

## Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) EBERHARD BALLISTICS, LLC 115 W. MAIN STREET LEBANON, IN 46052, BOONE	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) 773075-2017-0131-B1B			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 435011017J06094</td> <td style="width: 33%;">4a. TARGET DATE 1/7/2017</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 435011017J06094	4a. TARGET DATE 1/7/2017	4b. TARGET HOURS
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	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, 11/07/2016

8. PURPOSE/SPECIAL INSTRUCTIONS  
 TO BE CONDUCTED CONCURRENTLY WITH TYPE 07 LICENSE.

9. INSPECTION RESULTS		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC	10. TRAVEL EXPENSES (OPTIONAL)	
NO. OF VIOLATIONS	7	NO. OF REFERRALS		2111 - PER DIEM
NO. OF TECS CHECKS	9	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: 01/13/2017

\*Recommendation

This is the licensee's first compliance inspection since beginning business in August of 2014. The licensee was cited for seven violations and a Report of Violations was issued to the licensee. Two of the cited violations, 27 CFR 478.124(c)(3)(i) & 27 CFR 478.124(a), rises to the level of Warning Letter.

\*\*IOI **(b)(6)** issued a Report of Violations (ROV) and recommends a Warning Letter and Recall Inspection to be inspected in the future.

This firearms compliance inspection was conducted in accordance with the Industry Operations Manual and any Special Instructions. On November 15, 2016, Industry Operations Investigator (IOI) **(b)(6)** initiated an unannounced compliance inspection of Eberhard Ballistics LLC. Mr. Richard Hornay, Owner/Responsible Person, was present and interviewed during the inspection. Mr. Hornay provided his **(b)(6)** Driver's License, **(b)(6)**, as proof of identification. The period of inspection consisted of 11/15/2015 through 11/15/2016.

Eberhard Ballistics LLC maintains two Federal Firearms Licenses for their firearms business. Eberhard Ballistics LLC maintains a Dealer License (FFL#43506094) and a Manufacturer License (FFL#43505937). IOI **(b)(6)** conducted this dealer compliance inspection in conjunction with a compliance inspection for manufacturer license, UI#773075-2017-0022-B1B.

The closing conference was held on 11/18/2016 with Mr. Hornay. An ATF Form 5030.5, Report of Violations, was issued and the applicable law, regulations and recordkeeping requirements were reviewed.

Viols WL ONLY and Recall Inspection

### 12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS) **(b)(6)**  
 NOV 2016 21.00

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5. REQUESTED BY (SIGNATURE, TITLE AND DATE)				

### 12. TIME ACCOUNTING DATA

ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b)(6)	
JAN 2017	17.00	
ATF OFFICER'S SUBTOTAL	38.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS	38.00	

### 13. REVIEW AND ROUTING

**REVIEW COMMENTS AND RECOMMENDATION**

This is the licensee's first compliance inspection since beginning business. Out of the seven (7) violations cited, two (2) violations rise to the level of a warning letter for failing to obtain any identification and failing to complete ATF Forms 4473 for transfers to a LLC member. A warning letter and recall inspection are recommended.

On 01/17/2017 a warning letter was mailed certified return receipt requested mail.

On 01/24/2017 the return receipt was received in the area office.

Viols WL ONLY and Recall Inspection

REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 01/17/2017
---	---------------------------

**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 EBERHARD BALLISTICS, LLC	Street Address 115 W. MAIN STREET	City LEBANON	State IN	Zip Code 46052-	County BOONE	Page 1 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 435011017J06094		Expiration Date 9/1/2017	Date(s) or Period of Inspection 11/15/2016 through 11/18/2016			

### 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:**

The licensee failed to maintain the acquisition and disposition (A&D) record on (b)(3) 112 Public Law occasions. On (b)(3) occasions the licensee failed to timely or correctly record the acquisition of a firearm.

**Citation:** 27 CFR 478.125(e)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee corrected the A&D record to show the acquisition and IOI (b)(6) verified the corrections.

**Number:** 2

**Nature of Violation:**

The licensee failed to complete or failed to require the transferee complete certain items on the ATF Forms 4473 for 0 out of 73 forms reviewed:

(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 was instructed how to verify that Section D of the ATF form 4473 was properly completed.

# 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 EBERHARD BALLISTICS, LLC	Street Address 115 W. MAIN STREET	City LEBANON	State IN	Zip Code 46052-	County BOONE	Page 2 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 435011017J06094	Expiration Date 9/1/2017	Date(s) or Period of Inspection 11/15/2016 through 11/18/2016				

### 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:**

The licensee failed to obtain complete information or failed to require the transferee complete certain items on the ATF Forms 4473 for 1 of 73 forms reviewed:  
 (b)(3) 112 Public Law 55 125 STAT 552 (b)(6)



**Citation:** 27 CFR 478.124(c)(1)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:** The licensee was instructed how to verify that Section A of the ATF Form 4473 was properly completed.

*(If not corrected immediately)*

**Number:** 4

**Nature of Violation:**

The licensee failed to complete or obtain certain information for 1 of the 73 ATF Forms 4473 reviewed:



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

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:** The licensee was instructed how to verify that Section B of the ATF Form 4473 was properly completed.

*(If not corrected immediately)*

# 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 EBERHARD BALLISTICS, LLC	Street Address 115 W. MAIN STREET	City LEBANON	State IN	Zip Code 46052-	County BOONE	Page 3 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 435011017J06094		Expiration Date 9/1/2017	Date(s) or Period of Inspection 11/15/2016 through 11/18/2016			

### 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:**

The licensee failed to complete or obtain certain information for [redacted] of the 73 ATF Forms 4473 reviewed:

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

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

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:** The licensee was instructed how to properly record NICS information on the ATF Form 4473.

*(If not corrected immediately)*

**Number:** 6

**Nature of Violation:**

The licensee failed to complete or obtain certain information for [redacted] of the 73 ATF Forms 4473 reviewed:

(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:** The licensee was instructed how to properly verify that Section D of the ATF form 4473 was properly completed.

*(If not corrected immediately)*

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 & Explosives  
151 N. Delaware Street, Suite 1000  
Indianapolis, IN 46204  
(317) 287-3500 (317) 287-3502 FAX

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

January 18, 2017

773075(b)(6)  
5373

Mr. Richard Hornay  
Eberhard Ballistics, LLC  
115 W. Main Street  
Lebanon, IN 46052

FFL: 4-35-011-01-7J-06094

Dear Mr. Hornay:

During a compliance inspection at your firearms business covering the period of November 15, 2015 through November 15, 2016, you were cited for violations of 27 Code of Federal Regulations, Part 478. The violations were discussed with you during the inspection. A copy of the Report of Violations, Form 5035.5, issued at the time of the inspection is enclosed.

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

Richard Hornay

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

Sincerely yours,

(b)(6)

Area Supervisor

Enclosure

C: National Licensing Center  
Indianapolis Area Office

# FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

**Address:** 115 W. Main St.  
Lebanon, IN 46052 - Boone

## 1 - Introduction

### Inspection Profile:

This firearms compliance inspection was conducted in accordance with the Industry Operations Manual and any Special Instructions. On November 15, 2016, Industry Operations Investigator (IOI) (b)(6) initiated an unannounced compliance inspection of Eberhard Ballistics LLC. Mr. Richard Hornay, Owner/Responsible Person, was present and interviewed during the inspection. Mr. Hornay provided his Indiana Driver's License, (b)(6) as proof of identification. The period of inspection consisted of 11/15/2015 through 11/15/2016.

Eberhard Ballistics LLC maintains two Federal Firearms Licenses for their firearms business. Eberhard Ballistics LLC maintains a Dealer License (FFL#43506094) and a Manufacturer License (FFL#43505937). IOI (b)(6) conducted this dealer compliance inspection in conjunction with a compliance inspection for manufacturer license, UI#773075-2017-0022-B1B.

The closing conference was held on 11/18/2016 with Mr. Hornay. An ATF Form 5030.5, Report of Violations, was issued and the applicable law, regulations and recordkeeping requirements were reviewed.

**(See Report of Violations)**

**(See Exhibit 1 for Acknowledgement of Federal Firearms Regulations.)**

### Business Profile:

Eberhard Ballistics LLC operates out of a small retail storefront located in downtown Lebanon, Indiana. The licensee's business hours are from Mon-Thu: 11am-7pm, Fri: 11am-8pm, Sat: 8am-8pm, and Sun: 8am-7pm. The licensee sells ammunition, firearm accessories, new & used handguns, and new & used long guns.

The licensee acquired approximately (b)(4) firearms and disposed of approximately (b)(4) firearms in the past 12 months. The licensee utilizes multiple suppliers to include (b)(4). The licensee does not have any off-site storage.

# FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

The licensee does not have a website but will conduct transfers for customers using gunbroker.com and other similar sites. The licensee provides gunsmithing services to customers but does not participate in gun shows.

The license is appropriate for the business activity. The licensee is in possession of all required Indiana licenses and certificates to include Indiana State License to Sell Handguns and the Indiana Registered Retail Merchants Certificate.

Eberhard Ballistics LLC maintains a Type 07 manufacturer license (FFL#43505937) at a different business address.

## **Ownership and Control:**

The business is a Domestic Limited Liability Company, owned and operated by Richard Hornay and Darrin Debard. A query of the Indiana Secretary of State Business Services Division's webpage revealed that Eberhard Ballistics LLC was registered with the state on 03/14/2014.

**(See Exhibit 2- Indiana Secretary of State Query)**

Hidden ownership is not suspected

## **Variance:**

The licensee holds no approved variances and the licensee did not request one during the course of the investigation.

## **2 - Recommendation**

This is the licensee's first compliance inspection since beginning business in August of 2014. The licensee was cited for seven violations and a Report of Violations was issued to the licensee. Two of the cited violations, 27 CFR 478.124(c)(3)(i) & 27 CFR 478.124(a), rises to the level of Warning Letter.

IOI (b)(6) issued a Report of Violations (ROV) and recommends a Warning Letter and Recall Inspection to be inspected in the future.

## **3 - Inspection History**

This is the licensee's first compliance inspection.

**Date of Inspection:** 08/13/2014  
**Type of Inspection:** Qualification inspection  
**UI#:** 773075-2014-0127-B1B  
**Inspection Results:** Application Approved

# FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

**Cited Violations:** N/A

**Date of Inspection:**  
**Type of Inspection:**  
**UI#:**  
**Inspection Results:**  
**Cited Violations:**

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

A full inventory was conducted and reconciled with the open dispositions in the licensee's Acquisition and Disposition (A&D) records. The licensee had 146 firearms in inventory and [REDACTED] open dispositions. After reviewing the licensee's A&D record it was determined that on all [REDACTED] occasions the licensee failed to record the acquisition of a firearm.

The licensee utilizes an electronic A&D record, EZ Arms Keeper, which is compliant with ATF Ruling 2016-1. A review of the electronic A&D record entries determined that the records have been maintained in the proper format. No illegal firearms were discovered and no firearms were found with obliterated serial numbers.

Violations of 27 CFR 478.125(e) was cited. See violation section, Report of Violations (ROV) and Worksheets for more information.

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

The ATF Forms 4473 reviewed covered the periods of 11/15/2015 to 11/15/2016. The licensee had [REDACTED] ATF Forms 4473 on file for transactions completed during the inspection period. There were no transfers of firearms to law enforcement officers for official duty use. Examination of the ATF Forms 4473 for accurate and complete information determined violations of:

- 27 CFR 478.21(a),
- 27 CFR 478.124(c)(1),
- 27 CFR 478.124(c)(3)(i),
- 27 CFR 478.124(c)(3)(iv),
- 27 CFR 478.124(c)(5)

An FBI NICS Audit Log was requested and received which showed 42 "Proceed" transactions, no "Delayed" transaction, 1 "Open" transaction and no "Canceled" transactions. IO [REDACTED] compared all NICS transaction numbers listed on the audit log to the NICS transaction numbers listed in ATF F 4473 item #20b with no discrepancies determined.

# FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

During the inspection period, 1 denied response were received from NICS. The licensee utilizes the NICS Check system.

**(See Exhibit 3 for NICS Audit Log)**

On <sup>(b)(3)-(7)</sup> ATF Forms 4473 the customer checked “Yes” in section 11. The licensee still conducted a NICS check resulting in one “Deny” and one “Proceed”. In the instance of the denial the firearm was not transferred. IOI <sup>(b)(6)</sup> conducted an OpenFox query on the 4473 resulting in a “Proceed” with no prohibiting information being discovered. The licensee was instructed that if a customer checks “Yes” on section 11 the transfer needs to be stopped at that point.

The licensee files his 4473’s numerically.

See Violation section, Exhibits and Report of Violations for more information.

## **6 - Multiple Sales**

A Violent Crimes Analysis Branch (VCAB) Query indicated that during the inspection period no multiple sales occurred. A review of the Licensee’s records verified the VCAB report.

**(See Exhibit 4 for VCAB Report)**

## **7 - Suspicious/Prohibited Purchasers**

3 purchasers and 6 firearms were selected from the FFL’s reviewed records and queried through OpenFox. No prohibited persons or stolen firearms were discovered.

See worknotes for further information.

## **8 - Trace Activity**

A Firearms Trace History Report was obtained from the Violent Crime Analysis Branch prior to the inspection. There were no firearm trace requests during the inspection period.

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

The licensee is not licensed for, and does not engage in the business of, importing, manufacturing or collecting firearms.

The licensee intends to begin selling National Firearms Act (NFA) weapons and recently obtained six silencers. IOI <sup>(b)(6)</sup> verified that the information on all six silencers is accurately registered with the NFA Branch.

# FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

The licensee does not have a Special Occupational Tax but intends to obtain one in the future.

## **10 - Referrals**

No referrals were generated during this inspection.

## **11 - Other**

During the course of the FFL Compliance Inspection IOI (b)(6) noticed two occasions where RP Hornay was transferring firearms from the business inventory to his personal inventory. After discussing this with RP Hornay it was determined that he mistakenly believed that since he co-owned the business he was able to transfer firearms to his personal inventory without a 4473. IOI (b)(6) explained that only a sole proprietorship was able to transfer from business to personal inventory. RP Hornay returned the firearms to the business inventory and logged them into the A&D record as required.

Violations of 27 CFR 478.124(a) was cited. See violation section, Report of Violations (ROV) and Worksheets for more information.

IOI (b)(6) queried all RP's through OpenFox and the Federal Licensing System database. The Indianapolis Intel Group were notified of this assignment on Eberhard Ballistics LLC. These deconfliction activities did not reveal any prohibitive information, pending or former ATF administrative actions, suspicious information, or directive to cease activity from an ATF enforcement group concerning the responsible persons or existing business premises.

## **12 - Closing Actions**

A closing conference was held on 11/18/2016 with IOI (b)(6) and RP Richard Hornay. The ATF Form 5030.5, Report of Violations was discussed with the licensee and he was provided an opportunity to ask questions about the violations and to explain why the violations occurred. The Acknowledgement of Federal Firearms Regulations review was conducted with the licensee. The licensee was advised on the correct way for correcting mistakes in the A&D record and the ATF Form 4473.

The Report of Violations and the Acknowledgement of Federal Firearms Regulations were signed and dated by RP Hornay and the following handouts were provided:

Website for ATF P 5300.4 - Federal Firearms Regulation Guide,

- ATF F 3310.11 - Report of Theft or Loss,
- ATF I 5300.23A – Important Notice to Dealers and Other Participants at this Gun Show,

# FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

- Important Addresses and Telephone Numbers for Federal Firearms Licensees handout.
- Youth Handgun Safety Act Poster and Notices.
- ATF website, www.atf.gov

## 13 - Violations

### 1. **27 CFR 478.125(e)**

#### Nature of Violation:

The licensee failed to maintain the acquisition and disposition (A&D) record on at least (b)(3) occasions. On (b)(3) occasions the licensee failed to timely or correctly record the acquisition of a firearm.

See A&D Review Worksheet for more information.

#### Licensee's Response:

The licensee stated that he utilized an electronic A&D record and couldn't figure out how to add six NFA items to the A&D and that the other four firearms were for gunsmithing.

#### Corrective Action:

The licensee corrected the A&D record to show the acquisition and IOI (b)(6) verified the corrections.

### 2. **27 CFR 478.21a**

#### Nature of Violation

The licensee failed to complete or failed to require the transferee complete certain items on the ATF Forms 4473 for (b)(3) - 112 Public Law 55 125 forms reviewed:

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

See 4473 Review Worksheet and Exhibit 5 for more information.

#### Licensee's Response

## FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

The licensee stated that he was not sure how the errors occurred but that it probably happened when the store was busy.

### Corrective Action

The licensee was instructed how to verify that Section D of the ATF form 4473 was properly completed.

3. **27 CFR 478.124(c)(1)**

### Nature of Violation

The licensee failed to obtain complete information or failed to require the transferee complete certain items on the ATF Forms 4473 for [REDACTED] forms reviewed:

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

See 4473 Review Worksheet and Exhibit 6 for more information.

### Licensee's Response

The licensee stated that he was not sure how the errors occurred but that it probably happened when the store was busy.

### Corrective Action

The licensee was instructed how to verify that Section A of the ATF Form 4473 was properly completed.

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

### Nature of Violation

The licensee failed to complete or obtain certain information for [REDACTED] ATF Forms 4473 reviewed:

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

See 4473 Review Worksheet and Exhibit 7 for more information.

### Licensee's Response

## FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

The licensee stated that he was not sure how the errors occurred but that it probably happened when the store was busy.

### Corrective Action

The licensee was instructed how to verify that Section B of the ATF Form 4473 was properly completed.

5. **27 CFR 478.124(c)(3)(iv)**

### Nature of Violation

The licensee failed to complete or obtain certain information for [REDACTED] ATF Forms 4473 reviewed:

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

See 4473 Review Worksheet and Exhibit 8 for more information.

### Licensee's Response

The licensee stated that he was not sure how the errors occurred but that it probably happened when the store was busy.

### Corrective Action

The licensee was instructed how to properly record NICS information on the ATF Form 4473.

6. **27 CFR 478.124(c)(5)**

### Nature of Violation

The licensee failed to complete or obtain certain information for [REDACTED] ATF Forms 4473 reviewed:

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

See 4473 Review Worksheet and Exhibit 9 for more information.

### Licensee's Response

The licensee stated that he was not sure how the errors occurred but that it probably happened when the store was busy.

# FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

## Corrective Action

The licensee was instructed how to properly verify that Section D of the ATF form 4473 was properly completed.

## 7. **27 CFR 478.124(a)**

### Nature of Violation

The licensee failed to execute an ATF Form 4473 when transferring a firearm to a non-licensee (b)(3)-112 occasions. On these (b)(3) occasions the licensee (an LLC) transferred firearms to a non-licensee ((b)(3) - 112 Public Law 55 125 Stat 552, (b)(6)) without executing an ATF form 4473.

### Licensee's Response

RP Hornay stated that he mistakenly believed he could transfer firearms from business inventory to himself since he was the co-owner of the business.

### Corrective Action

The licensee transferred the two firearms back into the business inventory.

X

(b)(6)

Industry Operations Investigator

## **Index of Worksheets and Exhibits**

### **Attachments:**

Report of Violations

### **Worksheets:**

Firearms Inspection Informational Worksheet

Firearms Inspection Inventory and A&D Review Worksheet

Firearms Inspection ATF Form 4473 Review Worksheet

Firearms Inspection Other Statistics Worksheet

# FIREARMS INSPECTION REPORT

**Name:** Eberhard Ballistics LLC  
**Trade Name:**

**UI#:** 773075-2017-0131-B1B  
**FFL#:** 4-35-011-01-7J-06094

## **Worknotes:**

Secondary Market Information  
NCIC-NLETS Queries

## **Exhibits:**

- Exhibit #1: Acknowledgement of Federal Firearm Regulations
- Exhibit #2: Indiana Secretary of State Business Query
- Exhibit #3: FFL Audit Log
- Exhibit #4: VCAB Report
- Exhibit #5: 27 CFR 478.21(a)
- Exhibit #6: 27 CFR 478.124(c)(1)
- Exhibit #7: 27 CFR 478.124(c)(3)(i)
- Exhibit #8: 27 CFR 478.124(c)(3)(iv)
- Exhibit #9: 27 CFR 478.124(c)(5)