

JAMES ROY TUTER Jr.'s FCI
FCI-22629
01/13/2022 03:12 PM
IO# (b)(6) Beaumont (IO) Satellite Office

LICENSEE INFORMATION

Applicant Name
JAMES ROY TUTER Jr.
(Sole Proprietor)
Applicant Name
ROXANNE TOLAR TUTER

RDS Key
5-76-04469

License/Permit Number
5-76-361-01-0G-04469

License Type
01 - Dealer License

Business Type
Sole Proprietorship

Premises Address

Mailing Address

Premises Ownership Type
Leased/Rented

Address
PO BOX 366
Unit N/A
MAURICEVILLE, Texas 77626
United States

Premises Location Type
Store Front

Address
12181 N HWY 62
Unit N/A
ORANGE, Texas 77632
ORANGE United States

Phone Type	Phone Number	Remarks
Business	+1 409-233-9514	

RECOMMENDATIONS

Final Decision
Warning Conference

Deputy Assistant Director Megan Bonnett's Recommendation
Warning Conference

Details

A briefing with the Director was held on 12/8/2021 regarding the alternate recommendation of DIO led WC in lieu of revocation. The alternate was approved by the Director as Extraordinary Circumstances are present in this case. Those are as follows: At the beginning of the forms review, the FFL pointed out the errors to the IOIs, one employee did both transactions with violations and the FFL fired the employee.

Special Agent in Charge Frederick Milnowski's Recommendation

I concur with DIO justification and Counsel support for an alternate administrative action of DIO warning conference.

Division Counsel (b)(6) Review

Details

Per discussion with DIO

Director of Industry Operations Tanarra James's Recommendation
Warning Conference

Details

During this inspection, there were seven violations cited. Violations that warrant revocation are 478.102(a) and 478.102(c). Both violations occurred in one instance each. The FFL self reported the two NICS violations before the start of the Form 4473 review. He stated that the employee that conducted the two transactions is no longer an employee. A background check was conducted on both customers with negative results. There were no missing guns, no unresolved traces during the inspection period and no transfers to prohibited persons. By policy, a recommendation of revocation is warranted for failure to conduct a NICS or obtain an acceptable alternate to NICS; however, an alternate recommendation of DIO warning conference is proposed since the FFL self reported the violations before review, the employee was terminated and the customers are not prohibited.

Area Supervisor (b)(6) Recommendation
Revocation

Details

Concur with the recommended Administrative Action of Revocation. On two separate instances, the licensee failed to conduct required NICS background checks prior to the transfer of a firearm to a non-licensee as required. It should be noted, that the licensee self-reported the violations prior to the start of the review of the ATF Forms 4473 and advised it was due to an employee who was not following their procedures while he out on leave. The employee was subsequently terminated for those actions. Further, the individuals who did not have a background check conducted prior to the transfer taking place were not prohibited. This is the licensee's first inspection and was initially intended to be a Limited Inspection with Educational Emphasis, however, due to the violations cited, a full inspection was conducted.

Industry Operations Investigator (b)(6) Recommendation
Revocation

Details

Details Southwest Border Initiative Disposition Emphasis full firearms compliance inspection was completed at the licensed premises of TCB Tactical. Firearms Compliance Inspection report submitted for review. Special attention flags noted. No open CE investigations identified in N-Force or N-Spect databases. No disabling convictions in Accurint/Openfox/NCIC for James Tuter. No changes in ownership, control or business structure identified during this inspection. Violations, Report of Violations, and Recall Inspection recommended.

The recommended Administrative Action is Revocation. This was the licensee's first inspection since receiving the license. It should be noted that prior to the start of the inspection of the licensee's paperwork, Mr. Tuter self-reported the two NICS violations. Mr. Tuter stated he understands the importance of the NICS background checks and realizes the severity of this situation. He advised the employee that conducted the two transactions was terminated and is no longer an employee. Mr. Tuter was not in the shop during the time the violations occurred but was on leave. As soon as Mr. Tuter returned, he learned his employee was not following the rules and procedures he had in place. The employee was subsequently fired.

Mr. Tuter realizes the importance of the NICS background checks and from those instances on has made improvements on how paperwork is handled in the shop. He is positive that those two instances were not the norm for his employees and has since changed the way he trains his employees to ensure that it does not happen again.

Inspection Findings

NICS

- 4. Failure to conduct a NICS check or obtain an alternate permit.
- 6. Failure to initiate a new NICS check when a transaction is not completed within the 30-day period from the date NICS was initially contacted provided that the person is NOT prohibited.

ELIGIBILITY VERIFICATION

Business Information Verification

Property Ownership Verification

Previous Ownership Type	Previous Location Type	Has the property ownership been verified?
Leased/Rented	Store Front	Yes

Address
12181 N HWY 62
Unit N/A
ORANGE, Texas 77632
ORANGE United States

Additional Findings

The property is owned by (b)(6). It has been leased to James Tuter. The whole lot that the (b)(6) own is listed in the (b)(6). The physical address of the building is 12181 N Hwy 62. State Sales Tax permit is verified and business is verified as a sole proprietor.

Attachment(s):

- TCB Tactical - Salestax Permit Verification - Feb 2021.pdf
- TCB Tactical - Interactive CAD Map - Jun 2021.pdf
- TCB Tactical - Business Personal Property CAD - Jun 2021.pdf
- TCB Tactical - Orange CAD Property Search - Feb 2021.pdf

Trade Name/DBA Verification

Trade Name/DBA	Is the trade name/DBA registered?
TCB TACTICAL	Yes

Additional Findings

The trade name TCB Tactical has been registered with the Orange County clerks office.

Attachment(s):

- TCB Tactical - DBA Verification - Feb 2021.pdf

Rental/Lease Verification

Is the proposed business activity permitted by the property owner?
Yes

Additional Findings

(b)(6) has given her permission to James Tuter to operate a firearms business from the commercial property. She is aware that her property is subject to inspection by ATF as a condition of this license. The lease has expired and Mr. Tuter is currently paying month to month.

Attachment(s):

- TCB Tactical - Lease Verification - Jun 2021.pdf
- TCB Tactical - Rental Verification - Feb 2021.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?
Yes

Additional Findings

The area in question is outside of the city zoning map for Orange, Texas. It falls within the county zoning regulations and as such there are no zoning restrictions in place which would prohibit the business activity being conducted by the licensee.

Contact Information

Name
(b)(6)

Date Contacted
 01/10/2021

Organization
 Orange County

Job Title
 Zoning

Phone Type	Phone Number	Remarks
Business	(b)(6)	

Contact Remarks
 No zoning regulations in the county 01/10/2021

Attachment(s):
 Orange Zoning Map.pdf

APPOINTMENT DETAILS

Interview Date
 02/05/2021

Address
 12181 N HWY 62, Unit N/A, ORANGE, Texas 77632

Responsible Attendee(s) **Non-Responsible Person(s)**

JAMES ROY TUTER Jr. No Items
 ROXANNE TOLAR TUTER

RESPONSIBLE PERSON(S)

JAMES ROY TUTER Jr.

Name	Gender	Race	Ethnicity
Mr. JAMES ROY TUTER Jr.	Male	White	Not Hispanic or Not Latino
Date of Birth	SSN	Job Title	
(b)(6)	(b)(6)	OWNER	

Physical Identifiers

Height Weight Hair Color Eye Color

Place of Birth

Country State City
 United States Of America (b)(6) (b)(6)

Home Address

(b)(6)

Additional Names

Citizenship

United States

ID Type	Country	State	ID Number
Driver's License	United States	Texas	(b)(6)

Phone Type	Phone Number	Remarks
Mobile	(b)(6)	

Email Address	Email Remarks
(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
02/04/2021

Criminal History Check Comments
No open CE investigations identified in N-Force database. No disabling convictions in Accurant/Openfox/NCIC for James R. Tuter Jr.

ROXANNE TOLAR TUTER

Name Ms. ROXANNE TOLAR TUTER	Gender Female	Race White	Ethnicity Hispanic or Latino
Date of Birth (b)(6)	SSN (b)(6)	Job Title MGR	

Physical Identifiers

Height	Weight	Hair Color	Eye Color
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Place of Birth

Country United States Of America	State (b)(6)	City (b)(6)
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Home Address

(b)(6)

Additional Names

Citizenship

United States

Phone Type	Phone Number	Remarks
Mobile	(b)(6)	

Criminal History Check

Date Criminal History Check Conducted
02/04/2021

Criminal History Check Comments
No open CE investigations identified in N-Force database. No disabling convictions in Accurant/Openfox/NCIC for Roxanne Tuter.

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
The licensee is a sole proprietor, a check of the Texas Secretary of states office did not find any other business information listed. The licensee is a firearms dealer, he sells long guns and handguns as well (b)(3)(26 USC § 6103)

Do they need an additional license or permit?
No

Who are their primary suppliers?
The licensee primarily purchases from (b)(4)

Other State or Local Permits

Type	Number	Expiration
State Sales Tax	(b)(3)(26 USC § 6103)	

Business Activities

Retail
Gunsmith

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping
Controlled Access to Keys
Current & Active Security Plan

SUPPLEMENTAL QUESTIONNAIRE

General Business Operations

If there is a security system, who has access to the security codes?
The licensee and three select employees have access to the security codes.

Who has keys to the premises?
The licensee and one select employee has keys to the premises.

Who has keys to locked inventory?

The licensee is the only person with keys to the locked inventory and to the safe.

Who is operating the business on a day-to-day basis?

The licensee operates the business on a day to day basis.

Is financial backing provided by anyone that is not a responsible person on the license/permit?

There is no financial backing provided by anyone other than the licensee.

Are any employees known to be prohibited?

There are no known prohibited employees.

Are any employees associated with a previously denied/revoked/surrendered license/permit?

There are no employees associated with a previously denied/revoked/or surrendered license or permit.

PREMISES INFORMATION

Inspection Area Description

The premises is located in a retail shopping center in Orange County, Texas. The premises has a large showroom area and (b)(4) there are no other businesses operated from the premises.

Primary Activity

Retail

GPS Coordinates

Latitude

30.20811

Longitude

-093.87561

Selected Physical Security Measures

(b)(4)

ONSITE SUMMARY

Total # of ATF F 4473 Reviewed

(b)(4)

Total # of Open Dispositions in A & D Record

(b)(4)

Total # of Firearms in Inventory

219

Total # of Firearms Missing after Reconciliation

0

Total # of Acquisitions in the Last 12 Months

(b)(4)

Total # of Dispositions in the Last 12 Months

(b)(4)

Additional Comments:

TCB Tactical is a firearms dealer located in Orange, Texas. They sell firearms as well as firearms accessories to the general public. They have been in business since 2014. TCB Tactical does buy used firearms. Approximately (b)(4) percent of their inventory is used firearms.

They do offer transfers to the general public and other FFLs. They receive transfers from other FFLs, and the licensee does retain the proper documentation for the transfers. They do sell firearms at gun shows and they do not have offsite storage. TCB Tactical does have a website, TCBTacticalgun.com though it looks as though the page has not been updated in a while. The website does say that the prices and availability are not accurate and to please call for current information.

They are a firearms dealer and are (b)(3)(26 USC § 6103) IOI. They do offer Gunsmithing work but they are not a manufacturer.

The inspection period covered February 11, 2020 through February 11, 2021. TCB Tactical had 188 GCA firearms in inventory at the time of the inspection. TCB Tactical had (b)(3)(26 USC § 6103) items in inventory at the time of the inspection. There are no variances and none were requested during this inspection.

TCB Tactical utilizes computerized A&D books. The software system that they utilize is EZ Arms Keeper. There records are stored electronically at the premises and are compliant with ATF ruling 2016-1. They print off a full copy of their current A&D record every week. Their backups are stored on a backup drive located at the shop. All firearms were recorded in the A&D records but not accurately and timely. There were (b)(4) instances where the licensee failed to maintain an accurate/complete/timely acquisition and disposition record of firearms. (b)(4) instances were for serial numbers that recorded incorrectly and two instances were for not timely recording the disposition of firearms.

(b)(3)(26 USC § 6103)

(b)(3)(26 USC § 6103) IOI (b)(6) verified that information with the licensing center.

During the GCA firearms inventory there were several noted violations. There were no illegal firearms or obliterated serial numbers found. There were also no missing firearms. There were (b)(4) ATF form 4473s reviewed during this inspection. (b)(4) Forms 4473 were compared to the A&D records and they were recorded accurately. During the review of the forms 4473, there were five violations noted. (b)(4) forms were found to be incorrect. On the first form, the licensee failed to complete a NICS background check, the NICS section was left blank. On the second form, the licensee failed to complete the form. Several blocks were left blank and the licensee failed to initiate a new NICS check after the 30 day lapse of the initial check. In both instances the licensee self-reported the violations to IOI (b)(6) during the inspection prior to the review of the forms. The employee that was responsible for filling out those particular forms had been fired prior to the inspection. IOI (b)(6) ran background checks on both purchasers and neither one was prohibited.

TCB Tactical files their 4473's numerically. All 4473's were found to be in the correct order. No sales to law enforcement were conducted this period of inspection.

There were 199 NICS transaction numbers for the inspection period and there were (b)(4) completed VCAB traces during the inspection period. All 199 NICS Transaction numbers were compared to the 4473s and there were no discrepancies. There were 50 denied forms for the inspection period (going back five years) and all denied forms were accounted for. There were (b)(4) multiple sales forms and there were no missing multiple sale forms. There was (b)(4) report of theft or of missing firearms during the inspection period. The break in was reported to the police and a theft report was filed with ATF.

Attachment(s)

- Report of Violations.pdf
- Report of Violations.pdf
- Report of Violations.pdf
- Report of Violations.pdf
- Report of Violations.pdf
- Report of Violations.pdf
- Report of Violations.pdf
- Licensee Response to Violations Report.pdf
- Licensee Response to Violations Report.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>1</p> <p>27 CFR 478.102(a): Failure to complete a NICS/POC background check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p>	<p>NICS Violation, (b)(6)</p>
<p>2</p> <p>27 CFR 478.102(a)(2)(i): Failure to obtain a NICS/POC response</p> <p>Number of Instances: 0</p>	<p>Execute a required NICS/POC background check for all future over-the-counter firearm transactions.</p> <p>Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.</p>	
<p>3</p> <p>27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms</p> <p>Number of Instances: [redacted]</p>	<p>Accurately, completely & timely record all required future firearm acquisition information.</p> <p>Accurately, completely & timely record all required future firearm disposition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm acquisition information.</p> <p>Amend/Update A&D Record to accurately record all required firearm disposition information.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552)</p>
<p>4</p> <p>27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check</p> <p>ATF Forms 4473: 1 Number of Instances: 1</p>	<p>Execute and accurately record (on an ATF Form 4473) a new NICS/POC background check, after any 30-day expiration of a previously conducted NICS/POC check, on all future over-the-counter firearm transactions.</p>	<p>NICS Violation, (b)(6)</p>
<p>5</p> <p>27 CFR 478.21(a): Failure to complete forms as prescribed</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</p>	<p>Complete all forms as prescribed.</p> <p>Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions.</p> <p>Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions.</p> <p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)</p>
<p>6</p> <p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473: [redacted] Number of Instances: [redacted]</p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)</p>

	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	
7 27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473 ATF Forms 4473: [redacted] Number of Instances: [redacted]	Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that all required NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
1 27 CFR 478.102(a): Failure to complete a NICS/POC background check ATF Forms 4473: 1 Number of Instances: 1	Execute a required NICS/POC background check for all future over-the-counter firearm transactions. Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.	The licensee stated that a previous employee did not fill out the paperwork correctly and has since been terminated. He will ensure that all future forms are completed appropriately	Status: Licensee Notified Verified Method: In Person Date Licensee Notified: 03/16/2021
2 27 CFR 478.102(a)(2)(i): Failure to obtain a NICS/POC response Number of Instances: 0	Execute a required NICS/POC background check for all future over-the-counter firearm transactions. Retrieve and accurately record (on an ATF Form 4473) a required final NICS/POC background check response prior to all future over-the-counter firearm transactions.	The licensee stated that a previous employee did not fill out the paperwork correctly and has since been terminated. He will ensure that all future forms are completed appropriately	Status: Licensee Notified Verified Method: In Person Date Licensee Notified: 03/16/2021
3 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms Number of Instances: [redacted]	Accurately, completely & timely record all required future firearm acquisition information. Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm acquisition information. Amend/Update A&D Record to accurately record all required firearm disposition information.	Licensee stated that the errors were an oversight on his part he will ensure all errors are corrected promptly from now on.	Status: Correction Verified Verified Method: In Person Date Correction Verified: 03/12/2021
4 27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check ATF Forms 4473: 1 Number of Instances: 1	Execute and accurately record (on an ATF Form 4473) a new NICS/POC background check, after any 30-day expiration of a previously conducted NICS/POC check, on all future over-the-counter firearm transactions.	The licensee stated that a previous employee neglected to run a second NICS check.	Status: Licensee Notified Verified Method: In Person Date Licensee Notified: 04/28/2021
5 27 CFR 478.21(a): Failure to complete forms as prescribed ATF Forms 4473: [redacted] Number of Instances: [redacted]	Complete all forms as prescribed. Correct/Update photocopies of all specified ATF Form 4473 discrepancies, in accordance with form headings and instructions. Ensure that all ATF Form 4473 items, as required by form headings and instructions, are accurately completed on all future transactions. Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions. Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.	The licensee stated that a previous employee did not fill out the paperwork correctly and has since been terminated. He will ensure that all future forms are completed appropriately	Status: Licensee Notified Verified Method: In Person Date Licensee Notified: 04/28/2021

<p>27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473</p> <p>ATF Forms 4473 [] Number of Instances: []</p>	<p>Ensure that all required ATF Form 4473 Section A items are completed/provided by the transferee/buyer on all future transactions.</p> <p>Ensure that the transferee/buyer provides required signature and date, on ATF Form 4473 Section C, for all transactions taking place on a date different from when Section A was certified.</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>The licensee stated that a previous employee did not fill out the paperwork correctly and has since been terminated. He will ensure that all future forms are completed appropriately</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 04/28/2021</p>
<p>27 CFR 478.124(c)(3)(iv): Failure to record NICS contact information on an ATF F 4473</p> <p>ATF Forms 4473 [] Number of Instances: []</p>	<p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required NICS/POC background check information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>The licensee stated that a previous employee did not fill out the paperwork correctly and has since been terminated. He will ensure that all future forms are completed appropriately</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/03/2021</p>

CLOSING CONFERENCE

(3/16/2021)

03/16/2021

Attachment(s)

Attendee(s)

JAMES ROY TUTER Jr.

WARNING CONFERENCE

Scheduling Letter

Assigned To: (b)(6)

Delivery Method

Hand-Delivery

Recipient Name

James Tuter

Delivery Date

12/17/2021 02:20 PM

Additional Notes

Warning Conference Letter hand delivered to Mr. Tuter.

Conference Details

Warning Conference Lead

Tanarra James

Representing ATF

Tanarra James and (b)(6)

Conference Date/Time

01/05/2022 10:00 AM

Responsible person(s) representing the licensee

JAMES ROY TUTER Jr.

Conference Address

5825 N Sam Houston Pkwy W (VIA TEAMS), Unit 300, Houston, Texas 77086

Follow-Up Letter Details

Regarding violation 27 CFR 478.102(a), Mr. Tuter stated this happened due to an employee writing the NICS information down on a scrap piece of paper, instead of on the ATF Form 4473. He stated he feels like the employee did do the check but did not write it on the ATF Form 4473. Mr. Tuter was on vacation for the first two weeks of June during the time of the violation. He stated that when he returned, "the paperwork was a mess". This violation will be addressed by re-training employees and instituting a double check procedure where Mr. Tuter reviews every Form after an employee has completed it. Since the incident, he has re-trained his employees and has started double checking Forms prior to filing them.

Regarding violation 27 CFR 478.102(a)(2)(i), this violation was rescinded by ATF.

Regarding violation 27 CFR 478.125(e), Mr. Tuter stated that for the two receivers, they were entered into the system twice, once incorrectly. The incorrect entry was logged out. Mr. Tuter called the customer and had them send a photo of the two receivers so the serial numbers could be verified. The other three serial numbers were recorded incorrectly. Mr. Tuter stated those were his errors and were due to him or his employees incorrectly reading the serial number from the firearm. Mr. Tuter stated he is the only person handling A&D record entries and double checks the entries against the firearms before stocking them. DIO James recommended printing out the entire A&D record to conduct a thorough inventory check.

Regarding violation 27 CFR 478.102(c), Mr. Tuter stated that this was the other form that the former employee messed up and to prevent that in the future he will train employees to make sure they understand the NICS check must be redone if the first check was over 30 days old. To correct this error, Mr. Tuter will double check the Forms after the employees have filled them out and before they get filed. DIO James suggested the use of box 32 to record any unusual circumstances regarding the transaction.

Regarding violations 27 CFR 478.21(a), 27 CFR 478.124(c)(1) and 27 CFR 478.124(c)(3)(iv), Mr. Tuter stated that these violations occurred because the former employee did not follow the proper directions and did not take the time to re-check the Form prior to transferring the firearm. Mr. Tuter stated that, "the employee was overwhelmed with the volume of business." Mr. Tuter will ensure all employees read all instructions on the ATF Form 4473 and understand them before being able to fill out the Forms. He will also double check all Forms to ensure they are accurate and complete. DIO James suggested using a template for the ATF Form 4473 to check for empty boxes. She explained it will not help with incorrect information, but will help to prevent blank boxes.

Follow-Up Letter

Delivery Method

Hand-Delivery

Recipient Name

Delivery Date

Additional Notes

Warning Conference Follow-up Letter was hand delivered to Mr. Tuter January 11th at 4:00.

EXHIBITS**Inspection**

Category	Attachment Name
Correspondence	Spartan Notification RE: 5-76-04469 Inspection Results
WarningConferenceFollowUpLetter	Follow Up Letter.pdf
WarningConferenceSchedulingLetter	Scheduling Letter.pdf
WarningConferenceSchedulingLetter	Scheduling Letter.pdf
ViolationsPDF	Report of Violations.pdf
Correspondence	Spartan Notification RE: 5-76-04469 Monitored Case
Correspondence	Spartan Notification RE: 5-76-04469 Monitored Case
Correspondence	Spartan Notification RE: 5-76-04469 Monitored Case
Correspondence	Spartan Notification RE: 5-76-04469 Monitored Case
Correspondence	Spartan Notification RE: 5-76-04469 Monitored Case
Correspondence	DIO Tanarra James Returned Inspection FCI-22629
Correspondence	Spartan Notification RE: 5-76-04469 Monitored Case
Correspondence	Spartan Notification RE: 5-76-04469 Monitored Case
Correspondence	Spartan Notification RE: 5-76-04469 Monitored Case
UpdateLicensingCenter	Initial 8C Houston FCI-22629 James Roy Tuter Jr dba TCB Tactical.pdf
PostInspection	FCI-22629 Inspection Findings.pdf
Correspondence	Spartan Notification RE: 5-76-04469 Inspection Results
WarningLetterReturnEmail	Tuder Warning Letter Receipt Confirmation.pdf
Correspondence	Action required concerning your Federal Firearms License
Correspondence	
WarningLetter	Warning Letter.pdf
Correspondence	Information Concerning Your Federal License/Permit
ReturnedSignedROV	Report of Violations5signed.pdf
RentalLeaseVerification	TCB Tactical - Lease Verification - Jun 2021.pdf
PropertyOwnershipVerification	TCB Tactical - Salestax Permit Verification - Feb 2021.pdf
PropertyOwnershipVerification	TCB Tactical - Interactive CAD Map - Jun 2021.pdf
PropertyOwnershipVerification	TCB Tactical - Business Personal Property CAD - Jun 2021.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
ReturnedSignedROV	Report of Violations4signed.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
ReturnedSignedROV	Report of Violations3signed.pdf
Correspondence	Information Concerning Your Federal License/Permit
Correspondence	
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
ReturnedSignedROV	Amended Signed Report of Violations - Apr 2021.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ViolationCorrection	(b)(3) (112 Public Law 55 125 Stat 552)
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
Correspondence	Information Concerning Your Federal License/Permit
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf

ViolationCorrection	41 Record Violation Correction.pdf
ViolationCorrection	116 - Records Violation Collection.pdf
ViolationCorrection	29 Record Violation Correction.pdf
ViolationCorrection	82 - Records Violation Collection.pdf
ViolationCorrection	42 Record Violation Correction.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
PropertyOwnershipVerification	TCB Tactical - Orange CAD Property Search - Feb 2021.pdf
ZoningVerification	Orange Zoning Map.pdf
RentalLeaseVerification	TCB Tactical - Rental Verification - Feb 2021.pdf
TradeNameVerification	TCB Tactical - DBA Verification - Feb 2021.pdf



December 16, 2021

WARNING CONFERENCE

JAMES ROY TUTER Jr.
TCB TACTICAL
PO BOX 366
MAURICEVILLE, Texas 77626

Re: Federal Firearms License Number: 5-76-04469

JAMES ROY TUTER Jr.,

As a result of a recent compliance inspection conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) at your firearms business located at 12181 N HWY 62, Unit N/A, ORANGE, Texas 77632 on 2/5/2021 through 03/16/2021, 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, ATF Form 5030.5, issued at the time of the inspection is enclosed.

You should be aware that any willful violations of the Gun Control Act may result in revocation of your Federal firearms license. As a result of the recently cited violations, it is important that we have a meeting with you to discuss the violations found. The conference will be held at 5825 N Sam Houston Pkwy W (VIA TEAMS), Unit 300, Houston, Texas 77086 on 01/05/2022 at 10:00 AM. The agenda for the meeting will include a discussion of the reasons for the violations, a review of the legal requirements, and a discussion of steps to be taken by you to ensure future compliance. Although we do not believe it necessary, legal counsel may assist you at your own expense if you so choose. **Please bring with you documentation verifying the corrective action you have taken and any compliance plan you have developed to ensure these violations do not recur.**

Also, you are hereby notified that, pursuant to 18 U.S.C. § 930(a), no person may bring a firearm or other dangerous weapon into an ATF office. Possession of a firearm or other dangerous weapon in an ATF office may result in a fine of \$100,000 or imprisonment for not more than 1 year or both.

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 to aid in this effort to combat violent crime.

We will conduct a follow-up inspection in the future. Any violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license.

Please contact Industry Operations Investigator [REDACTED] or me at [REDACTED] to confirm this appointment, and to ask any questions you may have regarding this conference. We look forward to meeting with you to resolve these issues.

Sincerely,
Tanarra James
Director of Industry Operations
Houston Field Division



January 11, 2022

WARNING CONFERENCE FOLLOW UP

JAMES ROY TUTER Jr.
TCB TACTICAL
PO BOX 366
MAURICEVILLE, Texas 77626

Re: Federal Firearms License Number: 5-76-04469

JAMES ROY TUTER Jr.,

This letter is a follow-up to the warning conference held with you on January 5, 2022 at 9:00 AM. During this conference, the violations cited during the inspection conducted on 2/5/2021 through 3/16/2021, and the necessary corrective action to prevent the violations from reoccurring were discussed. The following people were in attendance:

Representing the ATF Houston Field Division Field Division: Tanarra James and (b)(6)
Responsible person(s) representing the licensee: JAMES ROY TUTER Jr.

You were given the opportunity to comment on the violations and what specific action you have taken to ensure that the violations will not reoccur. With respect to the cited violations, we are providing a summary of your response to each violation:

Regarding violation 27 CFR 478.102(a), Mr. Tuter stated this happened due to an employee writing the NICS information down on a scrap piece of paper, instead of on the ATF Form 4473. He stated he feels like the employee did do the check but did not write it on the ATF Form 4473. Mr. Tuter was on vacation for the first two weeks of June during the time of the violation. He stated that when he returned, "the paperwork was a mess". This violation will be addressed by re-training employees and instituting a double check procedure where Mr. Tuter reviews every Form after an employee has completed it. Since the incident, he has re-trained his employees and has started double checking Forms prior to filing them.

Regarding violation 27 CFR 478.102(a)(2)(i), this violation was rescinded by ATF.

Regarding violation 27 CFR 478.125(e), Mr. Tuter stated that for the two receivers, they were entered into the system twice, once incorrectly. The incorrect entry was logged out. Mr. Tuter called the customer and had them send a photo of the two receivers so the serial numbers could be verified. The other three serial numbers were recorded incorrectly. Mr. Tuter stated those were his errors and were due to him or his employees incorrectly reading the serial number from the firearm. Mr. Tuter stated he is the only person handling A&D record entries and double checks the entries against the firearms before stocking them. DIO James recommended printing out the entire A&D record to conduct a thorough inventory check.

Regarding violation 27 CFR 478.102(c), Mr. Tuter stated that this was the other form that the former employee messed up and to prevent that in the future he will train employees to make sure they understand the NICS check must be redone if the first check was over 30 days old. To correct this error, Mr. Tuter will double check the Forms after the employees have filled them out and before they get filed. DIO James suggested the use of box 32 to record any unusual circumstances regarding the transaction.

Regarding violations 27 CFR 478.21(a), 27 CFR 478.124(c)(1) and 27 CFR 478.124(c)(3)(iv), Mr. Tuter stated that these violations occurred because the former employee did not follow the proper directions and did not take the time to re-check the Form prior to transferring the firearm. Mr. Tuter stated that, "the employee was overwhelmed with the volume of business." Mr. Tuter will ensure all employees read all instructions on the ATF Form 4473 and understand them before being able to fill out the Forms. He will also double check all Forms to ensure they are accurate and complete. DIO James suggested using a template for the ATF Form 4473 to check for empty boxes. She explained it will not help with incorrect information, but will help to prevent blank boxes.

The violations for which you were cited could adversely impact law enforcement's ability to reduce violent crime and protect the public. You are reminded that future violations, repeat or otherwise, could be viewed as willful and may result in the revocation of your license. You may anticipate further inspections to ensure your compliance.

Please contact us if you have any questions concerning your responsibilities as a licensee or if you require further clarification about particular requirements of Federal firearms laws.

Sincerely,
Tanarra James
Director of Industry Operations
Houston Field Division