

IN THE UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA, :

Mag. No. B-86-0068-M

Plaintiff, :

Case No.

VS. :

American Research & Development Co, Inc.:

3386 West 1987 South

WARRANT FOR INSPECTION

Salt Lake City, Utah 84104 :

AND EXAMINATION UNDER THE

GUN CONTROL ACT OF 1968

Defendant. :

To STEVEN J. BAUER AND/OR ANY OTHER AUTHORIZED SPECIAL AGENT OF THE
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS:

Application having been made, and probable cause shown Steven J.
Bauer, Special Agent, Bureau of Alcohol, Tobacco and Firearms, for an
inspection and examination of the records, firearms and ammunition
maintained by or in the possession of American Research and Development
Co., Inc., a licensed dealer in firearms.

Pursuant to the Gun Control Act of 1968 [18 U.S.C. Section 923(g)]
you are authorized to enter the above described premises (including places
of storage) during business hours, and inspect and examine (1) any

records or documents required to be kept by such licensee under the provisions of Chapter 44, 18 U.S.C., and (2) any firearms kept or stored by such licensee at such premises.

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This warrant shall be executed and returned within ten days after its date. The return shall be accompanied by a written inventory of any firearms or records seized.

Dated: 30 May 1986

United States Magistrate

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APPLICATION FOR INSPECTION

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Defendant.

:

To the United States Magistrate, United States District Court for
the Central District of Utah:

Steven J. Bauer, a duly authorized special agent of the Bureau of
Alcohol, Tobacco and Firearms, Department of the Treasury, hereby applies
for an inspection and examination warrant, to conduct an inspection and
examination, as authorized by 18 U.S.C. Section 923(g), for the inspection
and examination of the records, firearms and ammunition maintained by or in
the possession of American Research and Development Co., Inc., licensed
dealer in firearms located at 3386 West 1987 South. Salt Lake City, Utah
84104, in the Central District of Utah.

1. Such "Licensee holds License No. 9-87-018-07-G8-07168 with
expiration date 7/1/88, as a Manufacturer of Firearms other than Destructive
devices.

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2. On May 29, 1986, during normal business hours, Special
Agent Steven J. Bauer, Bureau of Alcohol, Tobacco and Firearms was denied
entry to American Research and Development Co., Inc. at 3386 West 1987 South,

Salt Lake City, Utah 84104. Special Agent Bauer had identified himself and stated that his purpose was to inspect firearms. Special Agent Bauer was acting on directions of the Chief of the National Firearms Act Branch to inspect 1,000 model Am 180 machine guns which American Research and Development Co., Inc. reported they had produced on May 15, 1986. This action was to be done in response to an amendment to the Gun Control Act of 1968, effective May 19, 1986, which prohibits the production or manufacture of machine guns. The purpose of the inspection was to confirm the existence of the aforementioned 1,000 machine guns. Special Agent Bauer was instructed by the female employee at American Research and Development Co., Inc. to contact Charles Goff, President, for an appointment.

3. On May 29, 1986, at approximately 2:30 p.m., Special Agent Bauer called American Research and Development Co., Inc., identified himself, and spoke with the female employee previously mentioned. The employee stated that Mr. Goff was not in the office but was expected to arrive soon. Mr. Goff was requested to call Special Agent Bauer upon his arrival. No phone call from Mr. Goff was received on May 29, 1986.

4. On May 30, 1986, at approximately 10:35 am., Special Agent Bauer called American Research and Development Co., Inc. and asked for Mr. Goff. The female answering the call asked the identity of the caller. Special Agent Bauer identified himself, at which time the female stated she would ascertain if Mr. Goff was in. Approximately 2 minutes later, the female advised Mr. Goff was in "transit" and would return the phone call when he arrived.

5. On May 30, 1966, at approximately 11:50 a.m., special Agent, Bauer called American Research and Development Co., Inc. and asked if Mr. Goff had returned. The female answering the phone (the same person previously described) stated Mr. Goff was in "transit". When questioned, she stated that she did not know when Mr. Goff would return and further advised that she was the only person on the premises.

6. Records and firearms are kept and stored by such licensee at the above described address.

7. Such licensee is required to maintain records of the shipment, sale or other disposition of firearms at such place, in such form and for such period as the Secretary of Treasury prescribes by regulations. 18 U.S.C. Section 923(g) and 27 CFR Section 178.121, et seq.

8. Such licensee must make such records available for inspection at all reasonable times by the Secretary of the Treasury or his delegate. 18 U.S.C. Section 923(g).

9. Duly Authorized special agents may enter such licensee's premises (including places of storage) during business hours for the purpose of inspecting or examining (1) any records or documents required to be kept by such licensee under the provisions of Chapter 44, Title 18, United States Code or the regulations issued under that Chapter, and (2) any firearms or ammunition kept or stored by such licensee at such premises. 18 U.S.C. Section 923 (g) and 27 CFR Section 178.23. This authority was upheld in *United States v. Biswell*, 406 U.S. 311 (1972).

10. This is a statutorily authorized inspection and examination designed to assure compliance with the Gun Control Act, of 1968.

11. The inspection and examination will be conducted during business hours. The special agent's credentials will be displayed. The inspection and examination will begin as soon as practicable after the issuance of this warrant and will be completed with reasonable promptness.

12. The inspection and examination will be limited to such records and firearms as described above. The applicant-special agent may be accompanied by one or more duly authorized persons.

13. Any firearms or records involved in any violation of Chapter 44, Title 18, United States Code or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States may be seized pursuant to 18 U.S.C. Section 924(d), and *United States v. Petrucci*, 486 F.2d 329 (9th Cir. 1973).

14. A return and inventory of any records or firearms seized will be made to the Court at the completion of the inspection and examination.

15. The authority for the issuance of the inspection and examination warrant is 18 U.S.C. Section 923(g). See: *Camara v. Municipal Court*, 387 U.S. 523 (1967); and *See v. Seattle*, 387 U.S. 541 (1967) ; cf *Colonnade Catering Corp. v. United States*, 397 U.S. 72 (1970); and *Michigan v. Tyler*, 436 U.S. 499 (1978).

16. That I have been to the American Research and Development Company at 3386 West 1987 South, Salt Lake City, Utah, and observed the

aformentioned business to be located on the north side of 1987 South Street in a single story office building of concrete construction, tan in color. There is one glass entry door at the front of the building. The numbers "3386", silver in color, may be readily seen on the front of said building.

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SWORN AND SUBSCRIBED BY:

DATED: 30 May, 1986

STEVEN J. BAUER, Special Agent
Bureau of Alcohol, Tobacco and
Firearms

Sworn to before me, and subscribed in my presence on this 30th day of
May, 1986.

UNITED STATES MAGISTRATE