

JONATHAN ROBERT WISLER 's FCI
FCI-15951
10/20/2021 01:17 PM
IO: (b)(6) Columbus III (IO) Field Office

LICENSEE INFORMATION

Applicant Name
JONATHAN ROBERT WISLER
(Sole Proprietor)

RDS Key
4-31-03789

License/Permit Number
4-31-049-01-1H-03789

License Type
01 - Dealer License

Business Type
Sole Proprietorship

Premises Address

Mailing Address

Premises Ownership Type
Owned

(b)(6)

Premises Location Type
Store Front

Address
(b)(6)

Phone Type	Phone Number	Remarks
Business	+1 614-891-0656	
Fax	+1 614-891-1929	

Email Address	Email Remarks
aumillergunshop@hotmail.com	

Online Presence Type	Online Presence URL	Remarks
Website	aumillergunshop.com	

RECOMMENDATIONS

Final Decision
Warning Conference

Deputy Assistant Director Megan Bennett's Recommendation
Warning Conference

Details

I concur with the recommendation of DIO led warning conference in lieu of revocation. The sale to a prohibited person involved a Non-Immigrant Alien and the FFL misunderstood the requirements. The firearm was returned to the FFL. There were missing firearms as a result of the inspection and traces during the inspection period.

This alternate has been briefed to the Acting Director who approved the alternate of DIO led warning conference in lieu of revocation.

Special Agent in Charge Roland Herndon's Recommendation

I agree Warning Conference.

Division Counsel (b)(6) Recommendation
Warning Conference

Details

Further review reveals a lack of evidence to show willfulness. Therefore, revocation is not indicated. In response to the ROV (b)(6) General Manager stated he believes that there may have been confusion or a misunderstanding involving (b)(6) non-immigrant status and the need for an exception to the non-immigrant alien prohibition. The fact that Questions 21.1.1 and 21.1.2 were answered both yes and no is indicative of that. Licensee, Mr. Wisler stated he understood the seriousness of the transfer but emphasized the violation was not committed intentionally. He said that transfers to permanent residents and non-immigrants are rare (at their location). Lastly, he indicated that after a NICS check was done and a "delay" and subsequent "proceed" was granted, the employee thought there were no issues with the transfer of the firearm to (b)(6). It should also be noted that the NTN and associated records of this transaction have been purged from the NICS system as noted in the 8C, due to the proceed.

Director Industry Operations Judyth Ledoux's Recommendation
Warning Conference

Details

Following further review by Counsel and discussion between Counsel, the AS and IOI, the DIO concurs with Counsel that an alternate to revocation is best suited in this case due to the

lack of evidence to prove willfulness on behalf of the FFL and the fact that the prohibited transfer involved a non-immigrant sports professional who did not understand he was prohibited and returned the firearm to the FFL immediately after being notified. The 8C has been amended and will be resubmitted to FMS-ISB.

Original Comments:

The DIO concurs with the IOI and Area Supervisor's recommendation for revocation. This licensee attended a DIO led Warning Conference as a result of violations cited during his previous inspection. At that time he was put on notice that he would be subject to a recall inspection and findings of repeat and/or serious violations would result in revocation of the license. IOI (b)(6) disclosed repeat violations and a firearms transfer to a prohibited person. Details of this inspection have been set forth in the IOI and Area Supervisor recommendation as well as the MCP 8C.

Area Supervisor: (b)(6) Recommendation: Revocation

Details:

JON WISLER dba AUMILLER GUN SHOP 4-31-03789

Area Supervisor (b)(6) concurs with IOI (b)(6) recommendation of Revocation of JON WISLER dba AUMILLER GUN SHOP's Federal firearms license (FFL). Between 5/10/2021 and 6/3/2021, IOI (b)(6) conducted a firearms compliance inspection. Mr. Wisler has been licensed since 2012 and this was their third compliance inspection. Mr. Wisler purchased the firearms business from his (b)(6) (former FFL 4-31-08654) in September 2013. Licensee's previous inspection resulted in a DIO held warning conference with a recall inspection in lieu of Revocation.

Revocation is recommended due to the fact the licensee transferred a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee was a prohibited person. The licensee transferred a firearm to a non-immigrant alien who did not have an exception to the non-immigrant alien prohibition which prohibits non-immigrant aliens in the United States from purchasing, receiving, or possessing a firearm. The licensee also failed to make significant improvements from the previous inspection. Licensee was also cited for four (4) repeat violations, including failing to maintain an accurate/complete/timely acquisition and disposition record which resulted in (b)(6) firearms being reported as missing from the inventory. Licensee's previous compliance inspection in 2018, a total of (b)(6) firearms were reported as missing from inventory.

Licensee was cited for six (6) violations of the GCA:

1. 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers (b)(6) instances) (REPEAT VIOLATION FROM 2018 INSPECTION)
2. 27 CFR 478.129(b): Failure to Retain an ATF Form 4473 (b)(6) instance)
3. 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms (b)(6) instances (b)(6) firearms reported missing) (REPEAT VIOLATION FROM 2018 INSPECTION)
4. 27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF Form 4473 (b)(6) instances) (REPEAT VIOLATION FROM 2018 INSPECTION)
5. 27 CFR 478.124(c)(1): Failure to obtain a complete ATF Form 4473 (b)(6) instances)(REPEAT VIOLATION FROM 2018 INSPECTION)
6. 27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person

Onsite Work Summary:

Total # of ATF F 4473 Reviewed = (b)(6)

Total # of Open Dispositions in A & D Record = (b)(6)

Total # of Firearms in Inventory = 270

Total # of Firearms Missing after Reconciliation = (b)(6)

Total # of Acquisitions in the Last 12 Months = (b)(4)

Total # of Dispositions in the Last 12 Months = (b)(4)

Industry Operations Investigator: (b)(6) Recommendation: Revocation

Details:

An unannounced recall inspection was conducted beginning May 10, 2021. General Manager (b)(6) and store employee (b)(6) were present during the inspection. Responsible person Jon Wisler was present (b)(6). The licensee has held a Type 01 dealer license since 2012. The inspection period was 5/10/2020 to 5/10/2021.

(b)(3) (112 Public Law 55 125 Stat 552) ATF Forms 4473 were reviewed, and 270 firearms were inventoried. The licensee was cited for the following violations:

- 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers (REPEAT VIOLATION FROM 2018 INSPECTION)
- 27 CFR 478.129(b): Failure to Retain an ATF Form 4473
- 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms (REPEAT VIOLATION FROM 2018 INSPECTION)
- 27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF Form 4473 (REPEAT VIOLATION FROM 2018 INSPECTION)
- 27 CFR 478.124(c)(1): Failure to obtain a complete ATF Form 4473 (REPEAT VIOLATION FROM 2018 INSPECTION)
- 27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person

Revocation is warranted due to the licensee transferring a firearm to a prohibited person while knowing, or having reasonable cause to believe that the transferee was a prohibited person. The licensee transferred a firearm to a non-immigrant alien who did not have an exception to the non-immigrant alien prohibition which prohibits non-immigrant aliens in the United States from purchasing, receiving, or possessing a firearm.

Other factors taken into consideration when making this recommendation include the fact that this was the licensee's third compliance inspection. The licensee has held the license since 2012. The licensee was subject to a DIO Held Warning Conference ILO Revocation on January 7, 2019. The current inspection revealed four repeat violations, most notably, failing to maintain an accurate/complete/timely acquisition and disposition record which resulted in (b)(6) firearms being reported as missing from inventory on an ATF Form 3310.11. During the licensee's previous compliance inspection in 2018, a total of (b)(6) firearms were reported as missing from inventory. Because the licensee was the subject of a DIO Held Warning Conference ILO Revocation in 2019, the repeat violations, and the addition of a violation involving the transfer of a firearm to a prohibited person, indicate that the licensee does not fully comprehend the seriousness of the violations or the consequences of continued non-compliance.

Inspection History:

Date of Inspection: 8/28/18

Type of Inspection: Compliance

UI#: 773035-2018-0048

Inspection Results: DIO Held Warning Conference in Lieu of Revocation

Violations Cited: 27 CFR 478.126a, 27 CFR 478.99(a), 27 CFR 478.102(a), 27 CFR 478.21(a), 27 CFR 478.125(e), 27 CFR 478.124(c)(1), 478.124(c)(3)(i), 478.124(c)(3)(iv), 27 CFR 478.124(c)(5), 27 CFR 478.131(a)(2), 27 CFR 478.124(a)

Date of Inspection: 8/20/13

Type of Inspection: Compliance

UI#: 773015-2013-0504

Inspection Results: No Violations, No Referrals

Cited Violations: None

Date of Inspection: 8/27/13

Type of Inspection: Amended Qualification

UI#: 773015-2013-0503

Inspection Result: Application Approved

Cited Violations: None

Date of Inspection: 5/9/12

Type of Inspection: Qualification

UI#: 773015-2012-0408

Inspection Result: Application Approved

Cited Violations: None

Inspection Findings

Records and Forms

- 11. Failure to retain required GCA records for transferred firearms for period of time specified by regulation.

Transfer of Firearm

- 4. Transfer of a firearm to a prohibited person while knowing or having reasonable cause to believe that the transferee is a prohibited person.

Firearms

- 1. Missing firearms after inventory reconciliation (e.g., no records of disposition, required or otherwise).

ELIGIBILITY VERIFICATION

Business Information Verification

Property Ownership Verification

Premises Ownership Type Owned	Premises Location Type Store Front	Has the property ownership been verified? Yes
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Address

(b)(6)

Additional Findings

Attachment(s):

Auditor: (b)(6)

Trade Name/DBA Verification

Trade Name/DBA: AUMILLER GUN SHOP
 Is the trade name/DBA registered?: Yes

Additional Findings:

Trade name is registered and active with State of Ohio

Attachment(s):

Sec State Trade Name Aumiller Gun Shop.pdf

Zoning Information Verification

Is the proposed business activity in compliance with zoning?

Yes

Additional Findings:

Email from (b)(6) on 2/27/20 - Business premises remains in compliance with zoning.

Contact Information

Name: (b)(6) Date Contacted: 02/27/2020

Organization: City of Westerville

Job Title: Planner

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

Email Address	Email Remarks
(b)(6)	

Online Presence Type	Online Presence URL	Remarks
Website	westerville.org	

Attachment(s):

Zoning Re_ 1 W Main Street, Westerville, OH 43081.pdf

APPOINTMENT DETAILS

Interview Date:

05/10/2021

Address:

(b)(6)

Responsible Attendee(s)

JONATHAN ROBERT WISLER

Non-Responsible Person(s)

(b)(6) (Deactivated)

RESPONSIBLE PERSON(S)

JONATHAN ROBERT WISLER

Name: JONATHAN ROBERT WISLER Gender: Male Race: White Ethnicity: Not Hispanic or Not Latino

Date of Birth: (b)(6) SSN: (b)(6) Job Title: OWNER

Physical Identifiers

Height: (b)(6) Weight: (b)(6) Hair Color: Brown Eye Color: Brown

Place of Birth

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

Home Address

(b)(6)

Additional Names

Citizenship

United States

ID Type	Country	State	ID Number
Driver's License	United States	Ohio	(b)(6)
Phone Type	Phone Number	Remarks	
Mobile	(b)(6)		
Email Address	Email Remarks		
aumillergunshop@gmail.com			
Online Presence Type	Online Presence URL	Remarks	
Website	aumillergunshop.com		

Criminal History Check

Date Criminal History Check Conducted
02/27/2020

Criminal History Check Comments
Deconfliction conducted on 4/26/21, through ATF CE/Intel, and on 4/29/21 through NFORCE/NCIC/NLETS, with negative results.

NON-RESPONSIBLE PERSON(S)

(b)(6)

Name	Date of Birth	Job Title
(b)(6)	(b)(6)	General Manager

ID Type	Country	State	ID Number
Driver's License	United States	Ohio	(b)(6)
Phone Type	Phone Number	Remarks	
Business	+1 614-891-0656		
Email Address	Email Remarks		
aumillergunshop@hotmail.com			
Online Presence Type	Online Presence URL	Remarks	
Website	aumillergunshop.com		

INTERVIEW QUESTIONNAIRE

What is the proposed business activity?
Sales of new and used handgun, long guns, and receivers. Licensee also (b)(3)(26 USC § 6103) firearms. Licensee offers gunsmithing services to the general public.

Do they need an additional license or permit?
No

Who are their primary suppliers?
Accusport

Business Activities

Selected Operational Security Measures

Controlled Access to ATF Recordkeeping

(b)(3)(26 USC § 6103)

Retail
Gunsmith

PREMISES INFORMATION

Inspection Area Description
Storefront location in uptown Westerville. Licensee also maintains off-site storage at his residence (b)(6)

Primary Activity

GPS Coordinates

Latitude

40.12655

Longitude

-82.93210

ONSITE SUMMARY

Total # of ATF F 4473 Reviewed

Total # of Open Dispositions in A & D Record

Total # of Firearms in Inventory

270

Total # of Firearms Missing after Reconciliation

Total # of Acquisitions in the Last 12 Months

(b)(4)

Total # of Dispositions in the Last 12 Months

(b)(4)

NFA Documents Verified

Additional Comments

An unannounced recall inspection was conducted beginning May 10, 2021. General Manager (b)(6) and store employee (b)(6) were present during the inspection. Responsible person Jon Wisler was present at the off-site storage location. The licensee has held a Type 01 dealer license since 2012. The inspection period was 5/10/2020 to 5/10/2021.

The licensee maintain (b)(6) (b)(6) A full inventory was conducted and 270 firearms in inventory were compared to open entries in the bound book. There were (b)(6) discrepancies discovered during the inventory (b)(6) of the discrepancies were reconciled utilizing ATF Forms 4473 and dealer invoices. The (b)(6) discrepancies were found to be untimely dispositions (b)(6) of the discrepancies could not be reconciled. The unreconciled firearms were reported as missing from inventory on ATF Form 3310.11. The ATF Form 3310.11 was submitted to the tracing center on 5/28/21. The ATF Issued Incident Number is (b)(6) The licensee was directed to log the firearms out the A&D record, referencing the ATF Issued Incident Number. As a result of the untimely dispositions, and the missing inventory, the licensee was cited for violation of 27 CFR 478.125(e) (REPEAT VIOLATION FROM 2018 INSPECTION).

(b)(3)(26 USC § 6103) were in inventory and were compared to the bound book, the (b)(3)(26 USC § 6103) No discrepancies were noted. The licensee is up to date with (b)(3)(26 USC § 6103)

For the past 12 months, there were (b)(6) Forms 4473 on hand. Each 4473 was reviewed. The following discrepancies or errors were noted:

(b)(6) inreported multiple sales involving (b)(6) firearms were discovered while reviewing 4473's. The FFL was directed to immediately report the multiple sales on ATF Form 3310.4. The multiple sales were subsequently reported on 5/14/21. As a result of the unreported multiple sales, the licensee was cited for violation of 27 CFR 478.126a (REPEAT VIOLATION FROM 2019 INSPECTION).

In (b)(6) instances involving (b)(6) Forms 4473, the licensee failed to obtain a completed ATF Form 4473. IOI (b)(6) noted that on (b)(6) occasion the licensee transferred a firearm to a customer who failed to respond to prohibited person category questions 21f through 21.1.2 (b)(6) On another occasion, a customer (b)(6) marked "Yes" to question 21.1.2 (exception to non-immigrant alien prohibition) but provided no documentation to the licensee. Upon further investigation, it was determined that (b)(6) did not have an exception to the non-immigrant alien prohibition. NCIC/NLETS queries on (b)(6) customers were negative. As a result of the violations, the licensee was cited for violation of 27 CFR 478.124(c)(1) (REPEAT VIOLATION FROM 2018 INSPECTION).

In (b)(6) instance, the licensee failed to retain an ATF Form 4473. The FFL audit log was obtained, and 179 recent transactions were compared to ATF Forms 4473 on hand with (b)(6) discrepancy noted. While checking NTN's associated with ATF Forms 4473, the 4473 associated with NTN 10202PR51 could not be located. The NICS audit log shows that the NTN was created on 4/21/21, at 3:38 p.m., and was a "Proceed". As a result of not retaining the ATF Form 4473, the licensee was cited for violation of 27 CFR 478.129(b).

In (b)(6) instances, the licensee failed to obtain government issued documentation when the primary identification document did not show the current residence address of the purchaser. In these instances, the licensee accepted non-government issued documentation. As a result, the licensee was cited for violation of 27 CFR 478.124(c)(3)(i). (REPEAT VIOLATION FROM 2018 INSPECTION).

In (b)(6) instance, the licensee transferred a firearm to a prohibited person. While reviewing ATF Forms 4473, IOI (b)(6) noted a handgun transfer to customer

(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)

(b)(3) (112 Public Law 55 125 Stat 552), (b)(6)

(b)(3) (112 Public Law 55 125 Stat 552), (b)(6) On 5/18/21, IOI (b)(6) queried the NTN through LEEP (e-check) and verified that the NTN was valid and created on 9/22/20.

On 5/18/21, IOI (b)(6) contacted IRS (b)(6) and requested a citizenship verification for (b)(6) provided documentation showing that (b)(6) was lawfully admitted to the United States as a non-immigrant. The documentation indicates that (b)(6) was admitted on (b)(6) According to the Homeland Security website, P1 visas are for persons who internationally recognized athletes or entertainers. IOI (b)(6) conducted an internet search for (b)(6) and noted that (b)(6)

On 5/18/21 (b)(6) was queried through Accurant to determine if he currently or previously held a hunting license, which is an exception to the nonimmigrant alien prohibition. Accurant queries were negative for any record of a hunting license. On 5/18/21 (b)(6) was queried through NCIC/NLETS/NFORCE, with negative results.

According to (b)(6) the firearm was an incoming transfer (b)(6) advised that (b)(6) purchased the firearm from FFL Mutiny Group LLC dba Kit Resource (1-62-10561). (b)(6) requested that the firearm be transferred to Aumiller Gun Shop.

As a result of the transfer to an apparent prohibited person, IOI (b)(6) submitted a referral to criminal enforcement. The Spartan report number is SAR-763. The referral was assigned to SA (b)(6) the Columbus CE group. The NFORCE case number is 773040-21-0002.

On 5/28/21, IOI (b)(6) spoke to SA (b)(6); SA (b)(6) advised that he had been in contact with (b)(6). According to SA (b)(6) indicated that he was unaware that he was prohibited from purchasing a firearm. SA (b)(6) advised that (b)(6) appeared to not be familiar with the exceptions required for a non-immigrant to be eligible to purchase or possess a firearm in the United States. (b)(6) advised SA (b)(6) that he would return the firearm to Aumiller Gun Shop.

On 5/28/21, IOI (b)(6) confirmed with (b)(6) that (b)(6) had returned the firearm to the store. On 6/1/21, (b)(6) provided IOI (b)(6) with a copy of the A&D book showing the FFL re-acquiring the firearm. On 5/27/21, (b)(6) further provided photos of the firearm and serial number to IOI (b)(6). IOI (b)(6) forwarded the A&D book entries and the photos to SA (b)(6). As a result of the violation, the licensee was cited for violation of 27 CFR 478.99(c).

During the course of the inspection, General Manager (b)(6) advised IOI (b)(6) that in order to train new employees on how to run NICS checks, new employees would fill out an ATF Form 4473 and call in a NICS check on themselves. (b)(6) advised that this was done for training purposes, and not to conduct an actual firearm transfer. (b)(6) stated that ATF Forms 4473 labeled "Not Delivered", were the 4473's that were used for NICS training. While reviewing ATF Forms 4473 from the past twelve months, IOI (b)(6) discovered ATF Forms 4473 labeled "Not Delivered" that were used for NICS training. (b)(6) confirmed that these forms were not actual transfers, but were used to train the employee listed on the 4473 on how to call into the NICS system. IOI (b)(6) advised (b)(6) to cease this practice, as it was considered a misuse of the NICS system. IOI (b)(6) also advised Mr. Wisler that this was not an appropriate use of the NICS system.

IOI (b)(6) prepared a referral to NICS ATF Liaison (b)(6) advise of the misuse of the NICS system. The Spartan referral number is R-1624.

The licensee has not had any recent thefts or losses of firearms, and no trafficking indicators or illegal firearms were discovered. There were (b)(6) firearms traces in the last 12 months. No unsuccessful traces were noted.

Attachment(s)

Report of Violations.pdf

Report of Violations.pdf

Licensee Response to Violations Report.pdf

Firearm Theft Loss List.pdf

REPORT OF VIOLATIONS

Regulation	Corrective Actions	Instance Details
<p>1</p> <p>27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473 (b)(6) Number of Instances (b)(6)</p>	<p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection.</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>
<p>2</p> <p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473 (b)(6) Number of Instances (b)(6)</p>	<p>Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552)</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 (b)(6)</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 disposition information.</p> <p>Resume proper maintenance of required acquisition and disposition record.</p> <p>Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)</p>

		(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)	
4	<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section C (2020 Version)</p> <p>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p> <p>Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
5	<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>Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)
6	<p>27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>On all future transactions to non-immigrant aliens, obtain documentation showing an exception to the non-immigrant alien prohibition, record the information in block 26.d., and attach the documentation to the ATF Form 4473.</p> <p>Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited.</p>	(b)(3) (112 Public Law 55 125 Stat 552),(b)(6)

THEFT/LOSS REPORT

Acquisition Date	Type	Manufacturer	Importer	Model	Caliber/Gauge	Serial Number
(b)(3) (112 Public Law 55 125 Stat 552)						

LICENSEE RESPONSE REPORT

Regulation	Corrective Actions	Licensee Response	Status Details
<p>1 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for all non-reported multiple sales identified as a result of this inspection.</p> <p>Complete and submit ATF Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) by close of the same business day, for all applicable future multiple sales.</p>	<p>General Manager [] (b)(6) acknowledged that he knew that multiple handgun sales needed to be reported by the close of business on the day the multiple sale takes place. Mr. Mundt immediately prepared ATF F 3310.4's for the unreported multiple sales and submitted them.</p> <p>Mr. Wisler stated that he would be providing additional training for his employees.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 06/01/2021</p>

<p>27 CFR 478.129(b): Failure to retain ATF F 4473</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Retain ATF Forms 4473 for a period of not less than 20 years after the date of sale or disposition.</p>	<p>(b)(6) assisted IOI (b)(6) with searching for the missing Form 4473. (b)(6) had no explanation for why the 4473 would not be filed with the other ATF Forms 4473. (b)(6) stated, "I don't have an answer for you." Mr. Wisler appeared surprised that the 4473 could not be located. Mr. Wisler stated that he understood what the violation was and why it was cited.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/17/2021</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: []</p>	<p>Accurately, completely & timely record all required future firearm disposition information. Amend/Update A&D Record to accurately record all required firearm disposition information. Resume proper maintenance of required acquisition and disposition record. Complete and submit ATF Form 3310.11 - Firearms Inventory Theft/Loss Report.</p>	<p>(b)(6) stated that the untimely dispositions were "on him", as he is in charge of the acquisition and disposition record. (b)(6) stated that these firearms simply did not get logged out. (b)(6) worked diligently to reconcile the untimely dispositions. (b)(6) expressed surprise, concern and agitation when three of the firearms could not be reconciled. (b)(6) was cooperative in getting the firearms reported to local law enforcement and assisting with getting the ATF Form 3310.11 completed. Mr. Wisler acknowledged the seriousness of the missing firearms. Mr. Wisler stated that he would be having a conversation with (b)(6) about ensuring that the A&D record was up to date and accurate. Mr. Wisler stated that the store may begin doing a weekly self-audit, similar to an ATF inspection, to ensure that similar violations do not occur in the future. Mr. Wisler asked IOI (b)(6) what other FFL's do to better manage their A&D records.</p>	<p>Status Correction Verified</p> <p>Verified Method In Person</p> <p>Date Correction Verified 05/17/2021</p>
<p>27 CFR 478.124(c)(3)(i): Failure to verify or record Identification document on ATF F 4473</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section C (2020 Version) Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions. Ensure that all required transferee/buyer identification information is obtained, validated and accurately recorded on all future ATF Forms 4473, Section B.</p>	<p>(b)(6) stated, "There is a pattern here, he knows better", when he saw the name of the employee who completed all of the Forms 4473 associated with this violation. Mr. (b)(6) stated that he would have a conversation with the employee about getting proper supplemental government issued documentation. Mr. Wisler stated that this particular employee appears to account for a large number of the violations. Mr. Wisler stated that this employee would be re-trained in proper procedures on completing the ATF Form 4473.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/17/2021</p>
<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. Execute and retain a complete and accurate ATF Form 4473 on all future firearm transactions.</p>	<p>(b)(6) stated that he would have a conversation with the employee who completed these 4473's. Mr. Wisler stated that the employee who completed the 4473 would get additional training.</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/17/2021</p>
<p>27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person</p> <p>ATF Forms 4473: [] Number of Instances: []</p>	<p>On all future transactions to non-immigrant aliens, obtain documentation showing an exception to the non-immigrant alien prohibition, record the information in block 26.d., and attach the documentation to the ATF Form 4473. Cease and desist all firearm transfers to a known prohibited person and/or any person having reasonable cause to believe is prohibited.</p>	<p>(b)(6) stated that under no circumstances would a firearm be knowingly transferred to a prohibited person. (b)(6) stated that he believes that there may have been confusion or a misunderstanding involving (b)(6) non-immigrant status and the need for an exception to the non-immigrant alien prohibition. Mr. Wisler expressed concern about the transfer and acknowledged the seriousness of the violation. Mr. Wisler stressed that his employees would not knowingly transfer a firearm to a prohibited person. Mr. Wisler stated that he understood the violation and why it was being cited. Mr. Wisler emphasized that this violation was not committed intentionally. Mr. Wisler</p>	<p>Status Licensee Notified</p> <p>Verified Method In Person</p> <p>Date Licensee Notified 05/17/2021</p>

stated that transfers to permanent residents and non-immigrants are rare and that his employees would be getting additional training in regards to these types of transfers. Mr. Wisler repeatedly stated that this particular violation was worrisome and stressed to IOI (b)(6) that they did not knowingly intend to transfer a firearm to a prohibited person. Mr. Wisler stated that he believes that after a NICS check was done and a "delay" and subsequent "proceed" was granted, that the employee most likely thought that there were no issues with the transfer of the firearm to the customer.

REFERRAL(S)

ID	Status	Agency	Outcome
R-1624	Referral Approved	Federal Bureau of Investigation	Referral sent

CLOSING CONFERENCE

(6/3/2021)

06/03/2021

Attachment(s)

Attendee(s)

JONATHAN ROBERT WISLER

WARNING CONFERENCE

Scheduling Letter

Assigned To

(b)(6)

Delivery Method

Certified Mail

Tracking Number

(b)(6)

Date Sent

10/01/2021

Date Delivered

10/01/2021

Certified Mail Return Slip

Attachment

Date/Time

Wisler Confirmation of Receipt of WC Email.pdf

10/07/2021 12:53 PM

Conference Details

Warning Conference Lead

Judyth Ledoux

Conference Date/Time

10/14/2021 10:00 AM

Conference Address

230 West St, Unit N/A, Columbus, Ohio 43215

Representing ATF

Judyth Ledoux and (b)(6)

Responsible person(s) representing the licensee

JONATHAN ROBERT WISLER

Follow-Up Letter Details

1. Violation of 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers.
2. Violation of 27 CFR 478.129(b): Failure to retain an ATF Form 4473.
3. Violation of 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms
4. Violation of 27 CFR 478.124(c)(3)(i): Failure to verify or record identification document on ATF Form 4473
5. Violation of 27 CFR 478.124(c)(1): Failure to obtain a complete ATF Form 4473.

In response to these violations, Mr. Wisler stated that the store will begin doing self-audits in order to reduce and eliminate these types of violations. Mr. Wisler acknowledged that he understood what supplemental government documentation was acceptable for a customer to prove their current residence address on the ATF Form 4473. IOI (b)(6) suggested having a second store employee review the completed ATF Form 4473 prior to transferring a firearm. IOI (b)(6) also suggested performing regular inventories. DIO LeDoux suggested increased training for store employees, and the use of contrasting color ink on handwritten ATF Forms 4473, so that errors could more easily be identified while the form was being reviewed. Mr. Wisler agreed with the suggestions and stated that steps would be taken to address the violations.

6. Violation of 27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person:

In response to this violation, Mr. Wisler stated that the store will use discretion if the firearm involves a transfer to a non-U.S. citizen. DIO LeDoux reiterated the seriousness of the violation including the consequences of continued non-compliance. Mr. Wisler acknowledged that he understood the seriousness of the violation.

Follow-Up Letter

Delivery Method

Certified Mail

Certified Mail Return Slip

Attachment	Date/Time
DIO WC Follow Up Letter Confirmation of Receipt Wisler.pdf	10/19/2021 12:21 PM

EXHIBITS

Inspection

Category	Attachment Name
Correspondence	Spartan Notification RE: 4-31-03789 Inspection Results
WarningConferenceFollowUpLetterReturnSlip	DIO WC Follow Up Letter Confirmation of Receipt Wisler.pdf
WarningConferenceFollowUpLetter	Follow Up Letter.pdf
WarningConferenceLetterReturnSlip	Wisler Confirmation of Receipt of WC Email.pdf
WarningConferenceSchedulingLetter	Scheduling Letter.pdf
Correspondence	Spartan Notification RE: 4-31-03789 Monitored Case
Correspondence	Spartan Notification RE: 4-31-03789 Monitored Case
Correspondence	Spartan Notification RE: 4-31-03789 Monitored Case
Correspondence	DIO Judyth Ledoux Returned Inspection FCI-15951
Correspondence	
Correspondence	Spartan Notification RE: 4-31-03789 Monitored Case
Correspondence	Spartan Notification RE: 4-31-03789 Monitored Case
Correspondence	Spartan Notification RE: 4-31-03789 Monitored Case
Correspondence	Spartan Notification RE: 4-31-03789 Monitored Case
Correspondence	Spartan Notification RE: 4-31-03789 Inspection Results
ZoningVerification	Zoning Re_1 W Main Street, Westerville, OH 43081.pdf
Correspondence	Information Concerning Your Federal License/Permit
ViolationCorrection	(b)(6) Original A&D Acquisition and Dispo and Return and Images.pdf
ViolationCorrection	Untimely Dispo and Correction (b)(3)(26 USC § 6103)
ViolationCorrection	Unreported Mult Sales and Correction Documents Wisler.pdf
ViolationCorrection	A&D Book Untimely Dispos Corrections Wisler.pdf
LicenseeResponseToViolationsPDF	Licensee Response to Violations Report.pdf
ClosingConferenceSummary	Acknowledgment of Regulations.pdf
Correspondence	
Correspondence	Information Concerning Your Federal License/Permit
ViolationsPDF	Report of Violations.pdf
ViolationsPDF	Report of Violations.pdf
Correspondence	
Correspondence	Action Required Concerning Your Federal Firearms Compliance Inspection
FirearmTheftLossList	Firearm Theft Loss List.pdf
TradeNameVerification	Sec State Trade Name Aumiller Gun Shop.pdf
PropertyOwnershipVerification	Auditor Wisler.pdf

SAR-763

Category	Attachment Name
Correspondence	Industry Operations Report of Suspicious Activity(SAR-763)

R-1624

Category	Attachment Name
ReferralDocument	Referral.pdf
Correspondence	Referral of Information from the Bureau of Alcohol, Tobacco, Firearms and Explosives



September 28, 2021

WARNING CONFERENCE

JONATHAN ROBERT WISLER
AUMILLER GUN SHOP

(b)(6)

Re: Federal Firearms License Number: 4-31-03789

JONATHAN ROBERT WISLER,

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 (b)(6) on 5/10/2021 through 06/03/2021, 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 230 West St, Unit N/A, Columbus, Ohio 43215 on 10/14/2021 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 (b)(6) or me at (b)(6) 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,
Judyth Ledoux
Director Industry Operations
Columbus Field Division



October 14, 2021

WARNING CONFERENCE FOLLOW UP

JONATHAN ROBERT WISLER
AUMILLER GUN SHOP

(b)(6)

Re: Federal Firearms License Number: 4-31-03789

JONATHAN ROBERT WISLER ,

This letter is a follow-up to the warning conference held with you on October 14, 2021 at 10:00 AM. During this conference, the violations cited during the inspection conducted on 5/10/2021 through 6/3/2021 , and the necessary corrective action to prevent the violations from reoccurring were discussed. The following people were in attendance:

Representing the ATF Columbus Field Division Field Division: Judyth Ledoux and (b)(6)
Responsible person(s) representing the licensee: JONATHAN ROBERT WISLER

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:

1. Violation of 27 CFR 478.126a: Failure to report multiple sales or other dispositions of pistols and revolvers.
2. Violation of 27 CFR 478.129(b): Failure to retain an ATF Form 4473.
3. Violation of 27 CFR 478.125(e): Failure to maintain an accurate/complete/timely acquisition and disposition record of firearms
4. Violation of 27 CFR 478.124(c)(3)(i): Failure to verify or record identification document on ATF Form 4473
5. Violation of 27 CFR 478.124(c)(1): Failure to obtain a complete ATF Form 4473.

In response to these violations, Mr. Wisler stated that the store will begin doing self-audits in order to reduce and eliminate these types of violations. Mr. Wisler acknowledged that he understood what supplemental government documentation was acceptable for a customer to prove their current residence address on the ATF Form 4473. IO (b)(6) suggested having a second store employee review the completed ATF Form 4473 prior to transferring a firearm. IO (b)(6) also suggested performing regular inventories. DIO LeDoux suggested increased training for store employees, and the use of contrasting color ink on handwritten ATF Forms 4473, so that errors could more easily be identified while the form was being reviewed. Mr. Wisler agreed with the suggestions and stated that steps would be taken to address the violations.

6. Violation of 27 CFR 478.99(c): Unlawful sale or delivery of a firearm to a prohibited person:

In response to this violation, Mr. Wisler stated that the store will use discretion if the firearm involves a transfer to a non-U.S. citizen. DIO LeDoux reiterated the seriousness of the violation including the consequences of continued non-compliance. Mr. Wisler acknowledged that he understood the seriousness of the violation.

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,
Judyth Ledoux
Director Industry Operations
Columbus Field Division