

## Assignment and Report

|   |  |   |                             |                  |
|---|--|---|-----------------------------|------------------|
| 1. OPERATING NAME AND ADDRESS<br>(INCLUDE ZIP CODE AND COUNTY)<br>OGC TACTICAL LLC<br>1625 KAHAI ST<br>HONOLULU, HI 96819, HONOLULU | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)<br>787040-2016-0053-B1B  |   |                             |                  |
|   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER<br/>999003018H00275</td> <td style="width: 33%;">4a. TARGET DATE<br/>4/1/2016</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table> | 3. PERMIT/LICENSE NUMBER<br>999003018H00275 | 4a. TARGET DATE<br>4/1/2016 | 4b. TARGET HOURS |
| 3. PERMIT/LICENSE NUMBER<br>999003018H00275   | 4a. TARGET DATE<br>4/1/2016  | 4b. TARGET HOURS                            |                             |                  |
| 5. REQUESTED BY (SIGNATURE, TITLE AND DATE)   |  |   |                             |                  |

6. ATF OFFICER(S) ASSIGNED

(b) (6) Lead Investigator

(b) (6) Assigned Investigator

7. ASSIGNED BY (SIGNATURE, TITLE AND DATE)

(b) (6) Area Supervisor, 10/05/2015

8. PURPOSE/SPECIAL INSTRUCTIONS

CONDUCT FULL DE COMPLIANCE INSPECTION. FFL IS AN SOT-PAYER. CHECK FOR OUT OF STATE STORAGE AND MAKE APPROPRIATE COLLATERAL INVENTORY REFERRAL(S).

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

# Assignment and Report

|   |   |                             |                  |
|---|---|-----------------------------|------------------|
| 1. OPERATING NAME AND ADDRESS<br>(INCLUDE ZIP CODE AND COUNTY)<br><br>OGC TACTICAL LLC<br>1625 KAHAI ST<br>HONOLULU, HI 96819, HONOLULU | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)<br>787040-2016-0053-B1B |                             |                  |
|   | 3. PERMIT/LICENSE NUMBER<br>999003018H00275                                     | 4a. TARGET DATE<br>4/1/2016 | 4b. TARGET HOURS |
|   | 5. REQUESTED BY (SIGNATURE, TITLE AND DATE)                                     |                             |                  |

## 11. ATF OFFICER'S RECOMMENDATION

Submitted by (b) (6) INDUSTRY OPERATIONS INVESTIGATOR

Submitted on 2/20/16  
Investigator (b) (6) initiated a disposition emphasis compliance inspection at the licensed premises on 4/25/2016. The onsite inspection concluded on 8/19/2016. The licensee was cited on a Report of Violations for the following violations:

27 CFR 478.125(e) – Record of Receipt and Disposition

REPEAT OF VIOLATION CITED ON 9/19/2013.

Nature of violation – Failure to record required acquisition and disposition information in an Acquisition and Disposition (A&D) Record instances. Specifically, failure to record the acquisition of eight firearms in the A&D Record. Failure to record the disposition of firearms in the A&D Record. The licensee was unable to locate disposition information for firearms and filed

27 CFR 478.21(a) – Forms Prescribed

REPEAT OF VIOLATION CITED ON 9/19/2013.

Nature of violation – OGC Tactical failed to furnish or obtain all information as required by headings and instructions on ATF Forms 4473. On occasions, the licensee failed to provide the seller's name in item 33 and seller's title in item 35 of ATF Form 4473. On occasion, the licensee failed to indicate the type of firearm to be transferred in item 18 of ATF Form 4473. On occasions, the licensee failed to provide the total number of firearms transferred in item 30a of ATF Form 4473.

27 CFR 478.124(c)(1) – Firearms Transaction Record

REPEAT OF VIOLATION CITED ON 9/19/2013.

Nature of violation – OGC Tactical failed to obtain and record all required transferee information on ATF Forms 4473. On occasion, the licensee failed to ensure that the transferee provide their full name in item 1 of ATF Form 4473. On occasion, the licensee failed to ensure that the transferee certify ATF Form 4473 by signing and dating in items 16 and 17. On occasion, the licensee failed to ensure that the purchaser provided a response to item 11l of ATF Form 4473, "Are you an alien admitted to the United States under a nonimmigrant visa?" On occasion, the licensee failed to ensure that the transferee provide their state of residence in item 13 of ATF Form 4473.

27 CFR 478.124(c)(3)(i) – Firearms Transaction Record

REPEAT OF VIOLATION CITED ON 9/19/2013.

Nature of violation - OGC Tactical failed to record proper transferee's identification documents on ATF Form 4473. On occasion, the licensee failed to record any identification document information in item 20a of ATF Form 4473. On occasions, the licensee failed to record an identification document that included the transferee's current residence address in item 20a and/or item 20b of ATF Form 4473.

27 CFR 478.124(c)(4) – Firearms Transaction Record

REPEAT OF VIOLATION CITED ON 9/19/2013.

Nature of violation – OGC Tactical failed to record all required firearm identification information on ATF Forms 4473. On both occasion, the licensee failed to record the manufacturer, model, serial number, type, and caliber in items 26 through 30 of ATF Form 4473.

27 CFR 478.124(c)(5) – Firearms Transaction Record

REPEAT OF VIOLATION CITED ON 9/19/2013.

Nature of violation – OGC Tactical failed to properly sign and/or record the correct date of transfer of a firearm on ATF Forms

## Assignment and Report

|   |  |
|---|--|
| 1. OPERATING NAME AND ADDRESS<br>(INCLUDE ZIP CODE AND COUNTY)<br><br>OGC TACTICAL LLC<br>1625 KAHAI ST<br>HONOLULU, HI 96819, HONOLULU | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)<br><p style="text-align: center;">787040-2016-0053-B1B</p> 3. PERMIT/LICENSE NUMBER    4a. TARGET DATE    4b. TARGET HOURS<br><p style="text-align: center;">999003018H00275                      4/1/2016</p> 5. REQUESTED BY (SIGNATURE, TITLE AND DATE) |
|---|--|

11 4473. On both occasions, the licensee failed to certify ATF Forms 4473 by signing in item 34 and including the date of transfer in item 36.

**27 CFR 478.99(c) – Certain Prohibited Sales or Deliveries**

Nature of violation – On <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> occasion, OGC Tactical transferred a firearm to a purchaser who answered “Yes” in response to item 11c of ATF Form 4473, “Have you ever been convicted in any court of a felony, or any other crime, for which the judge could imprison you for more than one year?” A subsequent background check for the purchaser <sup>(b)(6), (b)(7)(C)</sup> **(b) (6), (b) (7)(C)**

**27 CFR 478.126a – Reporting of Multiple Sales of Pistols and Revolvers**

Nature of violation – Failure to timely or correctly report the sale <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> of more pistols, or revolvers, or a combination thereof, on the same day or within five consecutive business days <sup>(b)(3)-Public Law 112-55 (125 Stat. 552)</sup> instances.

Investigato <sup>(b)(6)</sup> recommends revocation of the license based on the licensee’s transfer of a firearm to a prohibited person who marked “Yes” on item 11c of ATF Form 4473, “Have you ever been convicted in any court of a felony, or any other crime, for which the judge could imprison you for more than one year?” Refer to the Narrative Report for additional details.

Viols and Revocation / Denial of Renewal App

**12. TIME ACCOUNTING DATA**

|   |                |  |                         |
|---|----------------|--|-------------------------|
| ATF OFFICER'S NAME (MONTH, YEAR, HOURS) | <b>(b) (6)</b> |  | ATF OFFICER'S SIGNATURE |
| OCT 2015                                | 2.00           |  |                         |
| MAR 2016                                | 6.00           |  |                         |
| APR 2016                                | 51.00          |  |                         |
| MAY 2016                                | 54.00          |  |                         |
| JUN 2016                                | 1.50           |  |                         |
| JUL 2016                                | 9.00           |  |                         |
| AUG 2016                                | 58.00          |  |                         |
| SEP 2016                                | 8.00           |  |                         |
| OCT 2016                                | 7.50           |  |                         |
| DEC 2016                                | 14.00          |  |                         |
| ATF OFFICER'S SUBTOTAL                  | 211.00         |  | ATF OFFICER'S SIGNATURE |
| ATF OFFICER'S NAME (MONTH, YEAR, HOURS) | <b>(b) (6)</b> |  |                         |
| APR 2016                                | 19.00          |  |                         |
| ATF OFFICER'S SUBTOTAL                  | 19.00          |  | ATF OFFICER'S SIGNATURE |
| TOTAL HOURS                             | 230.00         |  |                         |

## Assignment and Report

|   |  |   |                             |                  |
|---|--|---|-----------------------------|------------------|
| 1. OPERATING NAME AND ADDRESS<br>(INCLUDE ZIP CODE AND COUNTY)<br><br>OGC TACTICAL LLC<br>1625 KAHAI ST<br>HONOLULU, HI 96819, HONOLULU | 2. U.I. NUMBER (ORG. SEG. CODE, ASSIGNMENT NO., P.P.C.)<br>787040-2016-0053-B1B  |   |                             |                  |
|   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">3. PERMIT/LICENSE NUMBER<br/>999003018H00275</td> <td style="width: 33%;">4a. TARGET DATE<br/>4/1/2016</td> <td style="width: 33%;">4b. TARGET HOURS</td> </tr> </table> | 3. PERMIT/LICENSE NUMBER<br>999003018H00275 | 4a. TARGET DATE<br>4/1/2016 | 4b. TARGET HOURS |
| 3. PERMIT/LICENSE NUMBER<br>999003018H00275   | 4a. TARGET DATE<br>4/1/2016  | 4b. TARGET HOURS                            |                             |                  |
| 5. REQUESTED BY (SIGNATURE, TITLE AND DATE)   |  |   |                             |                  |

### 13. REVIEW AND ROUTING

**REVIEW COMMENTS AND RECOMMENDATION**

The inspection disclosed a violation that warrants revocation. Specifically, on <sup>(b) (6) Public Information</sup> occasion the licensee transferred a firearm to a purchaser who had answered "Yes" in response to Item 11c of ATF Form 4473 regarding prior felony conviction. A CCH check on the purchaser disclosed that he was prohibited based on 1984 felony grand theft and computer fraud convictions in California.

A/S <sup>(b) (6)</sup> recommends an alternate recommendation of DIO Warning Conference based on the following considerations: the prohibited purchaser presented a copy of a valid Hawaii Permit to Acquire (PTA) issued by the Honolulu PD on 1/13/2016. Investigative efforts disclosed that the purchaser's conviction was set aside in 2015 per California criminal procedure 1203.4. However, Counsel provided guidance that a set aside/dismissal under 1203.4 PC is not a true set aside for Brady purposes for a felony conviction.

The licensee stated that the firearm was transferred based on the PTA presented by the licensee, which caused the licensee to believe that the transfer was lawful. The licensee stated its understanding that a "Yes" answer to a prohibiting question on the ATF Form 4473 should result in the transaction being stopped in all future transactions. Based on the licensee's stated understanding and intent to avoid a repeat violation, it appears that the licensee can be brought into voluntary compliance.

Alternate recommendation forwarded to DIO for review and concurrence.

Viols DIO (or Delegate) Held WC ILO Revocation

REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

|   |                           |
|---|---------------------------|
| SIGNATURE AND TITLE<br><sup>(b) (6)</sup> Area Supervisor | REVIEW DATE<br>09/14/2016 |
|---|---------------------------|

**REVIEW COMMENTS AND RECOMMENDATION**

After reviewing the current inspection documents and report, the nature of the violations, the history of violations, and considering the FFL willingness to make immediate corrections and that traceability was not detrimentally effected, I recommend that a DIO Warning Conference in lieu of Revocation.

Viols DIO (or Delegate) Held WC ILO Revocation

REVIEWED     
  CONCUR     
  SEE COMMENTS     
  FINAL DISPOSITION

|   |                           |
|---|---------------------------|
| SIGNATURE AND TITLE<br>WJMILLER - Director, Industry Operations | REVIEW DATE<br>09/21/2016 |
|---|---------------------------|

**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<br>OGC TACTICAL LLC                            | Street Address<br>1625 KAHAI ST | City<br>HONOLULU            | State<br>HI  | Zip Code<br>96819- | County<br>HONOLULU | Page 1 of<br>3 Pages |
| License/Permit/Registry Number <i>(If any)</i><br>999003018H00275 |                                 | Expiration Date<br>8/1/2018 | Date(s) or Period of Inspection<br>04/25/2016 through 08/19/2016 |                    |                    |                      |

### 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 to record required acquisition and disposition information in an Acquisition and Disposition (A&D) Record in certain instances. Specifically, failure to record the acquisition of firearms in the A&D Record. Failure to record the disposition of firearms in the A&D Record.

**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 recorded the acquisition and disposition information into the A&D record during the inspection.

**Number:** 2

**Nature of Violation:**

Failure to furnish or obtain all information as required by headings and instructions on ATF Forms 4473.

**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 will review ATF Forms 4473 prior to transfer and ensure that all required information is recorded.

**Number:** 3

**Nature of Violation:**

Failure to obtain and record all required transferee information on ATF Forms 4473.

**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)*

The licensee will review ATF Forms 4473 prior to transfer and ensure that all required information is recorded.

# 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<br>OGC TACTICAL LLC                            | Street Address<br>1625 KAHAI ST | City<br>HONOLULU            | State<br>HI  | Zip Code<br>96819- | County<br>HONOLULU | Page 2 of<br>3 Pages |
| License/Permit/Registry Number <i>(If any)</i><br>999003018H00275 |                                 | Expiration Date<br>8/1/2018 | Date(s) or Period of Inspection<br>04/25/2016 through 08/19/2016 |                    |                    |                      |

### 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 record proper transferee's identification documents  ATF Forms 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 review ATF Forms 4473 prior to transfer and ensure that all required information is recorded.

**Number:** 5

**Nature of Violation:**

Failure to record all required firearm identification information on  ATF Forms 4473.

**Citation:** 27 CFR 478.124(c)(4)

**Date Corrections to be Made:**

*(If not corrected immediately)*


**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will review ATF Forms 4473 prior to transfer and ensure that all required information is recorded.

**Number:** 6

**Nature of Violation:**

Failure to properly sign and/or record the correct date of transfer of a firearm on  ATF Forms 4473.

**Citation:** 27 CFR 478.124(c)(5)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will review ATF Forms 4473 prior to transfer and ensure that all required information is recorded.

# 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<br>OGC TACTICAL LLC                            | Street Address<br>1625 KAHAI ST | City<br>HONOLULU   | State<br>HI | Zip Code<br>96819- | County<br>HONOLULU | Page 3 of<br>3 Pages |
| License/Permit/Registry Number <i>(If any)</i><br>999003018H00275 | Expiration Date<br>8/1/2018     | Date(s) or Period of Inspection<br>04/25/2016 through 08/19/2016 |             |                    |                    |                      |

### Inspection Results

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

**Number:** 7

**Nature of Violation:**

Transfer of a firearm to a person knowing, or having reasonable cause to believe, including a "YES" answer to a prohibiting question of ATF Form 4473, that such person is prohibited from possessing firearms <sup>(25 Stat. 552)</sup> instance.

**Citation:** 27 CFR 478.99(c)

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee will review ATF Forms 4473, and other relevant information, prior to transferring a firearm to ensure that purchasers are not prohibited.

**Number:** 8

**Nature of Violation:**

Failure to timely or correctly report the sale of two or more pistols, or revolvers, or a combination thereof, on the same day or within five consecutive business days <sup>(25 Stat. 552)</sup> instances.

**Citation:** 27 CFR 478.126a

**Date Corrections to be Made:**

*(If not corrected immediately)*

**Corrective Action to be Taken:**

*(If not corrected immediately)*

The licensee filed <sup>(25 Stat. 552)</sup> multiple sale reports during the inspection. Licensee will ensure that multiple sale reports are filed with the ATF National Tracing Center no later than close of business on the day the multiple sale occurs.

|   |      |
|---|------|
| 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 |