

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RED'S TRADING POST, INC.,)	
)	
Petitioner,)	No. CV-7-00090
)	SECOND
v.)	DECLARATION OF CALEB RUSHING
)	IN SUPPORT OF NOTICE OF
)	SUBSEQUENT VIOLATIONS
CALEB RUSHING, Industry)	
Operations Investigator, Bureau of)	
Alcohol, Tobacco, Firearms and)	
Explosives)	
)	
Respondent.)	
_____)	

I, CALEB RUSHING, declare:

1. I have worked for nearly 3 years in the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and its predecessors-in-interest. I make this declaration from my own personal knowledge. If called as a witness, I could and would competently testify to the contents of this declaration.
2. I am currently working for ATF as an Industry Operations Investigator(IOI) for the Seattle Field division encompassing the states of Alaska, Hawaii, Idaho, Oregon and Washington as well as the Pacific Trust Territories and Guam. An IOI conducts inspections to assess firearms and explosives industry compliance with the Gun Control Act and the Violent Crime Control Act of 1970.
3. In June of 2005, I commenced an inspection of Red's Trading Post (Red's) at its licensed

business location in Twin Falls, Idaho. During the course of the inspection I found a number of repeat violations of the Gun Control Act and its implementing regulations.

4. I found Red's Acquisition & Disposition (A&D) record to contain omissions of required information, a violation of 27 C.F.R. § 478.125(e). During the course of the inspection, I verbally instructed the licensee that the information maintained in their A&D record for non-licensee or FFL transactions needed to contain all the required information. I did not cite them for these violations because they had already been cited for six instances of violating 27 C.F.R. § 478.125(e), having failed to record the disposition of firearms in the time frame required by statute.

5. I found Red's filing system of Firearms Transaction Records (ATF Forms 4473) to be a hybrid of what is allowed by regulation; 27 C.F.R. § 478.124(b) requires a dealer to retain their records alphabetically, chronologically, or numerically. Red's employed a filing system wherein the forms were filed alphabetically and chronologically; I did not cite them for this violation because their system complied with the regulation as I understood it at the time.



CALEB RUSHING
Industry Operation Investigator
Seattle Field Division
Bureau of Alcohol, Tobacco,
Firearms and Explosives
United States Department of Justice

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 5th day June, 2007, the **Second Declaration of Caleb Rushing in Support of Notice of Subsequent Violations** was electronically filed with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

Richard E. Gardiner
regardiner@cox.net

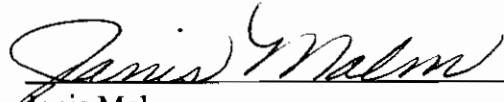
Mark S. Geston
msgeston@stoel.com

J. Walter Sinclair
jwsinclair@stoel.com

And, I hereby certify that the following listed non-registered CM/ECF participants were served by:

- United States Mail, postage prepaid
- Hand-delivery
- Facsimile transmission (fax)

None



Janis Malm
Legal Assistant