

## Assignment and Report

<b>1. OPERATING NAME AND ADDRESS</b> (INCLUDE ZIP CODE AND COUNTY) FSDE: ROGGE, STEVEN H & SMITH, MICHAEL E The Gun Works 1942 LINDA DR Pleasant Hill, CA 94523, Contra Costa	<b>2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)</b> 786060-2014-0065-B1B <b>3. PERMIT/LICENSE NUMBER</b> <b>4a. TARGET DATE</b> <b>4b. TARGET HOURS</b> 968013015F03163                      9/14/2014 <b>5. REQUESTED BY (SIGNATURE, TITLE AND DATE)</b>
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**6. ATF OFFICER(S) ASSIGNED**  
 (b) (6) Assigned Investigator  
 (b) (6) Lead Investigator

**7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)**  
 (b) (6) Area Supervisor, 10/01/2013

**8. PURPOSE/SPECIAL INSTRUCTIONS**

<b>9. INSPECTION RESULTS</b>		<input type="checkbox"/> CHECK IF NO VIOLATIONS, ADJUSTMENTS, ETC		<b>10. TRAVEL EXPENSES (OPTIONAL)</b>	
NO. OF VIOLATIONS	8	NO. OF REFERRALS		2111 - PER DIEM	
NO. OF TECS CHECKS		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: 08/25/2014

Viols and Revocation / Denial of Renewal App

12. TIME ACCOUNTING DATA		
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
APR 2014	14.00	
MAY 2015	17.00	
ATF OFFICER'S SUBTOTAL	31.00	ATF OFFICER'S SIGNATURE
ATF OFFICER'S NAME (MONTH, YEAR, HOURS)	(b) (6)	
APR 2014	40.00	
MAY 2014	40.00	
JUN 2014	138.00	
JUL 2014	9.00	
AUG 2014	6.00	
MAY 2015	16.00	
JUN 2015	5.00	
ATF OFFICER'S SUBTOTAL	254.00	ATF OFFICER'S SIGNATURE
TOTAL HOURS	285.00	

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968013015F03163	9/14/2014						
<b>5. REQUESTED BY (SIGNATURE, TITLE AND DATE)</b>							

### 13. REVIEW AND ROUTING

**REVIEW COMMENTS AND RECOMMENDATION**

This is the first inspection of this licensee. The licensee was missing a total of [REDACTED] firearms after an exhaustive review of the A&D record. The applicant demonstrated minimal ability to comply and was unable to reconcile errors in the A&D records. The IOI has recommended revocation based on the excessive level of non compliance and I concur with the recommendation.

Viols and Revocation / Denial of Renewal App

- REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

<b>SIGNATURE AND TITLE</b>	<b>REVIEW DATE</b>
(b) (6) INSPECT Program Manager	09/02/2014

**REVIEW COMMENTS AND RECOMMENDATION**

My decision is to pursue revocation of this licensee.

As background, the licensee, was issued its license in May 2012. It sells approximately [REDACTED] firearms annually, 70% of which are used firearms, and less than 10% are acquired and sold at gunshows. There were approximately [REDACTED] firearms in inventory at the time of inspection, and over [REDACTED] Forms 4473 on file for the inspection period.

Upon initial inventory verification, the licensee was found to have not entered the disposition of [REDACTED] firearms; the licensee was able to reconcile [REDACTED] of those firearms, leaving [REDACTED] firearms that the licensee could not locate a disposition document to support a legitimate transaction.

Through investigation, the licensee had [REDACTED] firearms in inventory that were not documented as acquisitions in the licensee's required records. The licensee also failed to report [REDACTED] multiple sales transactions during the review period- which involve [REDACTED] firearms.

Upon ample discussion and remediation time granted by the IOI, the licensee failed to report to NTC the firearms that could not be reconciled. The licensee did not report the firearms until about two-weeks later and only after numerous contacts and directives to do so by the IOI, did the licensee report the loss of firearms.

Accordingly, the licensee failed to account for the disposition of at least [REDACTED] firearms (statistically 77% of those firearms were from the secondary market). Through the licensee's own demonstration, he was aware of its expectations under the the provisions of GCA and chose not document the acquisition and disposition of a number of firearms.

Viols and Revocation / Denial of Renewal App

- REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

<b>SIGNATURE AND TITLE</b>	<b>REVIEW DATE</b>
CJYODER - Director of Industry Operations	09/08/2014

**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 ROGGE, STEVEN H & SMITH, MICHAEL E  The Gun Works	Street Address 1942 Linda Drive	City Pleasant Hill	State CA	Zip Code 94523-	County Contra Costa	Page 1 of 4 Pages
License/Permit/Registry Number <i>(If any)</i> 968013015F03163	Expiration Date 6/1/2015	Date(s) or Period of Inspection 03/25/2013 through 03/24/2014				

### 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 obtain all the information required to be completed on the ATF Form 4473 instances. (b)(3)-Public Law 112-55 (125 Stat. 952)

All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required

**Citation:** 27 CFR 478.21(a)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

IOI (b)(3) counseled the licensee on proper execution of the ATF Form 4473. The licensee took no action.

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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 to obtain an ATF Form 4473 from the transferee showing all the required information on the form <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> instances.

Prior to making an over-the-counter transfer of a firearm to a nonlicensee who is a resident of the State in which the licensee's business premises is located, the licensed dealer shall obtain a Form 4473 from the transferee showing the transferee's name, sex, residence address (including county or similar political subdivision), date and place of birth; height, weight and race of the transferee; the transferee's country of citizenship; the transferee's INS-issued alien number or admission number; the transferee's State of residence; and certification by the transferee that the transferee is not prohibited by the Act from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm which has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

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

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

No corrective Action taken by the licensee. Licensee was counseled on the violations disclosed and proper execution of the ATF Form 4473.

**Number:** 4

**Nature of Violation:**

Failure to verify the identity of the transferee by examining the identification document presented <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> instance

**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)*

No corrective action taken by the licensee. Licensee was counseled on the violations disclosed and proper execution of the ATF Form 4473.

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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 establish the exception or waiver on the form 4473 and the type of documentation provided in (b)(3)-Public Law 112-56 (128 Stat. 652) instance.

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

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

No corrective action taken by the licensee. Licensee was counseled on the violations disclosed and proper execution of the ATF Form 4473.

**Number:** 6

**Nature of Violation:**

Failure to record on the ATF Form 4473, the date on which the licensee contacted NICS, the response, and the identification number provided by the system in (b)(3)-Public Law 112-56 (128 Stat. 652) instances

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

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

No corrective Action taken by the licensee. Licensee was counseled on the violations disclosed and proper execution of the ATF Form 4473.

# 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:** 8

**Nature of Violation:**

Failure to timely prepare ATF Form 3310.4, Report of Multiple Sales or Other Disposition of Pistols and Revolvers and to report involv[REDACTED] rearms [REDACTED] tances

Failure to prepare an ATF Form 3310.4 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 pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person;

**Citation:** 27 CFR 478.126a

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

An ATF Form 3310.4 Report of Multiple Sales or Other Disposition of Pistols and Revolvers report was prepared and sent to the Firearms Tracing Center [REDACTED] instances

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