

**DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
ABSTRACT AND STATEMENT**

NOT IN SUIT

For briefing offers in compromise of liabilities and/or violations incurred under Chapters 32,51,52,53,68, and/or 78 of the Internal Revenue Code, and/or liabilities and/or violations incurred under the Federal Alcohol Administration Act.

1. OFFER SUBMITTED BY (Name and address) Folio Wine Company, LLC 550 Gateway Drive #220 Napa, California 94558	OFFER IN COMPROMISE	
	2. ORIGINATING OFFICE TID [REDACTED]	3. AMOUNT OF OFFER \$5,000.00
	4. PERMIT, LICENSE, OR REGISTRY NO. (if applicable) [REDACTED]	5. SYSTEM CONTROL NUMBER(S) n/a
	6. DOLLAR AMOUNT OF LIABILITY BEING COMPROMISED (if applicable) \$ n/a	
	7. TAXPAYER IDENTIFICATION NUMBER [REDACTED]	

8. CHARGE

VIOLATIONS:

The government alleges that Folio Wine Company, LLC did import and remove from Customs custody:

- (1) Brunello di Montalcino wines without having in its possession the TTB-required declaration from the Italian Government stating that the product's vintage date and brand name meet the requirements of the Brunello di Montalcino DOCG and that the product is acceptable for sale as such in Italy in violation of 27 U.S.C. Section 205(e) and 27 C.F.R. Section 4.38(h).
- (2) Wines incorrectly classified with the correct tax class, resulting in underpayment of federal excise tax in violation of 26 U.S.C. Section 5001 and 27 C.F.R. Sections 27.42 and 27.48.
- (3) Wines that did not match the approved COLA in that the brand label did not match the COLA in violation of 27 U.S.C. Section 205(e) and 27 C.F.R. Section 4.40(b) and 27.59.
- (4) Wine that was incorrectly labeled in regard to alcohol content in violation of 27 U.S.C. Section 205(e) and 27 C.F.R. Sections 4.36(c) and 27.59.

BUSINESS IN WHICH ENGAGED:

The proponent is engaged in business as an importer.

DATE OR PERIOD AND LOCATION OF VIOLATIONS:

On and between May 7, 2007 and July 11, 2008 at the proponent's premises located at 550 Gateway Drive #220, Napa, California 94558.

AMOUNT AND TERMS OF OFFER:

The proponent has submitted an offer of \$5,000.00 in compromise of the alleged violations incurred under the Internal Revenue Code and the Federal Alcohol Administration Act.

RECOMMENDATIONS:

The Director, National Revenue Center recommends acceptance of the offer. In view of potential litigation hazards, as well as doubt as to liability, acceptance of this Offer in Compromise, as submitted, is warranted.

9. I have considered the proposition to compromise the liability as charged herein, and, for the reasons embodied in the above abstract and statement, am of the opinion that it will be for the best interest of the United States to ACCEPT REJECT the terms proposed.

10. SIGNATURE AND TITLE
 [REDACTED]

11. DATE

1/25/10