

## 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>(b)(6)</b>
NOV 2016	21.00

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	3. PERMIT/LICENSE NUMBER 435011017J06094
	4a. TARGET DATE 1/7/2017
	4b. TARGET HOURS
	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	REVIEW DATE
(b)(6) - Area Supervisor	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.

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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
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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:**

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:

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



**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

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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:**

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