2009 TTB Expo Presentation

Changes to Report Regarding Your Bonded Wine Operations

Presented by
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National Revenue Center

Overview

- Types of Changes to Report to TTB
- Required Documentation and Timing for Reporting Changes
- Alternating Proprietorship Arrangements
- Discontinuance of Operations
- Types of Bonds and Maintaining Sufficient Bond Coverage
- Expo Presentation Referrals

Laws

- Internal Revenue Code (IRC)
  - Subtitle E – Alcohol, Tobacco, and Certain other Excise Taxes
  - Chapter 51 – Distilled Spirits, Wines, and Beer
  - Subchapter F – Bonded and Taxpaid Wine Premises

  http://www.access.gpo.gov/uscode/title26/subtitlee_chapter51_.html

- Federal Alcohol Administration Act (FAA Act)
  - http://www.access.gpo.gov/nara/cfr/waisidx_06/27cfrv1_06.html

IRC Regulations

- **Part 24 – Wine**
- Part 27 – Importing
- Part 28 – Exporting
- Part 31 – Wholesaling

FAA Regulations

Part 1 – Basic Permits

Part 4 – Labeling

Part 6 – Tied House

Part 8 – Exclusive Outlets

Part 9 – AVAs

Part 10 – Commercial Bribery

Part 11 – Consignment Sales

Part 12 – Foreign Nongeneric…

Part 13 – Labeling Proceedings

Part 16 – Health Warning Statement

General Rule

A change in any of the information in your current approved application requires an amended application

27 CFR 1.40 – 1.44
27 CFR 24.120

Common Amendments

- Addition/deletion of trade names
- Change/extension of premises
- Change of location
- Alternation of premises
- Alternating proprietors
- Change in officers and/or directors
- Change in proprietorship
- Change in stock control
- Signing authority
- Bonds

Addition and/or Deletion of DBA or Trade Names

- Trade names — “Bottled By” names
- Reported on — Letterhead request (if approved variance) or on TTB F 5100.18
- TTB F 5120.25, if not a permittee:
- Provide verification of registration if required by State or county
- Authorization letter, if bottling on account for another

27 CFR 1.40
27 CFR 24.122

Letterhead Variance Request

Company Name
Address
Telephone Number

Date

Registry Number
Permit Number

Director, National Revenue Center
Alcohol and Tobacco Tax & Trade Bureau
550 Main Street, Suite 8002
Cincinnati, OH 45202

Dear Sir or Madam:

In accordance with Industry Memorandum W-93-12, we herby request permission for a variance from regulations to file letterhead applications in lieu of amended notices, registrations or applications on TTB Forms for routine changes, such as:

- Additions or deletion of trade names
- Changes in Directors, Officers, Stockholders

Sincerely,

(Name and Title of person with signature authority)

Trade Name Letter

Company Name
Address
Telephone Number

Date

Registry Number
Permit Number

Director, National Revenue Center
Alcohol and Tobacco Tax and Trade Bureau
550 Main Street, Suite 8002
Cincinnati, Ohio 45202

Re: Trade Names

We wish to add the following trade name to our Basic Permit/Registration:

Trade Name:

For the account of:

Registration Statement: This name was registered with the (xxxx) County Clerk's office on (date).

Permit and Registry Numbers: xx-W-xxxx; BWN-xx-xxxx

We also wish to delete the trade name "xxxxx" from our permit, as we are no longer bottling with that name.

Sincerely,

(Name and title of person with signature authority)

TTB F 5100.18

OMB No. 1513-0019 (07/31/2008)

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)
APPLICATION FOR AMENDED BASIC PERMIT UNDER FEDERAL ALCOHOL ADMINISTRATION ACT
(See instructions after this page)

1. NAME OF PERMITTEE | 2. PERMIT NUMBER(S) TO BE AMENDED | 3. EMPLOYER IDENTIFICATION NUMBER

REASON FOR CHANGE

4. CHANGE NAME ON PERMIT | 5. CHANGE OPERATIONS | CHANGE OPERATIONS ON PERMIT TO

6. CHANGE IN TRADE NAME(S)
ADD NEW TRADE NAME(S) *(State the purpose for which each trade name will be used. Use of trade name as a ... requires additional approval on TTB F 5100.31.)*
REMOVE TRADE NAME(S)

7. CHANGE ADDRESS (ES)
CHANGE PREMISES ADDRESS TO *(Number, street, route, city or town, State, and ZIP Code)*
CHANGE MAILING ADDRESS TO *(Number, street, route, city or town, State, and ZIP Code OR P.O. Box, city or town, State, and ZIP Code)*

8. CHANGE IN OFFICER, DIRECTOR, STOCK-HOLDER OR INVESTOR *(See instruction 1)*
REMOVE
NAME
ADD THE FOLLOWING INDIVIDUAL *(Attach separate sheet if adding more than one person)*
a. FULL GIVEN NAME *(no initials)* | b. OTHER NAMES USED *(include maiden and married)* | c. ☐ MALE ☐ FEMALE
d. SOCIAL SECURITY NUMBER OR EMPLOYER IDENTIFICATION NUMBER | e. BIRTH DATE | f. PLACE OF BIRTH
g. ARE YOU A U.S. CITIZEN? ☐ YES ☐ NO | h. NUMBER AND TYPE OF SHARES HELD if person holds more than 10 percent.
i. TITLE WITH APPLICANT'S BUSINESS | j. INVESTMENT IN PERMITTEE'S BUSINESS if more than 10 percent of capital.
k. RESIDENCES OR PRINCIPAL PLACES OF BUSINESS DURING PAST 5 YEARS | (1) NEW $ | (2) SOURCE OF FUNDS *(examples, savings, loan, gift).*
l. HAS THIS PERSON EVER BEEN ARRESTED FOR, CHARGED WITH, OR CONVICTED OF, ANY CRIME UNDER FEDERAL, STATE OR FOREIGN LAWS *other than misdemeanor traffic violations or convictions that are not felonies under Federal or State law?*
☐ YES State details of each event on a separate sheet. ☐ NO
m. HAS THIS PERSON EVER BEEN DENIED A PERMIT, LICENSE OR OTHER AUTHORIZATION TO ENGAGE IN ANY BUSINESS TO MANUFACTURE, DISTRIBUTE, IMPORT, SELL, OR USE ALCOHOL PRODUCTS *(beverage or nonbeverage)* BY ANY GOVERNMENT *(Federal, State, local, or foreign)* AGENCY OR HAD SUCH PERMIT, LICENSE, OR OTHER AUTHORIZATION REVOKED, SUSPENDED OR OTHERWISE TERMINATED?
☐ YES *(State the details on a separate sheet.)* ☐ NO

9. ADDITIONAL INFORMATION. TTB may require additional evidence necessary to verify this application.
10. PERMITTEE'S AFFIRMATION. Under penalties of perjury, I declare that I have examined this application, including accompanying statements, and to the best of my knowledge and belief, it is true, correct, and complete. The business for which this permit is granted does not violate the law of the State in which business will be conducted.
11. SIGNATURE OF AUTHORIZED INDIVIDUAL | 12. TITLE | 13. TELEPHONE NO. | 14. DATE
15. E-MAIL (INTERNET) ADDRESS *(optional)*:

FOR TTB USE ONLY
16. SIGNATURE AND TITLE OF TTB OFFICIAL | 17. DATE

TTB F 5100.18 (02/2008)

Add or change DBA name

Removal of trade name(s)

Addition of trade name(s)

Change of Premises

- Change in Use of Building(s), Extension or Curtailment of Bonded Premises
- Reported on — TTB F 5120.25 with appropriate attachments

27 CFR 24.131

Extension of Premises

- Extending the existing premises at the same location and/or address
- Reported on — TTB F 5120.25 with appropriate attachments

Extension of Premises (Continued)

GENERAL INSTRUCTIONS

1. Each person desiring to conduct the operations of a bonded wine cellar, a bonded winery, or a taxpaid wine bottling house must file this application, in duplicate, with the Director, National Revenue Center, Alcohol and Tobacco Tax and Trade Bureau (TTB), at the address in Item 4.

2. The application information required will be on letter-sized paper with each attached page identified with the name of the applicant, the serial number of the application and the number of the page.

3. The proprietor is responsible for keeping information of an approved application current and complete. When required by 27 CFR Part 24, the proprietor must submit an amended application with supplemental or replacement pages or other documents necessary to update the previously approved application. Replacement pages must be numbered to correspond to the pages being replaced.

4. If this application is for a taxpaid wine bottling house, paragraphs 7 through 9 of the specific instructions are not applicable.

5. Applications which are not submitted in accordance with the instructions on this form and in 27 CFR Part 24 or which do not otherwise contain required information must be returned to the applicant for correction.

6. No wine may be produced or received until the premises and operations are approved by the Director, National Revenue Center.

SPECIFIC INSTRUCTIONS

Item 1. **SERIAL NUMBER.** Applications on this form must be serially numbered, commencing with serial number 1 for original establishment, and continuing in sequence for each subsequent application. Applications for a taxpaid wine bottling house will be filed separately and likewise begin with serial number 1.

Item 6. **NAME AND ADDRESS.** The address must be stated as explicitly as possible with a ZIP Code. If located in a city, the numbered street address and the name of the city will be given. If a rural address, give the name of the county and nearest post office, with the approximate distance and direction there from, including the name or number of the road or highway on which situated.

ATTACHED STATEMENTS AND DOCUMENTS

1. **BUSINESS ORGANIZATION.** If already on file with TTB for another premises, only reference that premises (§ 24.109(k)). If not, attach a statement of the type of business organization, e.g., sole owner, partnership, corporation, and of the persons having an interest in the business, supported by the following:

For corporations:

(a) Corporate charter or certificate of corporate existence or incorporation.

(b) Names and addresses of officers and directors.

(c) Certified extracts of minutes authorizing certain individuals to sign.

(d) Statement showing the number of shares of each class of stock, authorized and outstanding, and the voting rights of the respective owners or holders.

(e) Statement of interest: Names and addresses of the 10 persons having the largest ownership or other interest in each class of stock, and nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another party. The Director, National Revenue Center may request the names of interested persons if the applicant corporation is wholly owned or controlled by another corporation.

For partnerships:

(a) True copies of articles of partnership, if any, and of the certificate of partnership where required to be filed by local authority.

2. **WINE PREMISES.** Describe each tract of land comprising the wine premises. Description must be by directions and distances, in feet and inches, with sufficient particularity to enable ready examination of the boundary of the wine premises. Describe the means employed to afford security of the wine premises. Describe any taxpaid wine premises at the wine premises and the means used to segregate and identify taxpaid wine from untaxpaid wine. Describe any alternating areas. Each wine premises building must be described as to size, construction, and use. Buildings not used for the wine operations must be described only as to size and use. If wine premises consists of a partial building, rooms or floors, each must be described separately. Means of ingress and egress from the wine premises to adjoining portions must be described.

3. **DISCLOSURE.** If this application is not for a bonded wine premises in which

denial of the application.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. This information collection is used by TTB to determine if the applicant is eligible to receive a wine premises permit. The information is required to obtain a benefit.

The estimated average burden associated with this collection of information is 15 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Washington, DC 20220.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.

TTB F 5120.25 (4/2007)

WINE PREMISES. Describe each tract of land comprising the wine premises. Description must be by directions and distances, in feet and inches, with sufficient particularity to enable ready examination of the boundary of the wine premises. Describe the means employed to afford security of the wine premises. Describe any taxpaid wine premises at the wine premises and the means used to segregate and identify taxpaid wine from untaxpaid wine. Describe any alternating areas. Each wine premises building must be described as to size, construction, and use. Buildings not used for the wine operations must be described only as to size and use. If wine premises consists of a partial building, rooms or floors, each must be described separately. Means of ingress and egress from the wine premises to adjoining portions must be described.

Extension of Premises (Continued)

Wildcat Cove Winery LLC
Serial # 2
Page 4
January 31, 2008

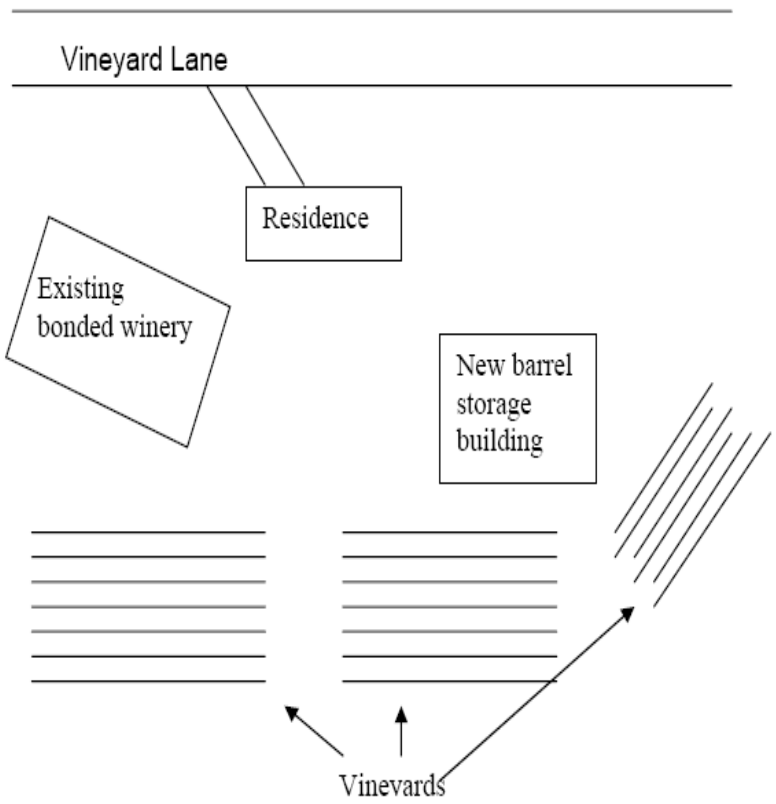
2. Wine Premises

(continued from page 2 of previous application)

With this application we are adding an additional building, located on the same parcel of land. The building is of wood frame construction, cement floors, aluminum sided with a shingled roof. The building is located 100 feet to the NE of the existing bonded premises. The building is secured with deadbolts and an alarm system. There are two roll up doors with industrial locks, no windows. The building will be used for barrel aging and storage. The building is 100 ft by 75 ft and is undivided.

Attached is a drawing of the wine premises including the new building and it's relation to the existing building.

Wildcat Cove Winery LLC
SN 2
Page 5



Non-Contiguous Extension of Premises

- Extending existing premises to include an additional building located at a different address
- Reported on:
  - TTB F 5120.25, with attachments
  - TTB F 5000.29 and TTB F 5000.30
  - TTB F 5120.36 (superseding) **or** TTB F 5000.18

27 CFR 24.111, 24.145, 24.152

Non-Contiguous Extension of Premises (Continued)

OMB No. 1513-0009 (10/30/2009)

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)
APPLICATION TO ESTABLISH AND OPERATE WINE PREMISES
(See Instructions on next page)

1. SERIAL NUMBER: 2
2. DATE: 01/31/2008
3. REGISTRY NUMBER: BWN-KY-15XXX

4. TO: DIRECTOR, NATIONAL REVENUE CENTER
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)
550 Main St, Ste 8002 Cincinnati, OH 45202-5215

5. APPLICATION IS MADE TO OPERATE *(Check one only)*
☑ BONDED WINERY ☐ BONDED WINE CELLAR ☐ TAX PAID WINE BOTTLING HOUSE

6. NAME AND PRINCIPAL BUSINESS ADDRESS OF APPLICANT *(Name and street, city, county, State, and ZIP Code)*
Wildcat Cove Winery, LLC
PO Box 23
Versailles, KY 42063 Fayette County

PHONE # EIN#

7. ADDRESS *(If different from address in Item 6)*
35 Vineyard Lane
Versailles, KY 42063
Fayette County

PHONE #

8. PURPOSE FOR WHICH FILED *(Such as original establishment, trade name change, alteration of premises)*
Addition of non-contiguous extension of Bonded Premises

9. APPLICATION FORM AND ATTACHED DOCUMENTS
This application includes: (1) this form; (2) the papers and documents which are being submitted for the first time, and which are listed in Items 9A and 9B; (3) the current papers and documents of the latest approved TTB F 5120.25 Serial No. 1, which are listed in Items 9A-1 and 9B-1; and (4) the supporting organizational documents filed in connection with another establishment but incorporated in this application by reference, and listed below in Item 9C.

9A. PAGES ATTACHED TO THIS FORM: 2
NUMBERS 4,5

9A-1. PAGES FROM CURRENT APPROVED TTB F 5120.25: 3
NUMBERS 1,2,3

9B. ORGANIZATIONAL DOCUMENTS ATTACHED TO THIS FORM *(List each document)*
N/A

9B-1. ORGANIZATIONAL DOCUMENTS FILED WITH PRIOR APPROVED TTB F 5120.25 *(List each document)*
LLC Articles of Organization
LLC Operating Agreement

9C. ORGANIZATIONAL DOCUMENTS FILED IN CONNECTION WITH ANOTHER ESTABLISHMENT BUT INCORPORATED IN THIS APPLICATION BY REFERENCE *(List each document, and show the name or plant number under which filed)*
N/A

10. IF NOT APPLYING AS A BONDED WINERY, WOULD YOU AGREE TO HAVE YOUR NAME LISTED IN A TTB PUBLICATION?
☐ YES ☐ NO

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS APPLICATION AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT, AND COMPLETE.

11. SIGNATURE

12. TITLE
Managing Member

FOR TTB USE ONLY

APPLICATION IS ☐ APPROVED ☐ DISAPPROVED

EFFECTIVE DATE

SIGNATURE AND TITLE OF TTB OFFICIAL, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

DATE

TTB F 5120.25 (4/2007)

Wildcat Cove Winery LLC
SN 2
Page 4

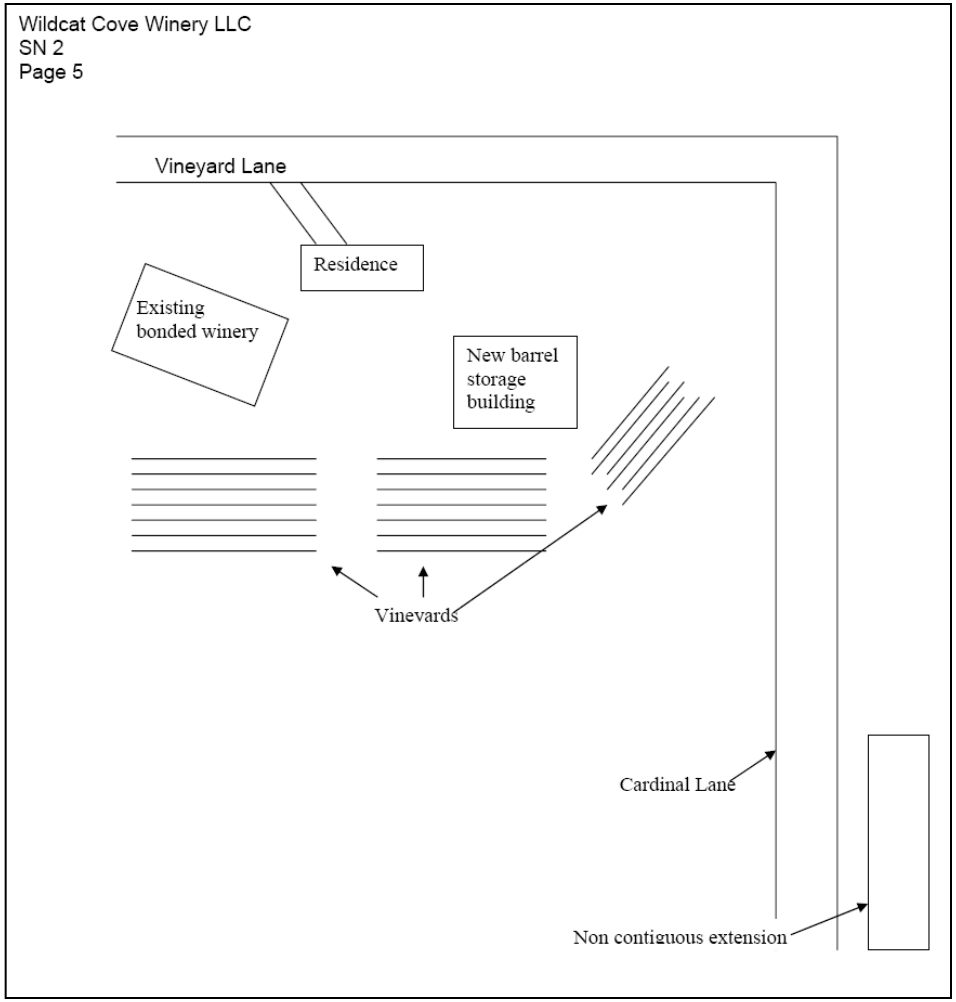
2. Wine Premises continued from page 2. With this application we are requesting to add a non-contiguous bonded warehouse. The warehouse is located at 45 Cardinal Lane, Versailles, KY 42063. The distance from our current bonded winery is 3 miles.

The building is of wood frame construction with concrete slab floors, wood siding and tin roof. The building will be used for barrel storage. There will be no production at this location. The building is secured with an alarm system, with motion detectors. There is also a guard dog. The building has one roll up door and one man door, both secured with industrial locks. There are no windows.

The building dimensions are 150' X 90'. There will be no taxpaid storage at this location.

Attached is a diagram showing the layout of the warehouse and it's relation to the existing bonded premises.

Non-Contiguous Extension of Premises (Continued)



Non-Contiguous Extension of Premises (Continued)

OMB No. 1513-0013 (03/31/2009)

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)

CHANGE OF BOND (CONSENT OF SURETY) - *INSTRUCTIONS*

A. **What is the purpose of this form?** This form shows your, and if any, the corporate surety's requested change to a bond filed with TTB relating to wine, beer, spirits, tobacco products, or cigarette papers and tubes, and TTB's approval of that change.

B. **Where can I get assistance?** Contact your specialist in the National Revenue Center by phone at 1-877-882-3277 or 1-513-684-3334, or e-mail to ttbquestions@ttb.gov.

C. **Must I submit two copies with original signatures?** You must file two copies with original signatures. If we approve this change of bond, we keep one copy and return the other copy to you.

D. **Where do I send this change in bond?** Send signed copies with necessary attachments to:
Director, National Revenue Center
550 Main St, Ste 8002
Cincinnati, OH 45202-6215

E. **How do I make corrections to this change in bond if I make a mistake?** If you make any alteration or erasure to this bond, you must identify the correction, and you, and if any, the corporate surety must initial and date next to the correction. If TTB alters this bond, you, TTB, and if any, the corporate surety must initial and date next to the correction with one exception. The exception is you do not identify the TTB permit number(s) or registry number(s) in item 3. TTB may enter the permit number(s) or registry number(s).

F. **May I submit this form on more than one sheet?** We prefer that you submit this change in bond on a single sheet. However, if you are unable, put your employer identification number and TTB permit number on any additional sheets.

G. **Item 1. What is my business' legal name?**

If your business is a:	Your legal name is:
A sole proprietorship	Your full name
A partnership	The name of each partner, or the name of the partnership as filed with the State or local government
A corporation, association, limited liability company, or other business	The name as stated on your documents filed with the State or local government

H. **Item 2. What is an Employer Identification Number (EIN)?** This is the nine-digit number that the Internal Revenue Service (IRS) assigns to your business. If you do not have an EIN, you must obtain one from the IRS. Use an IRS Form SS-4 and follow instructions on the form to apply for an EIN.

I. **Item 3. What is my TTB permit number or registry number?** DO NOT complete this item if you do not know the TTB permit number or registry number for the bond that you are changing.

J. **Item 4. What is a corporate surety?** A corporate surety promises to pay your liability under bond. Leave this item blank if you filed a bond for your business using collateral rather than a corporate surety.

K. **Items 10b. and 10c.**
a. How do I sign this bond?

If your business is:	Signature:
A sole proprietorship	a. Your name; OR b. An individual for whom you have filed TTB F 5000.8, Power of Attorney, that grants the authority to sign this bond.
A partnership	a. Each partner; OR b. The partner who has been given the authority to sign by the articles of partnership or similar agreement of all partners that you have filed with your application for a TTB permit; OR c. An individual for whom TTB F 5000.8, Power of Attorney has been filed, that grants the authority to sign this bond.
A corporation, association, limited liability company, or other business	a. An officer who has been given the authority to sign by the business documents that you have filed with your application for a TTB permit; OR b. An individual for whom you have filed TTB F 5000.8, Power of Attorney, that grants the authority to sign this bond.

b. Must I have a seal? If your business is a corporation, association, or other business, you may have a seal. A seal is adopted and used by a business for authenticating its corporate acts and executing legal instruments.

c. When are witnesses needed and what must they do? If your business has no seal, the witnesses must sign and testify to the fact that you signed the bond in their presence.

d. How must the corporate surety sign this form? An authorized individual for the corporate surety must sign and affix the corporate surety's seal. Also, the corporate surety must attach a power of attorney authorizing the individual who signs on its behalf.

TTB F 5000.18 (09/2007)

OMB No. 1513-0013 (03/31/2009)

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)

CHANGE IN BOND *(CONSENT OF SURETY)*

1. What is the legal name of your business *(read instruction G)*? WILDCAT COVE WINERY LLC	2. What is your Employer Identification Number *(read instruction H)*? 9 9 — 9 9 9 9 9 9 9
3. What is your permit number or registry number listed on the bond *that you are changing (read instruction I)*? BWN-KY-15XXX	4. What is the corporate surety, if any, listed on the bond that you are changing *(read instruction J)*? MY OLD KENTUCKY HOME INSURANCE COMPANY
5. What is the form number of the bond that you are changing? TTB F 5120.36	6. What is the dollar amount of the bond that you are changing? $5,000.00
7. What is the effective date of the bond that you are changing? 01/31/2007	8. What is the effective date of this change in bond? *(If no effective date is stated, the effective date is the date of its execution shown in item 10a.)*

9. We are changing the above bond as follows:

TO EXTEND THE TERMS OF THE BOND REFERENCE ABOVE TO INCLUDE THE NON-CONTIGUOUS PREMISES LOCATED AT: 45 CARDINAL LANE, VERSAILLES, KY 42063

10a. We bind ourselves to this change and witness our hands and seals this 31ST day of JANUARY, 2008.

10b. Signature for your business _____ *(Read instruction K)*

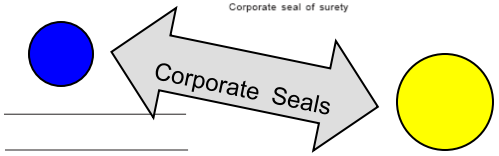
Printed name and title WHINE MAKER, MANAGING MEMBER

10c. Signature for corporate surety _____ *(Read instruction K)*

Printed name and title IMA BONDWRITER ATTORNEY-IN-FACT

Seal of your business

Corporate seal of surety



Signature of two witnesses _____

Printed names of two witnesses _____

FOR TTB USE ONLY

On behalf of the United States of America, I approve and accept this consent of surety.

11a. _____ Authorized TTB Official *(Signature and Title)*

11b. _____ Date Approved

TTB F 5000.18 (09/2007)

Non-Contiguous Extension of Premises (Continued)

OMB No. 1513-0023 (07/31/2008)

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)
ENVIRONMENTAL INFORMATION

INSTRUCTIONS

1. **COMPLETION.** Answer all items in sufficient detail or as not applicable to your activity. The information on all items should relate to the activity in which the Bureau has an interest. If additional space is required for any item, please attach a separate sheet identified by the item number of this form. Your answers are evaluated by the Bureau to determine whether the activity will have a significant effect on the environment. If TTB F 5000.30, Supplemental Information on Water Quality Considerations - Under 33 U.S.C. 1341(a), is also being submitted for your activity, you may make reference to any relevant information given on TTB F 5000.30 for items 6 and 7 of this form.

2. **FILING.** Submit an original and one copy of this form to the Director, National Revenue Center, 550 Main St, Ste 8002, Cincinnati, OH 45202-5215.

3. **DISPOSITION.** After final action taken on the related application or other document, the copy of this form will be returned to the applicant.

1. Name and Principal Business Address of Applicant	2. Description of Activity in which Alcohol and Tobacco Tax and Trade Bureau has an interest	3. Number of Employees

4. Location Where Activity is to be Conducted *(Be specific, Number, Street, City, State, ZIP Code; describe locations of buildings and outside equipment and their situation relative to surrounding environment including other structures, land use, lakes, streams, roads, railroad facilities, etc. Maps, photos, or drawings may be provided.)*

5. Heat and Power:
   A. Describe types of heat and power to be used and their sources. If they are to be produced in connection with the proposed activity, estimate type and quantity of fuel to be used for each purpose. *(Example: 40 tons/yr. anthracite coal for heat, 20 million cu.-ft./yr. natural for power generating.)*

   B. Describe any air pollution control equipment proposed for use in connection with fuel burning equipment, boilers, or smokestacks.

6. Solid Waste:
   A. Describe amount and composition of all solid waste to be generated.

   B. Discuss proposed methods of disposal *(Incineration, open burning, landfill, government or commercial garbage collection, etc.)* Specify whether on-site or off-site.

   C. Describe any air pollution control equipment proposed for use in connection with any incinerators.

TTB F 5000.29 (5/2005)

7. Liquid Waste *(Complete this item irrespective of any certification obtained as to compliance with any environmental quality standards of any Federal, State, or local agency having responsibility for environmental protection including any certification under the Federal Water Pollution Control Act.)*
   A. Describe amount and content of any liquid waste to be generated.

   B. Describe proposed method of disposal *(Sewer, flaming, recycling, etc).* Describe any proposed means to monitor quality and characteristics, and any proposed equipment or facilities for treatment or control of liquid wastes.

8. Noise *(Describe operational noise sources other than those normally associated with office operations, building maintenance, or utilities.)*

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THE INFORMATION SHOWN ON THIS FORM AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT, AND COMPLETE. I AGREE THAT COPIES OF THIS FORM MAY BE FURNISHED TO CONCERNED FEDERAL, STATE, AND LOCAL AGENCIES HAVING RESPONSIBILITIES FOR ENVIRONMENTAL PROTECTION AND THAT THE INFORMATION HEREON MAY BE USED IN THE PREPARATION OF AN ENVIRONMENTAL STATEMENT PURSUANT TO THE REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT, 42 U.S.C. 4332.

9. Date	10. Applicant	11. By *(Signature and Title)*

Alcohol and Tobacco Tax and Trade Bureau Determination of Effect. After consideration of all available environmental information relevant to the proposed activity, it is determined that:

The conduct of the activity described in item 2, pursuant to issuance or approval of the _____ *(Specify whether application, bond, formula, permit, license, etc.)*

☐ will ☐ will not significantly affect the environment.

Signature of Director, National Revenue Center	Date

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with Section 3507, Public Law 96-511, Paperwork Reduction Act of 1995. This information collection is used by TTB to determine if any environmental impact statement or environmental permit is necessary for the proposed operation. The information is required to obtain a benefit.

The estimated average burden associated with this collection of information is 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Washington, DC 20220.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

TTB F 5000.29 (5/2005)

Non-Contiguous Extension of Premises (Continued)

Form Approval: OMB No.1513-0023 (07/31/2008)

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SUPPLEMENTAL INFORMATION ON WATER QUALITY CONSIDERATIONS - UNDER 33 U.S.C. 1341(a)

INSTRUCTIONS

1. **COMPLETION.** Answer all items in sufficient detail if applicable to your activity. If necessary, continue on reverse side of this form or a separate sheet. Your answers are evaluated to determine if a certification or waiver by the applicable State Water Quality Agency is required under Section 21 is of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)).

2. **FILING.** Submit an original and one copy of this form with the related application or other document, to the Director, National Revenue Center, 550 Main St, Ste 8002, Cincinnati, Ohio 45202-5215. This form must be completed and submitted even though three copies of the required certification or waiver have been sent to the Director, National Revenue Center or are attached to this form.

3. **DISPOSITION.** After final action taken on the related application or other document, the copy of this form will be returned to the applicant.

APPLICATION RELATED TO THIS RIDER

1. FORM NUMBER	2. APPLICATION DATE	3. SERIAL NUMBER

4. NAME AND PRINCIPAL BUSINESS ADDRESS OF APPLICANT *(Number, street, city, county, State, and ZIP code)*	5. PLANT ADDRESS *(If different from address in item 4)*

6. DESCRIBE ACTIVITY TO BE CONDUCTED IN WHICH THE ALCOHOL AND TOBACCO TAX AND TRADE BUREAU HAS AN INTEREST.

7. DESCRIBE ANY DIRECT OR INDIRECT DISCHARGE INTO NAVIGABLE WATERS WHICH MAY RESULT FROM THE CONDUCT OF THE ACTIVITY DESCRIBED IN ITEM 6, INCLUDING THE BIOLOGICAL, CHEMICAL, THERMAL, OR OTHER CHARACTERISTIC OF THE DISCHARGE AND THE LOCATIONS AT WHICH SUCH DISCHARGE MAY ENTER NAVIGABLE WATERS,

8. GIVE THE DATE OR DATES ON WHICH THE ACTIVITY WILL BEGIN AND END, IF KNOWN, AND ON WHICH THE DISCHARGE WILL TAKE PLACE.

9. DESCRIBE THE METHODS AND MEANS USED OR TO BE USED TO MONITOR THE QUALITY AND CHARACTERISTICS OF THE DISCHARGE AND THE OPERATION OF EQUIPMENT OR FACILITIES EMPLOYED IN THE TREATMENT OR CONTROL OF WASTES OR OTHER EFFLUENTS.

10. I certify that I have examined this rider and, to the best of my knowledge and belief, it is true, correct, and complete and that copies of this rider may be furnished to the applicable State Water Quality Agency and the Regional Administrator, Environmental Protection Agency.

11. APPLICANT	12. BY *(Signature and title)*

TTB F 5000.30 (5/2005)

Change of Location

- The wine premises physically changes location
- Reported on:
  - TTB F 5120.25, with updated attachments
  - TTB F 5120.36, superseding
  - TTB F 5100.18
  - TTB F 5000.29
  - TTB F 5000.30

27 CFR 1.41
27 CFR 24.129

Change of Location (Continued)

OMB No. 1513-0009 (10/31/2009)

REGISTRY NUMBER

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)
WINE BOND
(Print this form as a 2-sided document. Submit duplicate originals. See additional instructions on page 3.)

EFFECTIVE DATE

PRINCIPAL/OBLIGOR NAME AND PREMISES ADDRESS
(Number, Street, City, State, ZIP Code)

PRINCIPAL/OBLIGOR MAILING ADDRESS
(If different than Premises Address)

BOND KIND *(Select only one)*

☐ ORIGINAL ☐ STRENGTHENING ☐ SUPERSEDING

EIN:

BOND COVERAGE *(Select applicable box(es))*

☐ OPERATIONS $ _____ ☐ DEFERRAL $ _____ **TOTAL PENAL SUM*** $ _____

***(Total Penal Sum equals OPERATIONS plus DEFERRAL Coverage on this bond.** Deposited collateral must **also** equal Total Penal Sum.)*

BOND CATEGORY *(Select only one category (i.e. 'Surety,' 'Cash,' or 'Treasury Note/Bond') and complete corresponding items to right of selection.)*

☐ SURETY: SURETY NAME _____ BOND NUMBER _____

☐ CASH: CHECK NUMBER(S) *(i.e. personal check, cashier's check, money order, etc.)* _____

☐ TREASURY NOTE/BOND** TREASURY NOTE/BOND CUSIP NO. _____ TREASURY NOTE/BOND INTEREST RATE _____ %

TREASURY NOTE/BOND MATURITY DATE _____ TREASURY NOTE/BOND ISSUE DATE _____

** This bond is secured by the Treasury collateral (T-Note) described above or by a T-Note resulting from reinvestment of the full proceeds from the T-Note described above. T-Note collateral reinvestment automatically will occur upon maturity, unless the obligor notifies TTB in writing at least 45 days prior to the maturity date that the T-Note proceeds should not be reinvested and the obligor requests this bond be terminated.

Witness our hands and seals this _____ day of _____, 20___. Signed, sealed, and delivered in the presence of --

CORPORATIONS/PARTNERSHIPS, OR LLCs:
State in which principal/obligor organized: _____

Impress principal/obligor's corporate or LLC seal or check the checkbox below.

☐ The corporation/LLC has no seal.

Impress Surety Seal

Principal/ Obligor Seal

☐ Alterations made on this bond before and after execution were made with the consent of the Principal _____ and Surety _____ OR Obligor _____.

SURETY NAME

SURETY REPRESENTATIVE SIGNATURE

SURETY REPRESENTATIVE PRINTED NAME AND TITLE

PRINCIPAL/OBLIGOR NAME
BY:
PRINCIPAL/OBLIGOR REPRESENTATIVE SIGNATURE

PRINCIPAL/OBLIGOR REPRESENTATIVE PRINTED NAME AND TITLE

SIGNATURE, WITNESS 1 *(if no seal)*

SIGNATURE, WITNESS 2 *(if no seal)*

DIRECTOR, NATIONAL REVENUE CENTER APPROVAL: ON BEHALF OF THE UNITED STATES, I APPROVE THE FOREGOING BOND WHICH HAS BEEN EXECUTED IN DUE FORM IN COMPLIANCE WITH THE APPLICABLE LAWS, REGULATIONS, AND INSTRUCTIONS.

SIGNATURE OF AUTHORIZED OFFICIAL, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

DATE APPROVED

PURPOSE: The above principal/obligor has filed an application to operate, or is operating, the bonded wine cellar or bonded winery specified.

DEFINITIONS: Definitions pertinent to this bond:

PRINCIPAL. The proprietor of the wine premises covered by a surety bond.

OBLIGOR. The proprietor of the wine premises covered by a collateral bond.

COLLATERAL BOND. A bond secured by tangible assets such as cash or United States Treasury Bond or Note.

CONDITIONS: The above principal/obligor and surety (sureties) are bound independently and jointly for payment to the United States in the above amount of lawful money of the United States. In this bond, the terms principal/obligor or surety include the heirs, executors, administrators, successors, and assigns of the principal/obligor or surety. Additional wine bond conditions are below. (If this bond covers only tax deferral, only the wine bond conditions in clauses 1, 2, and 3(a), and the Additional Wine Bond Conditions below will apply.)

BULK WINE WITHDRAWN FROM CUSTOMS CUSTODY: This bond covers the tax, for which the principal/obligor must become liable, on all wine withdrawn from customs custody in bulk containers and transferred to internal revenue bond at a bonded wine premises.

THE PRINCIPAL/OBLIGOR MUST:

(1) Comply with all requirements of law and regulations, now or hereafter in force, relating to the activities covered by this bond;

(2) Pay all penalties incurred and fines imposed for violations of law or regulations, now or hereafter in force, relating to the activities covered by this bond;

(3) (a) Pay all taxes (including any penalties and interest in respect of failure to file a timely return or to pay such tax when due) on wine removed from bonded premises:

(b) Provided, that up to $500 of the operations coverage of a $1,000 bond ($1,000 operations coverage of a bond of $2,000 or more) may be applied to taxes that have been determined, but not paid on wine removed from premises;

(4) Pay all taxes (including any penalties and interest) for which the principal/obligor may become liable with respect to the operation of the bonded wine premises. Whether the transaction or operation on which liability is based occurred on or off the bonded wine premises, and on all wine, spirits, and volatile fruit-flavor concentrate, or any other commodity subject to tax under 26 U.S.C. Chapter 51, in transit to, or on the bonded wine premises;

(5) Comply with all requirements now or hereafter in force, pertaining to all wine or wine spirits received at, removed from, or returned to the bonded premises free of tax;

(6) With respect to wine withdrawn from the bonded wine premises without payment of tax as authorized by law (a) comply with all requirements of law and regulations, now or hereafter in force relating thereto: and (b) as to the said wine or any part thereof withdrawn, for example, for exportation or for use on vessels or aircraft, or for transfer to a foreign-trade zone, or for transfer to a Customs Bonded Warehouse (CBW), and not exported, used or transferred, or otherwise lawfully disposed of or accounted for, pay the tax imposed thereon by law, now or hereafter in force, together with penalties and interest; and

(7) As the proprietor of an adjacent wine vinegar plant, pay all taxes, now or hereafter in force (including any penalties or interest), for which the principal/obligor may become liable with respect to the operation of the wine vinegar plant, and all wine now or hereafter in transit or on the premises of the wine vinegar plant.

ADDITIONAL WINE BOND CONDITIONS

CHANGE OF PREMISES: All stipulations, covenants, and agreements of this bond will extend to and apply to any change in the business address of the wine premises, the extension or curtailment of the premises, including the buildings thereon, or any equipment or any other change which requires the principal/obligor to file a new or amended application or notice, except where the change constitutes a change in the proprietorship of the business, or in the location of the premises. Further, this bond will continue in effect whenever operation of the wine premises is resumed from time to time following suspension of operations by an alternate proprietor.

TREASURY COLLATERAL BONDS: If this bond is filed as a collateral bond secured by a Treasury Note or Bond in an approved Department of the Treasury holding account, this bond is secured by the Treasury collateral identified on the face of the bond and any Treasury collateral resulting from rollover of the previous Treasury collateral. The Treasury collateral identified in this bond will automatically roll over upon maturity unless the obligor notifies the National Revenue Center at least 45 days prior to maturity.

DEFAULT: If the Principal/Obligor of a surety bond fails to fulfill any of the terms or conditions of this bond, the United States may seek compensation and pursue its remedies independently from either the principal/obligor or surety, or jointly from both. The surety hereby waives any right or privilege it may have of requiring, upon notice, or otherwise, that the United States will first commence action, intervene in any action of any nature whatsoever already commenced, or otherwise exhaust its remedies against the principal/obligor.

If the Obligor of a collateral bond fails to fulfill any of the terms or conditions of this bond, the United States may apply any outstanding tax liability (including any penalties or interest) against the collateral deposited.

EFFECTIVE DATE: If accepted by the United States, the bond will be effective according to its terms on and after the date without notice to the obligors. Provided, that if no effective date is inserted in the space provided, the date of execution will be the effective date of the bond.

I/We acknowledge the terms and conditions of this bond.
Principal/Obligor (Initial) _____ Date _____,
Surety (Initial) _____ Date _____.

Alternating Premises

- A wine premises requesting to qualify an additional operation (DSP, Brewery, TPWBH)
- Reported on:
  - TTB F 5120.25, with attachments
  - TTB F 5000.18
- The new operation must qualify before beginning operations

27 CFR 24.135

Alternating Proprietors

- When two or more wineries alternate the use of a bonded wine premises
- “Host” is a bonded winery
- “Tenant” (alternating proprietor) is also a bonded winery
- Use of equipment and space is alternated

27 CFR 24.136

Alternating Proprietors (Continued)

- **<u>Host</u>** files:
  - TTB F 5120.25, with attachments
  - Alternating Proprietorship (AP) Agreement
- **<u>Tenant</u>** files:
  - Original Application (New Industry Member)

    OR
  - Change of location documents (Existing Industry Member)

    AND
  - AP Agreement

Alternating Proprietors (Continued)

- Each proprietor is responsible for:
  - Production
  - Recordkeeping
  - Labeling
  - Excise tax
  - Operation reports
- Benefits:
  - Minimal start-up investment for tenant
  - Rental income for host

Custom Crush Arrangements

- Custom crush customers contract with a winery to have wine made to their specifications with the intent of wholesaling the end product
- A custom crush client may or may not take possession of the wine

Change in Corporate Officers, Directors and/or Stockholders

- A change of corporate personnel without a change in control of corporation (must be filed within 30 days of change)
- Reported on:
  - Letterhead notice (if approved variance on file) with Personnel Questionnaire, TTB F 5000.9 for each new officer/director

    OR
  - TTB F 5120.25 with attachments

    AND
  - TTB F 5100.18

27 CFR 1.42
27 CFR 24.123, 24.124

LLC Changes

- Report a change in LLC Members:
  - Change in Manager – Contact the NRC for guidance to confirm control has not changed
  - Change in Members – Submit…
    - TTB F 5120.25
    - TTB F 5100.18 (if permittee)
    - Amended Operating Agreement

Change of Proprietorship

- A change occurs when there is a change in the entity which owns and operates the winery
- Such changes can include a change in your business structure (e.g., Sole Proprietorship to LLC) where no change in the actual people involved has occurred

27 CFR 1.42
27 CFR 24.125, 24.140

Change in Proprietorship (Continued)

- New owner – Must file all original qualification documents and receive approval prior to beginning operations:
  - TTB F 5100.24
  - TTB F 5120.36
  - TTB F 5120.25
  - TTB F 5000.29
  - TTB F 5000.30
  - Corporate/Organization documents
- Existing entity – Must submit documents for discontinuance

Changes of Control

A change of control occurs when a change of stock distribution or LLC membership ownership produces a new entity owning more than 50% of the outstanding stock or ownership interest

Changes of Control (Continued)

- Must be filed within 30 days of change:
  - Application for Basic Permit under the FAA Act, TTB F 5100.24
  - Amended Application to Establish and Operate Wine Premises, TTB F 5120.25
  - Stock purchase or transfer notification
  - TTB F 5000.9, Personnel Questionnaire is required if new LLC member or stockholder is not of record with TTB

Changes of Control (Continued)

- If the application is filed timely, the outstanding Basic Permit will remain in effect
- If the application is not filed timely, the Basic Permit automatically terminates

Signing Authority

- Power of Attorney, TTB F 5000.8:
  - For individuals
  - May be limited to certain duties/forms
- Signing Authority for Corporate Officials, TTB F 5100.1:
  - For certain offices or positions
  - May be limited to certain duties/forms
- Organizational Documents
- Meeting Minutes
- Resolution

27 CFR 1.30
27 CFR 24.116

Wine Bonds

- Superseding Bond — change of location or insolvency of a corporate surety
- New Original Bond — change in proprietorship
- Strengthening or Superseding Bond — if it is determined that your bond coverage is insufficient

27 CFR 24.145 – 24.154

Wine Bond Categories

- **Surety** — a policy purchased through an insurance broker and/or agent
- **Cash** — personal funds held by TTB (no interest accrues)
- **Treasury Note/Bond** — purchased from the Federal Reserve Bank, through a broker (interest accrues)

Maintaining Sufficient Bond Coverage

- A wine premises proprietor must ensure it maintains sufficient bond coverage, which is based on the tax value of the following:
  - Untaxpaid wine or spirits stored at the premises
  - Any wine or spirits in transit to the premises
  - Taxable removals

Bond Worksheet

Wine Bond Worksheet - TTB 5120.36

OPERATING BOND COVERAGE

	Gallons of Wine						
TAX LIABILITY AREAS	Not Over 14%	More than 14% but not over 21%	More than 21% but not over 24%	Artificially Carbonated	Sparkling	Hard Cider	Proof Gallons of Spirits
Bulk Inventory							
Bottled Inventory							
In Transit from Other Bonded Wineries or DSPs							
Withdrawn for Export but Not Yet Certified							
Unaccounted for							
Total Gallons							
Multiply by Applicable Tax Rate*	$ 1.07	$ 1.57	$ 3.15	$ 3.30	$ 3.40	$ 0.226	$ 13.50
Total Tax Liability	$	$	$	$	$	$	$

* If you are eligible to use the Small Domestic Wine Producer Credit, use the appropriate tax rates after applying the Credit. Full tax rates apply to bulk wine imported in bond.

GRAND TOTAL OF TAX LIABILITY $ _____

Penal Sum of Operating Bonds (See 27 CFR 24.148)

Tax Liability		Penal Sum of Bond
$0 - $1,000	=	$1,000 (minimum)
$1,001 - $49,999	=	Amount of Liability
$50,000 - $250,000	=	$50,000
$250,000 and above	=	$100,000 (maximum)

Tax Rates

Tax Classes	Tax Per Gallon
Not over 14%	$ 1.07*
More than 14%, not over 21%	$ 1.57*
More than 21%, not over 24%	$ 3.15*
Artificially Carbonated	$ 3.30*
Sparkling	$ 3.40
Hard Cider	$ 0.226*

*A credit of up to $.90/gallon ($0.056 for hard cider) on the first 100,000 gallons taxably removed may be available for producers of not more than 250,000 gallons per calendar year. See 27 CFR 24.278.

TTB F 5120.36w (09/2007)

Operating Coverage

- Operating bond coverage covers:
  - All untaxpaid wine and spirits at the wine premises
  - Bulk and bottled wine, as well as spirits (if applicable) in transit to the premises
  - Any untaxpaid wine exported that has not yet been certified

Tax Deferral Coverage

The amount of tax that, at any time, has been determined but not yet paid

Termination of Operations

- **Termination documents to be filed for final discontinuance or change of proprietorship:**
  - Letterhead notice stating:
    - Date of discontinuance
    - Name of successor — if applicable
  - And a statement of certification that:
    - All wine has been lawfully removed
    - No wine is in transit
    - All exports have been cleared
  - Final excise tax return and operations report
  - Surrender FAA Act Basic Permit

27 CFR 1.43
27 CFR 24.140

Statistics

- 6,354 active bonded wineries/bonded wine cellars (as of December 31, 2008)
- 5,517 amendments received in 2008
- 14 Wine Specialists at the National Revenue Center (NRC)

Expo Presentation Referrals

- Alternating Proprietors – Wine
- De-Alcoholization for Wine
- Required Records – Wine
- Reports – Wine
- Taxes – Wine
- Wine Labeling – Domestic

Contact Information

- National Revenue Center:
  - Toll-Free Number: 1-877-TTB-FAQS (1-877-882-3277)
  - Main Number: 513-684-3334
  - Wine Unit: 513-684-6882
  - Web site: www.ttb.gov