

Assignment and Report

1. OPERATING NAME AND ADDRESS (INCLUDE ZIP CODE AND COUNTY) Marshall, James P. 3955 Koons Rd New Madison, OH 45346, Darke	2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.) <p style="text-align: center;">773015-2016-0274-B1B</p>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER 431037016D14166</td> <td style="width: 33%;">4a. TARGET DATE 9/30/2016</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table>	3. PERMIT/LICENSE NUMBER 431037016D14166	4a. TARGET DATE 9/30/2016	4b. TARGET HOURS
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	5. REQUESTED BY (SIGNATURE, TITLE AND DATE)			

13. REVIEW AND ROUTING

REVIEW COMMENTS AND RECOMMENDATION

Agree with IOIs recommendation of Alternate from Warning Conference to Warning Letter and Recall in FY 17 based on following:

Licensee failed to record any ID (b)(7)(E) or more of ATF Form 4473's. Licensee failed to annotate ID information on (b)(7)(E) out of 13 ATF Forms. The low volume of forms resulted in the one error producing a 23.1% error rate. Alternate recommendation is made due to the following factors:

1. Licensee was cited for five violations of the Gun Control Act. The other violations did not warrant any administrative action further than a warning letter.
2. Licensee was not cited for any violations under regulation 27 CFR 478.124(c)(1) errors on transferee section.
3. Licensee was immediately able to correct most errors identified during inspection.
4. Low volume of forms created a higher percentage error rate.

A recall inspection is recommended to ensure licensee is complying with laws and regulations.

Viols WL ONLY and Recall Inspection

REVIEWED
 CONCUR
 SEE COMMENTS
 FINAL DISPOSITION

SIGNATURE AND TITLE (b)(6) - Area Supervisor	REVIEW DATE 03/02/2016
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REVIEW COMMENTS AND RECOMMENDATION

Viols WL ONLY and Recall Inspection

REVIEWED
 CONCUR
 SEE COMMENTS
 FINAL DISPOSITION

SIGNATURE AND TITLE JALEDoux - Director Industry Operations	REVIEW DATE 03/03/2016
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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 Marshall, James P.	Street Address 3955 Koons Rd	City New Madison	State OH	Zip Code 45346-	County Darke	Page 1 of 3 Pages
License/Permit/Registry Number <i>(If any)</i> 431037016D14166	Expiration Date 4/1/2019	Date(s) or Period of Inspection 02/23/2015 through 02/23/2016				

Inspection Results

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

Number: 1

Nature of Violation:

Failure on [REDACTED] ATF Form 4473 to furnish information called for by the Form, the headings on the form and the instructions on the Form. [REDACTED]

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee will furnish all of the information called for in each form as indicated by the headings on the form and the instructions on or pertaining to the form, on all future occasions.

Citation: 27 CFR 478.21(a)

Number: 2

Nature of Violation:

Failure on [REDACTED] ATF Form 4473's to verify the identity of the transferee by examining the identification document presented and accurately annotating the type, number and expiration of the identification used on the ATF Form 4473. [REDACTED] Item 20a left blank.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee will furnish all of the information called for in each form as indicated by the headings on the form and the instructions on or pertaining to the form, on all future occasions.

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

Report of Violations

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Inspection Results

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

Number: 3

Nature of Violation:

Failure on ^{(b)(3)} ATF Form 4473's to note the response from NICS. ^{(b)(3) 112 Public Law 55 125 51A 552 (b)} Item 21a left blank, ^{(b)(3) 112 Public} 21d left blank and ^{(b)(3) 112 Public} in Item 21c left blank.

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 of 478.102 and record on the ATF F 4473 the date on which the licensee contacted the NICS, as well as any response provided by the system, including any identification number provided by the system, on all future occasions.

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

Number: 4

Nature of Violation:

Failure on ^{(b)(3)} ATF Form 4473's to sign and/or date the form. ^{(b)(3)} Item 34 left blank and ^{(b)(3) 112 Public} Item 36 in Error.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee will sign and date the ATF F 4473 indicating that the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm before transferring the firearm described on the Form 4473, on all future occasions.

Citation: 27 CFR 478.124(c)(5)

Report of Violations

Instructions

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Inspection Results

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

Number: 5

Nature of Violation:

Failure to submit ^{(b)(3)} ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers report as required. The licensee did not complete and timely submit the required form where two or more hand guns were transferred in a 5-day period.

Date Corrections to be Made:

(If not corrected immediately)

Corrective Action to be Taken:

(If not corrected immediately)

The licensee will prepare and submit an ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers whenever transferring two or more handguns to a non-licensed person within 5 business days, on all future occasions.

Citation: 27 CFR 478.126a

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



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

550 Main Street, Room 8-507
Cincinnati, OH 45202

MAR 02 2016

www.atf.gov

773015-
5373

(b)(6)

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

James P Marshall
3955 Koons Road
New Madison, OH 45346

4-31-037-01-6D-14166

Dear Mr. Marshall,

During a recent compliance inspection at your firearms business covering the period of February 23, 2015, through February 23, 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. 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.

James P Marshall

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

Sincerely,

(b)(6)

Area Supervisor

Enclosure

cc: National Licensing Center
Cincinnati II (IO) Field Office
Correspondence File