasion to a person who was not prohibited. NICS check was conducted 21 days after the transaction and a “proceed” response was given.
- 2) 27 CFR 478.124(c)(3)(iv) – Failure to document the correct date on which the licensee contacted NICS on (b)(6) occasion.
- 3) 27 CFR 478.100(a)(1) – Failure to comply with the requirements regarding conduct of business away from the licensed business premises by transferring a firearm to an unlicensed individual from a location other than his business premises or a gun show or event as defined in the regulation.
- 4) 27 CFR 478.124(c)(3)(i) – Failure to verify the identity of the transferee by examining the identification document presented and noting on the ATF Form 4473 the type of ID used on (b)(6) occasion.

Two referrals were generated as a result of these inspection findings. Refer to section 10 of this narrative report for referral details.

Violation number 3 above could rise to the level of warning conference, however SI (b)(6) recommends a warning letter instead for the following reasons:

- The FFL took responsibility for the violation and is easily able to ensure compliance with the regulation in the future by only conducting business from his licensed premises. Mr. Dunn stated that he did not understand that all aspects of the transaction had to occur from his premises and will ensure that he only transfers firearms from his licensed business premises from this point forward.
- This violation did not pose a threat to public safety or contribute to criminal activity or violent crime.
- The A&D record and ATF Form 4473 were properly completed and this violation did not negatively impact the traceability of the firearm transferred.
- This violation did not involve the transfer of a firearm to a prohibited person.

SI (b)(6) recommends violations, warning letter only and recall inspection.

Viols WL ONLY and Recall Inspection

### 12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)
MAR 2017	4.00
APR 2017	18.00
MAY 2017	19.00

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	3. PERMIT/LICENSE NUMBER 461113079E05258	4a. TARGET DATE 8/31/2017	4b. TARGET HOURS
	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)		

### 12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)
JUN 2017	21.00
ATF OFFICER'S SUBTOTAL	62.00
ATF OFFICER'S SIGNATURE	
TOTAL HOURS	62.00

### 13. REVIEW AND ROUTING

#### REVIEW COMMENTS AND RECOMMENDATION

Inspection resulted in four violations, one of which rose to WC level. Alternate recommendation of WL and Recall Inspection was made and concurred with. PII sent to DIO recommend approval of Alternate Recommendation on 6/9/17.

Viols WL ONLY and Recall Inspection

☒ REVIEWED ☒ CONCUR ☒ SEE COMMENTS ☒ FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 06/09/2017
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#### REVIEW COMMENTS AND RECOMMENDATION

The license was issued 2013 after a qualification inspection in February 2013.

The current inspection yielded the licensee failing to comply with the requirements regarding conduct of business away from the licensed business premises by transferring a firearm to an unlicensed individual from a location other than his business premises or a gun show or event as defined in the regulation. In response, the licensee stated he was unaware of the requirement. The licensee took responsibility for the violation and will only conduct business from his licensed location in the future. The A&D record and ATF Form 4473 were properly completed and this violation did not negatively affect the traceability of the firearm transferred.

Additionally, the licensee failed to conduct a NICS check prior to the transfer of a firearm to an unlicensed individual on one occasion to a person who was not prohibited. NICS check was conducted 21 days after the transaction and a "proceed" response was given. The licensee failed to document the correct date on which the licensee contacted NICS on [REDACTED] occasion and failed to verify the identity of the transferee by examining the identification document presented and noting on the ATF Form 4473 the type of ID used on [REDACTED] occasion.

The lead IOI and Area Supervisor recommend a Warning Letter and a recall inspection. DIO concurs.

Viols WL ONLY and Recall Inspection

☒ REVIEWED ☒ CONCUR ☒ SEE COMMENTS ☐ FINAL DISPOSITION

SIGNATURE AND TITLE APROGERS - DIO	REVIEW DATE 06/09/2017
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#### ROUTING SEQUENCE AND DATE

- ☐ 1. \_\_\_\_\_
- ☐ 2. \_\_\_\_\_
- ☐ 3. \_\_\_\_\_
- ☐ 4. \_\_\_\_\_

CONTROL FILE POSTED DATE \_\_\_\_\_

## Report of Violations

### Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor Dunn, Casey William	Street Address 1867 Keene Road	City Nicholasville	State KY	Zip Code 40356-	County Jessamine	Page 1 of 4 Pages
License/Permit/Registry Number <i>(If any)</i> 461113079E05258		Expiration Date 5/1/2019		Date(s) or Period of Inspection 04/12/2017 through 06/02/2017		

### 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 contact NICS prior to the completion of a firearms transfer to a non-licensed individual.

In <sup>(b)(3)</sup> instance, the licensee transferred a firearm to <sup>(b)(3) 112 Public Law 55 125 Stat 552 (b)(3)</sup> on February 27, 2017 without conducting a NICS check. Item 19a of <sup>(b)(3) 112 Public Law 55</sup> ATF Form 4473 shows

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

Citation: 27 CFR 478.102(a)(1)

#### Date Corrections to be Made:

*(If not corrected immediately)*

#### Corrective Action to be Taken:

*(If not corrected immediately)*

This violation is uncorrectable. The licensee was advised that pursuant to this regulation, he shall never sell, deliver or transfer a firearm to any other person who is not licensed under this part unless the licensee contacts NICS, and receives a "proceed" response (or abides by the "no resolution provided within 3 business days" provision) before completion of the transfer.



## Report of Violations

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Name of Proprietor Dunn, Casey William	Street Address 1867 Keene Road	City Nicholasville	State KY	Zip Code 40356-	County Jessamine	Page 2 of 4 Pages
License/Permit/Registry Number <i>(If any)</i> 461113079E05258		Expiration Date 5/1/2019		Date(s) or Period of Inspection 04/12/2017 through 06/02/2017		

### Inspection Results

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

**Number:** 2

**Nature of Violation:**

Failure to document the correct date on which the licensee contacted NICS.

In (b)(3) instance, the licensee transferred a firearm to (b)(3) 112 Public Law 55 125 STAT 552 (b)(3) on February 27, 2017 without conducting a NICS check. Item 19a of (b)(3) 112 Public Law 55 125 STAT 552 ATF Form 4473 shows

(b)(3) 112 Public Law 55 125 The NICS audit log, however, reflects that this NTN was actually issued on March 19, 2017 at 10:44 pm. The licensee listed the incorrect NICS date in item 19a.

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will comply with the requirements set forth in the regulations and record on the ATF Form 4473 the date on which he contacted NICS, as well as any response(s) provided by the system, including any identification number provided by the system.

SI (b)(6) advised the licensee to make a photocopy of the inaccurate ATF Form 4473 and to mark through the incorrect NICS date in item 19a (b)(3) 112 Public L and write in the correct date (b)(3) 112 Public L on the photocopy only. She further advised him to initial and date the correction and attach the corrected page to the original ATF Form 4473.

**Citation:** 27 CFR 478.124(c)(3)(iv)

## 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 Dunn, Casey William	Street Address 1867 Keene Road	City Nicholasville	State KY	Zip Code 40356-	County Jessamine	Page 3 of 4 Pages
License/Permit/Registry Number <i>(If any)</i> 461113079E05258		Expiration Date 5/1/2019		Date(s) or Period of Inspection 04/12/2017 through 06/02/2017		

### 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:

Failure to comply with the requirements set forth in the regulation regarding conduct of business away from the licensed premises. The licensee disclosed that he conducted a firearm transfer away from the business premises (at his father's house, not at gun show or other qualifying event) to a resident of TN. On May 9, 2016, Mr. Dunn transferred a specially ordered (b)(3) 112 F AR556 Rifle, SN (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) to (b)(3) 112 Public Law 55 125 STAT 552 (b)(6). When asked why this customer ordered a firearm from him instead of a dealer in his geographical area, Mr. Dunn stated that (b)(3) 112 Pub L 55 was a family friend and that he had delivered the firearm to him when he went to visit his (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)*

This violation was not able to be corrected, however the licensee was advised that all transactions must take place from the licensed business premises. The only exception is that a licensee may conduct business temporarily at a gun show or event, defined as: a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

**Citation:** 27 CFR 478.100(a)(1)

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Violations

Instructions

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License/Permit/Registry Number (If any) 461113079E05258		Expiration Date 5/1/2019		Date(s) or Period of Inspection 04/12/2017 through 06/02/2017		

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 to verify the identity of the transferee by examining the identification document presented and noting on the ATF Form 4473 the type of ID used in (b)(3) instance.

On May 9, 2016, the licensee left item 20a, identification of purchaser, blank on the ATF Form 4473 completed by (b)(3) for the purchase of a (b)(3), AR-556 rifle, SN (b)(3). Mr. Dunn did make a copy of the driver's license which was attached to the 4473.

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

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

Corrective Action to be Taken:  
(If not corrected immediately)

The licensee will more closely examine ATF Forms 4473 and ensure a valid identification document is recorded in the identification section of the form.

SI (b)(6) advised the licensee to make a photocopy of the inaccurate ATF Form 4473 and to document the identification information on the photocopy only. She further advised him to initial and date the correction and attach the corrected page to the original ATF Form 4473.

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

November 1 2019 Production

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ATF E-Form 5030 5  
Revised April 2005





**U.S. Department of Justice**  
**Bureau of Alcohol, Tobacco,**  
**Firearms and Explosives**

1040 Monarch Street, Suite 250  
Lexington, Kentucky 40513

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June 9, 2017

[www.atf.gov](http://www.atf.gov)

775025: (b)(6)  
5300

**CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED**

Casey Dunn  
1867 Keene Road  
Nicholasville, KY 40356  
Jessamine County

Dear Mr. Dunn:

During a recent compliance inspection at your firearms business covering the period of April 12, 2016 – April 12, 2017, you were cited for violations of 27 Code of Federal Regulations, Part 478. A copy of the ATF Form 5030.5, Report of Violations, issued at the time of the inspection is enclosed.

The violations were fully explained to you by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Industry Operations Investigator (IOI) (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.

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 IOI (b)(6) or myself at (b)(6) (b)(6).

Sincerely,

(b)(6)

Area Supervisor  
Lexington II Field Office

Enclosure

cc: Federal Firearms Licensing Center  
Director, Industry Operations  
File

# FIREARMS INSPECTION REPORT

**Name:** Dunn, Casey William  
**Trade Name:**

**UI#:** 775025-2017-0038  
**FFL#:** 4-691-113-07-9E-05258

**Address:** 1867 Keene Rd.  
Nicholasville, KY 40356 (Jessamine County)

## 1 - Introduction

### Inspection Profile:

On April 12, 2017, Senior Industry Operations Investigator (SI) (b)(6) initiated compliance inspection of the type 07 Federal Firearms License (FFL) held by Casey William Dunn. Advance notice of this inspection was given on March 29, 2017 because the licensee only had weekend business hours listed.

Owner/RP Casey Dunn ((b)(6)) was present and interviewed during the inspection and closing conference. Field work concluded and a closing conference was held on June 5, 2017.

### Business Profile:

Casey Dunn owns and operates this type 07 manufacturer of firearms FFL, which was issued on April 2, 2013. The license is operated from a residential premises owned by Mr. Dunn in rural Nicholasville, KY. He has never used this license to manufacture any firearms and is primarily engaged in the business selling firearms to friends and family and facilitating incoming internet transfers to the general public.

In the 12 months preceding the inspection, the licensee acquired roughly (b)(4) firearms and disposed of approximately (b)(4) firearms. SI (b)(6) verified that there were (b)(3)-(4) ATF Forms 4473 on file for the last 12 months. SI (b)(6) also conducted a full inventory reconciliation and found that there were 17 firearms in inventory at the time of inspection and (b)(3)-(4) open dispositions in the Acquisition and Disposition (A&D) record. No discrepancies were identified and a theft/loss report did not need to be filed as a result of this inspection or during this inspection period.

It is estimated that (b)(4) of the transactions conducted were retail sales. New gun sales comprised roughly (b)(4) of the firearms transferred and used guns made up the remaining (b)(4) of sales. Approximately (b)(4) of firearms transactions involved handgun sales and (b)(4) involved the sale of long guns. The remaining (b)(4) of firearms transferred were lower receivers (other).

# FIREARMS INSPECTION REPORT

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Principal suppliers include (b) (4) [REDACTED] There were not any off-site storage locations.

## **Ownership and Control:**

Mr. Dunn holds this FFL as a sole proprietor. SI (b)(6) reviewed the FLS responsible person information with him and he said all the information was current and valid.

The inspection did not reveal any changes in ownership or any indication of hidden ownership. SI (b)(6) determined that this licensee is actively engaged in the business as a firearm dealer. NForce and OpenFox queries of Mr. Dunn were conducted and all results were negative.

## **Variance:**

Mr. Dunn did not hold any approved variances and did not request any variances during the inspection.

## **2 - Recommendation**

SI (b)(6) recommends violations, warning letter only and recall inspection.

SI (b)(6) issued ATF Form 5030.5, Report of Violations, for four violations:

- 1) 27 CFR 478.102(a)(1) – The licensee failed to conduct a NICS check prior to the transfer of a firearm to an unlicensed individual on one occasion to a person who was not prohibited. NICS check was conducted 21 days after the transaction and a “proceed” response was given.
- 2) 27 CFR 478.124(c)(3)(iv) – Failure to document the correct date on which the licensee contacted NICS on (b)(3) 112 occasion.
- 3) 27 CFR 478.100(a)(1) – Failure to comply with the requirements regarding conduct of business away from the licensed business premises by transferring a firearm to an unlicensed individual from a location other than his business premises or a gun show or event as defined in the regulation.
- 4) 27 CFR 478.124(c)(3)(i) – Failure to verify the identity of the transferee by examining the identification document presented and noting on the ATF Form 4473 the type of ID used on (b)(3) 112 occasion.

Two referrals were generated as a result of these inspection findings. Refer to section 10 of this narrative report for referral details.



# FIREARMS INSPECTION REPORT

**Name:** Dunn, Casey William  
**Trade Name:**

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Violation number 3 above could rise to the level of warning conference, however SI (b)(6) recommends a warning letter instead for the following reasons:

- The FFL took responsibility for the violation and is easily able to ensure compliance with the regulation in the future by only conducting business from his licensed premises. Mr. Dunn stated that he did not understand that all aspects of the transaction had to occur from his premises and will ensure that he only transfers firearms from his licensed business premises from this point forward.
- This violation did not pose a threat to public safety or contribute to criminal activity or violent crime.
- The A&D record and ATF Form 4473 were properly completed and this violation did not negatively impact the traceability of the firearm transferred.
- This violation did not involve the transfer of a firearm to a prohibited person.

### 3 - Inspection History

**Date of Inspection:** February 19, 2013  
**Type of Inspection:** Qualification Inspection  
**UI#:** 775025-2013-0119  
**Inspection Results:** Application Approved  
**Cited Violations:** No violations

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

Casey Dunn maintains manual acquisition and disposition (A&D) records, which were in the proper format and contained required information. Entries were made timely in accordance with the regulations. There were 17 firearms in inventory at the time of inspection and (b)(6) open dispositions in the Acquisition and Disposition (A&D) record. Mr. Dunn said that he is the person responsible for maintaining firearms records and conducting transfers. No inventory violations were identified. **(Worksheet 1)**. Mr. Dunn did not have to report any firearms missing on an ATF Form 3310.11, Report of Theft or Loss as a result of this inspection, nor had he filed any other theft loss reports during the inspection period.

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

ATF Forms 4473 for completed transactions were filed chronologically by the transaction date of each form. In order to ensure that NICS checks were being conducted and properly documented, SI (b)(6) requested an FBI/NICS audit log of NICS denials for the last three years and the last 60 days of proceed responses. There

## FIREARMS INSPECTION REPORT

**Name:** Dunn, Casey William  
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were a total of 10 NICS transactions listed on the audit log, 9 proceed responses and 1 denied transactions. SI (b)(6) compared each of these transactions on the audit log to the ATF Forms 4473 on file and found two discrepancies. **(Worksheets 2, Exhibits 2 and 3).**

- Failure to contact NICS prior to the completion of a firearms transfer to a non-licensed individual.

In one instance, the licensee transferred a firearm to (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) on February 27, 2017 without conducting a NICS check. Item 19a of (b)(3) 112 Public Law 55 125 STA ATF Form 4473 (b)(3) 112 Public Law 55 125 STAT 552. The NICS audit log, however, reflects that this NTN was actually issued on March 19, 2017 at 10:44 pm. **(Exhibit 2)** Mr. Dunn stated that he attempted to contact NICS prior to the transfer and the system was busy. Since he had made previous transfers to the buyer, he decided to let the customer take the gun and said he intended to try to run the NICS check again later that night. According to Mr. Dunn he forgot and finally did run the check on March 19, 2017 and received a "proceed" response.

- One instance in which the FFL conducted a NICS check not in connection with a proposed firearm transfer.

Customer (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) asked the licensee to use the NICS to check his eligibility to purchase a firearm. The NICS check was done on 2/26/2014 (NTN (b)(3) 112 Public Law 55 125 S) and a "deny" response was provided. When SI (b)(6) asked the FFL to produce the ATF Form 4473 for this transaction, Mr. Dunn told her that there had never been a 4473 completed and explained that this check was done just to see if the customer could pass. **(Exhibit 3)** This is not actually a violation of the Gun Control Act, however it is a misuse of the NICS System and SI (b)(6) submitted referral number 2017-0014 to (b)(6) at FBI NICS. **(see referral)**

Mr. Dunn had (b)(3) 11 ATF Forms 4473 on file for the 12 month period preceding the inspection. SIs (b)(6) examined all of the forms for accuracy and completeness and identified the following ATF Form 4473 violations. **(Worksheets 2, Exhibits 2)**

- Failure to document the correct date on which the licensee contacted NICS.

In (b)(3) 112 instance, the licensee transferred a firearm to (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) on February 27, 2017 without conducting a NICS check. Item 19a of (b)(3) 112 Public Law 55 125 STA ATF Form 4473 (b)(3) 112 Public Law 55 125 STAT 552. The NICS audit log, however, reflects

# FIREARMS INSPECTION REPORT

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that this NTN was actually issued on March 19, 2017 at 10:44 pm. The licensee listed the incorrect NICS date in item 19a. **(Exhibits 2 and 3)**

- Failure to verify the identity of the transferee by examining the identification document presented and noting on the ATF Form 4473 the type of ID used in instance. (b)(3) 112

On May 9, 2016, the licensee left item 20a, identification of purchaser, blank on the ATF Form 4473 completed by (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6) Mr. Dunn did make a copy of the driver's license which was attached to the 4473. **(Exhibit 4)**

- Failure to comply with the requirements set forth in the regulation regarding conduct of business away from the licensed premises. The licensee disclosed that he conducted a firearm transfer away from the business premises (at his father's house, not at gun show or other qualifying event) to a resident of TN. On May 9, 2016, Mr. Dunn transferred a specially ordered (b)(3) 112 Public Law 55 125 STAT 552 to (b)(3) 112 Public Law 55 125 STAT 552 (b)(6). When asked why this customer ordered a firearm from him instead of a dealer in his geographical area, Mr. Dunn stated that (b)(3) 112 Public Law 55 125 STAT 552 was a family friend and that he had delivered the firearm to him when he went to visit his father in Hopkinsville, KY which is located near the TN/KY border. **(Exhibit 4)** Mr. Dunn stated that he did not know this was unacceptable and would ensure he only engaged in the business from his licensed premises from this point forward.

## 6 - Multiple Sales

The Violent Crime Analysis Branch (VCAB) FFL trace history report and eTrace query indicated that Mr. Dunn had four multiple handgun sales during the inspection period. SI (b)(6) did not identify any missed multiple sales during her review of the ATF Forms 4473 on file. Mr. Dunn told SI (b)(6) that he is aware of the multiple handgun reporting requirements.

## 7 - Suspicious/Prohibited Purchasers

During the review of ATF forms 4473 (which included the licensee's acquisition records/invoices/shipping documents) and the licensee's A&D record, SI (b)(6) initially identified (b)(3) 112 Public Law 55 125 STAT 552 forms that were completed by (b)(3) 112 Public Law 55 125 STAT 552 (b)(6). By reviewing additional documentation that Mr. Dunn kept with his ATF Forms 4473, SI (b)(6) concluded that in (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) instances, (b)(3) 112 Public Law 55 125 STAT 552 (b)(6)



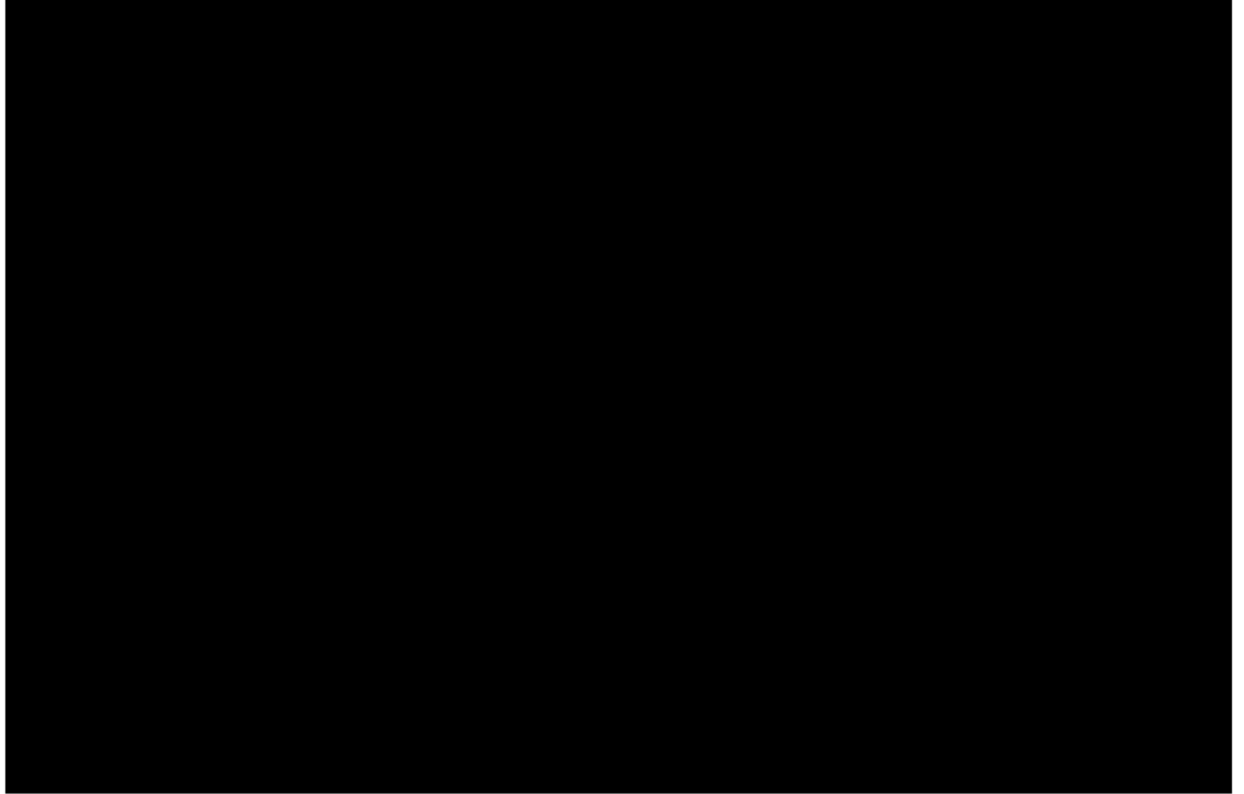
## FIREARMS INSPECTION REPORT

**Name:** Dunn, Casey William  
**Trade Name:**

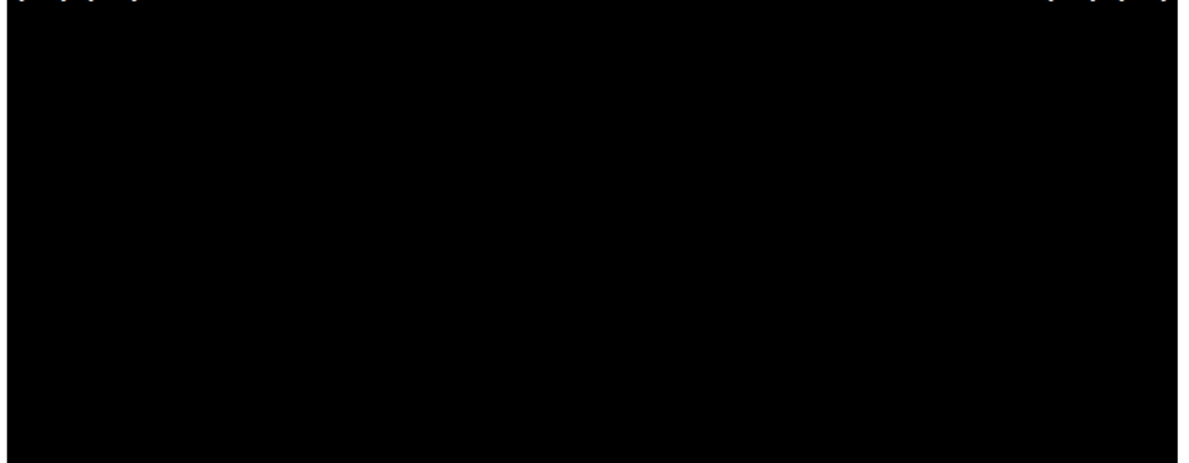
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(b)(3) 112 Public Law 55 125 STAT 552 (b)(6) was listed as the customer/bill to address on the invoice/delivery ticket that accompanied the firearm(s) when they were shipped to Mr. Dunn from the online retailer, (b) (4). The details of the (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) specific transactions are as follows:

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



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

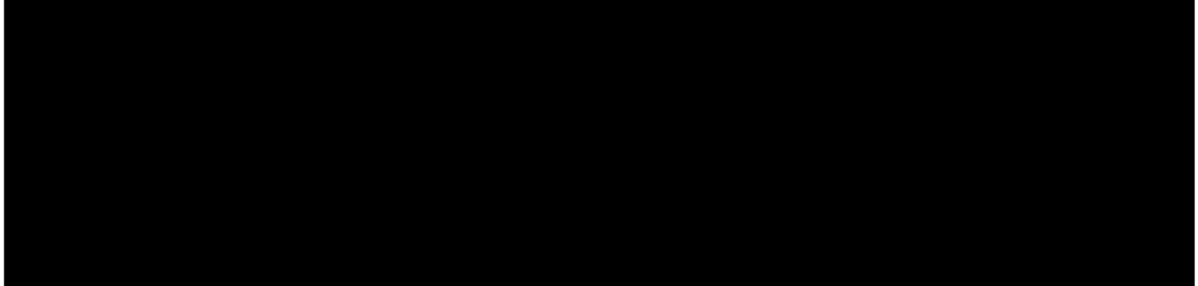


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(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)



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



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



All of the above information was forwarded to ATF criminal enforcement in referral number 2017-0013. (See referral)

### 8 - Trace Activity

Prior to beginning this inspection, SI (b)(6) queried eTrace and requested a multiple sale and trace history report from the Violent Crime Analysis Branch (VCAB). The results revealed that this FFL was not associated with any firearms traces in the last 12 months.

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

Although this licensee holds a type 07 firearms manufacturer license, he has never used this license to manufacture any firearms and is primarily engaged in the business selling firearms to friends and family and facilitating incoming internet transfers. Mr. Dunn has never engaged in any NFA transfers, importing, manufacturing or collecting activities.

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SI (b)(6) contacted the Firearms and Explosives Services Division, Annual Firearms Manufacturing and Exportation Report (AFMER) division and requested copies of the 2014, 2015, and 2016 AFMER reports submitted by Mr. Dunn. All of the historical reports received reflected no firearms manufactured. **(Exhibit 5)**

## 10 - Referrals

SI (b)(6) generated (b)(3) referrals during this inspection:

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

## 11 - Other

SI (b)(6) verified that Mr. Dunn did have the Youth Handgun Safety Act (YHSA) poster and Federal Firearms License (FFL) available and displayed at the licensed premises. She reminded Mr. Dunn that he is required to provide customers with the required YHSA notice handouts and to comply with the requirements of the Child Safety Lock Act of 2005 by providing gun locking devices to customers with the transfer of any handgun. No additional significant information was identified during this FFL compliance inspection.

## 12 - Closing Actions

SI (b)(6) held a closing conference with Mr. Dunn on June 5, 2017. During the closing conference, SI (b)(6) conducted a complete review of the Acknowledgement of Federal Firearms Regulations. Mr. Dunn signed the acknowledgement document and was provided with a copy to maintain for his records. **(Exhibit 1)**. SI Farris also discussed the inspection findings and violations cited on ATF F 5030.5 with Mr. Dunn, which he also signed. SI (b)(6) also provided Mr. Dunn with a copy of the ROV along with her business card and the following reference materials:

- Important ATF Phone Numbers & Addresses Sheet
- ATF P 5300.4, Federal Firearms Regulations Reference Guide – referred to ATF website to download PDF
- ATF F 3310.11, Firearms Inventory Theft/Loss Report
- ATF F 3310.11A, Continuation Sheet

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- ATF F 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers
- ATF I 5300.1, Youth Handgun Safety Act Poster
- ATF I 5300.2, Youth Handgun Safety Act Notice
- ATF P 3312.8, Personal Firearms Record
- NICS resolution card (Deny/Delay)

A warning letter will be mailed to Mr. Dunn on June 9, 2017.

## 13 - Violations

### 1. 27 CFR 478.102(a)(1)

#### Nature of Violation

Failure to contact NICS prior to the completion of a firearms transfer to a non-licensed individual.

In one instance, the licensee transferred a firearm to (b)(3) 112 Public Law 55 125 Stat 552 (b)(6) on February 27, 2017 without conducting a NICS check. (b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)

(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)  
he NICS audit log, however, reflects that this NTN was actually issued on March 19, 2017 at 10:44 pm.

#### Licensee Response

Mr. Dunn stated that he attempted to contact NICS prior to the transfer and the system was busy. Since he had made previous transfers to the buyer, he decided to let the customer take the gun and said he intended to try to run the NICS check again later that night. According to Mr. Dunn he forgot and finally did run the check on March 19, 2017 and received a "proceed" response.

#### Corrective Action

This violation is uncorrectable. The licensee was advised that pursuant to this regulation, he shall never sell, deliver or transfer a firearm to any other person who is not licensed under this part unless the licensee contacts NICS, and receives a "proceed" response (or abides by the "no resolution provided within 3 business days" provision) before completion of the transfer.



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2. **27 CFR 478.124(c)(3)(iv)**

**Nature of Violation**

Failure to document the correct date on which the licensee contacted NICS.

In <sup>(b)(3) 112</sup> instance, the licensee transferred a firearm to <sup>(b)(3) 112 Public Law 55 125 STAT 552 (b)(6)</sup> on February 27, 2017 without conducting a NICS check. Item 19a <sup>(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)</sup>

<sup>(b)(3) 112</sup> The NICS audit log, however, reflects that this NTN was actually issued on March 19, 2017 at 10:44 pm. The licensee listed the incorrect NICS date in item 19a.

**Licensee Response**

Mr. Dunn stated that he attempted to contact NICS prior to the transfer and the system was busy. Since he had made previous transfers to the buyer, he decided to let the customer take the gun and said he intended to try to run the NICS check again later that night. According to Mr. Dunn he forgot and finally did run the check on March 19, 2017 and received a "proceed" response.

**Corrective Action**

The licensee will comply with the requirements set forth in the regulations and record on the ATF Form 4473 the date on which he contacted NICS, as well as any response(s) provided by the system, including any identification number provided by the system.

SI <sup>(b)(3) 112 Public</sup> advised the licensee to make a photocopy of the inaccurate ATF Form 4473 and to mark through the incorrect NICS date in item 19a (2/27/27) and write in the correct date (3/19/17) on the photocopy only. She further advised him to initial and date the correction and attach the corrected page to the original ATF Form 4473.

3. **27 CFR 478.100(a)(1)**

**Nature of Violation**

Failure to comply with the requirements set forth in the regulation regarding conduct of business away from the licensed premises. The licensee disclosed that he conducted a firearm transfer away from the business premises (at his father's house, not at gun show or other qualifying event) to a resident of TN. On May 9, 2016, Mr. Dunn transferred a specially ordered <sup>(b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)</sup> <sup>(b)(3) 112</sup> When asked why this customer ordered a firearm from him instead of a dealer in his geographical area, Mr. Dunn stated that Mr. Owens was a family friend and that he

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had delivered the firearm to him when he went to visit his father in Hopkinsville, KY which is located near the TN/KY border.

### Licensee Response

Mr. Dunn stated that he was not aware that all transactions had to take place from his licensed business premises.

### Corrective Action

This violation was not able to be corrected, however the licensee was advised that all transactions must take place from the licensed business premises. The only exception is that a licensee may conduct business temporarily at a gun show or event, defined as: a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

#### 4. **27 CFR 478.124(c)(3)(i)**

### Nature of Violation

Failure to verify the identity of the transferee by examining the identification document presented and noting on the ATF Form 4473 the type of ID used in [REDACTED] instance.

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

### Licensee Response

The licensee attributed the oversight to human error and stated he would be more attentive to reviewing his ATF Forms 4473.

### Corrective Action

The licensee will more closely examine ATF Forms 4473 and ensure a valid identification document is recorded in the identification section of the form.

SI **(b)(6)** advised the licensee to make a photocopy of the inaccurate ATF Form 4473 and to document the identification information on the photocopy only. She further

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advised him to initial and date the correction and attach the corrected page to the original ATF Form 4473.

X

(b)(6)

Senior Industry Operations Investigator

## **Index of Worksheets and Exhibits**

### ***Worksheets:***

- Informational Page
- Worksheet 1: Inventory and A&D Review Worksheet
- Worksheet 2: ATF F 4473 (2008 Edition) Review Worksheet
- Worksheet 2: ATF F 4473 (2012 Edition) Review Worksheet
- Statistical Page

### ***Exhibits:***

- Exhibit 1: Acknowledgement of Regulations
- Exhibit 2: (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) ATF Form 4473
- Exhibit 3: NICS Audit Log
- Exhibit 4: (b)(3) 112 Public Law 55 125 STAT 552 (b)(6) ATF Form 4473
- Exhibit 5: AFMER reports 2014, 2015, and 2016