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Federal Agency To Review City's Gun Stings

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NEW YORK -- The Bureau of Alcohol, Tobacco and Firearms is examining the results of an unusual sting set up by the City of New York, in which private investigators recorded themselves purchasing handguns at shops in several states.

Acting independently of law enforcement, the investigators took hidden cameras into stores to test whether they would participate in a type of transaction known as a "straw purchase," where one person illegally buys a gun on behalf of someone else.

Black-market dealers routinely use straw buyers to acquire weapons on behalf of people barred from owning guns, like convicted felons.

The exercise was conducted primarily to support a civil lawsuit, filed by the city last week, accusing 15 gun shops in five states of repeatedly selling to questionable buyers.

William G. McMahon, special agent in charge of the ATF's New York field division, announced Friday that the agency would review the intelligence gathered by the city and target any federally licensed firearms dealers who broke the law.

In a twist, ATF's inquiry will also include a review of whether the city acted legally in setting up the sting.

Several gun-rights advocates have questioned whether the city itself broke firearms rules or committed fraud by attempting to simulate straw sales in other states.

During the sting, undercover investigators working for the James Mintz Group visited shops that had a history of selling guns later used to commit a crime.

A male investigator posed as the actual purchaser of the firearm -- interacting with sales clerks and examining merchandise -- while a female companion stood nearby and acted disinterested.

When the time came to make the sale, the woman stepped in to fill out paperwork registering herself as the legal owner.

Many merchants refused the sale, saying it looked fishy, but at least 15 went ahead with the transaction, the city said.

ATF spokesman Joseph Green said Friday that the actions of both the sellers and the undercover buyers would be examined.

"We are on a fact finding mission right now, and we told them we are going to have to look into what happened. We will have to look into whether any laws were violated," Green said.

Among the issues being explored: Did the investigators provide accurate information on ATF forms at the time of purchase and did they comply with laws requiring them to be residents of the states where they acquired the weapons?

John Feinblatt, criminal justice director for Mayor Michael Bloomberg, said the city took great care to structure the sting in a way that complied with all federal rules.

Between 1994 and 2001, the 15 shops named in the lawsuit sold at least 640 guns subsequently linked to crimes committed in New York, including several fatal shootings. The stores were in Georgia, Ohio, Pennsylvania, South Carolina and Virginia.

Police revealed Thursday that a similar sting conducted at shops within city limits had led to the arrest of two licensed firearms dealers on misdemeanor charges.

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