

**UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU**

In the Matter of the Proposed)	
Suspension of the Basic Permit Issued)	
to:)	
)	
)	No. AF-97632
Tamber Bey Vineyards, LLC)	
1251 Tubbs Lane)	
Calistoga, California 94515)	
Basic Permit CA-W-16946)	

SUSPENSION AGREEMENT

1. Tamber Bey Vineyards, LLC (hereinafter, "Tamber Bey") waives its right to file an answer and its right to a hearing before an Administrative Law Judge, agrees to accept concurrent service of the Order to Show Cause and the Suspension Decision, and admits the violations set forth in the Order to Show Cause and the Initial Decision.
2. The Deputy Assistant Administrator (Field Operations), Alcohol and Tobacco Tax and Trade Bureau (TTB), and Tamber Bey agree that Tamber Bey's authority to operate under basic permit CA-W-16946 will be suspended for a period of one (1) day.
3. Tamber Bey's ability to operate under basic permit CA-W-16946 will be suspended by order of the Deputy Assistant Administrator (Field Operations). Tamber Bey will serve its suspension on January 2, 2019.
4. During the period of suspension, Tamber Bey cannot conduct those normal business activities that it otherwise would legally conduct through its basic permit. Activities that shall not be performed during the suspension include, but are not limited to:
 - a. Filling wine orders for customers;
 - b. Placing orders of wine for customers;
 - c. Contracting to sell or offering to sell your wine products;
 - d. Producing, rectifying or blending wine;
 - e. Shipping wine in interstate or foreign commerce;

- f. Advertising or disseminating, or causing to be advertised or disseminated, in interstate or foreign commerce, any advertisements of distilled spirits, wine or malt beverages.
5. During the period of suspension, Tamber Bey may conduct activities that would allow maintenance of its current stock or inventory. Such activities include, but are not limited to:
 - a. Activity that would only relate to maintaining or preserving wine which has already been produced or fermented;
 - b. Receiving wine production materials during the time of the suspension that had been shipped or had already been in transit prior to the commencement of the suspension;
 - c. Taking inventory of warehouse goods;
 - d. Performing administrative activities such as bookkeeping;
 - e. Rearranging warehouse stock; or
 - f. Altering, changing, or creating, but not placing in interstate or foreign commerce, advertisements of your wine products
6. The parties agree that the information in TTB's suspension decision is not return information under 26 U.S.C. § 6103 and is not subject to any other confidentiality provisions. As such, Tamber Bey understands that TTB will publish information from the suspension decision on its public website and in its newsletter.
7. Tamber Bey agrees that this Suspension Agreement is valid regardless of the date the Deputy Assistant Administrator signs the agreement, the Order to Show Cause, the Decision, and the Order Suspending Permit and expressly waives any objections if the Deputy Assistant Administrator signs any or all of those documents before Tamber Bey signs this agreement.

Date: 12/17/2018


Tamber Bey Vineyards, LLC

Date: 12/17/18


Deputy Assistant Administrator, Field Operations
Alcohol and Tobacco Tax and Trade Bureau

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Basic Permit CA-W-16946)

INITIAL DECISION

Concurrent with this decision, the Alcohol and Tobacco Tax and Trade Bureau (TTB) issued to Tamber Bey Vineyards, LLC (hereinafter "Tamber Bey") an Order to Show Cause why its authority to operate under basic permit number CA-W-16946 should not be suspended due to willful violations of the conditions of the permit, as set forth in the Order to Show Cause.

Title 27, United States Code, Section 204(e), provides in pertinent part that, by order of the Secretary of the Treasury, and after due notice and opportunity for a hearing, a basic permit shall be suspended for such period as the Secretary of the Treasury deems appropriate if the Secretary finds that the permittee has willfully violated any of the conditions of the permit.

Tamber Bey and TTB have entered into a voluntary suspension agreement, incorporated into and made part of this Decision. As part of the agreement, Tamber Bey admits and acknowledges the violations set forth in the Order to Show Cause and waives its right to a hearing. Therefore, under the authority of 27 C.F.R. § 71.79(b), TTB makes the following Findings and Decision.

EVIDENCE PRESENTED BY THE GOVERNMENT

1. The Order to Show Cause issued concurrently with this decision.
2. A Stipulated Suspension Agreement executed by an authorized representative of Tamber Bey, admitting the violations alleged in the Order to Show Cause and agreeing to the imposition of a one-day suspension.

FINDINGS OF FACT AND CONCLUSIONS

1. Tamber Bey waived its right to request a hearing on this matter and agreed to accept concurrent service of the Order to Show Cause and this decision.

2. Tamber Bey has admitted the allegations contained in the Order to Show Cause.
3. Tamber Bey's authority to operate under basic permit number CA-W-16946 may and should be suspended for a period of one (1) day.

DECISION AND ORDER

1. In pertinent part, basic permits issued pursuant to the Federal Alcohol Administration Act are conditioned upon compliance with the requirements of 27 U.S.C. §§ 205 and 206 "and with all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes with respect thereto." 27 U.S.C. § 204(d).
2. Tamber Bey violated the conditions of its basic permit in the following manner and instances:
 - a. Tamber Bey is a bonded winery located in California.
 - b. [REDACTED] is an unpermitted wine wholesaler located in [REDACTED]
 - c. Between January 2016 and September 2017 Tamber Bey sold wine to [REDACTED] on consignment. Specifically, Tamber Bey provided wine to [REDACTED] pursuant to an arrangement whereby [REDACTED] was not obligated to pay for the wine until after [REDACTED] sold the wine to retailers.
 - d. Tamber Bey acted willfully or with plain indifference to the requirements of the FAA Act in entering into the consignment sale arrangements with [REDACTED].
3. The FAA Act, 27 U.S.C. § 205(d), makes it unlawful for an industry member to sell, offer for sale, or contract to sell to any trade buyer (a wholesaler or retailer) on consignment.
4. Consignment sales are arrangements wherein the trade buyer is not obligated to pay for distilled spirits, wine, or malt beverages until after the trade buyer sells the distilled spirits, wine, or malt beverages. 27 C.F.R. § 11.22.
5. An FAA Act basic permit is conditioned upon compliance with the requirements of section 205 of the FAA Act. 27 U.S.C. § 204(d).
6. TTB may suspend a basic permit issued under the FAA Act if its holder willfully violates any of the conditions of the permit. 27 U.S.C. § 204(e)(1).

Tamber Bey has admitted the violations alleged in the Order to Show Cause. Tamber Bey and TTB have agreed that Tamber Bey's authority to operate under basic permit number CA-W-16946 is to be suspended for a period of one (1) day. It is therefore decided that the period of suspension will and shall be on January 2, 2019.

12/17/18

Dated



Deputy Assistant Administrator, Field Operations
Alcohol and Tobacco Tax and Trade Bureau