

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 sections 4181 and 4182 and Chapters 51 and 52 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) <div style="background-color: black; width: 150px; height: 15px; margin-bottom: 5px;"></div> Native Wholesale Supply Company 10955 Logan Drive Perrysburg, New York 14129	OFFER IN COMPROMISE	
	2. ORIGINATING OFFICE	3. AMOUNT OF OFFER \$ 1,200,000.00
	4. PERMIT, LICENSE, OR REGISTRY NO. (if applicable) <div style="background-color: black; width: 100%; height: 15px;"></div>	
	5. CASE NUMBER	
	6. DOLLAR AMOUNT OF LIABILITY BEING COMPROMISED (if applicable) \$ 3,038,283.56	
	7. TAXPAYER IDENTIFICATION NUMBER <div style="background-color: black; width: 100%; height: 15px;"></div>	
	8. CHARGE Native Wholesale Supply Company failed to pay Floor Stocks Tax plus penalties and interest in the amount of \$3,038,283.56, on tobacco products held for sale on April 1, 2009, violation of 27 C.F.R. Sections 46.193 and 46.207; and the Children's Health Insurance Program Reauthorization Act of 2009 (Pub. L. 111-3) . During the audit period of June 2008 and continuing to November of 2010, Native Wholesale Supply Company did not properly complete and submit to TTB its monthly reports of operations, TTB F 5220.6, in violation of 27 C.F.R. Section 41.21 and 26 U.S.C. Sections 5722 and 5741. Native Wholesale Supply Company engaged in the business of importing tobacco products without being properly qualified for such operations in violation of 27 C.F.R. Section 41.190 and 26 U.S.C. Section 5713(a) and (b), in that on or about November 9, 2010, Native Wholesale Supply Company entered into United States commerce for domestic consumption a total of 10,410,000 cigarettes on four separate entries into the United States. Said entries were contrary to the aforementioned law and regulations and a Stipulated Suspension Agreement whereby Native Wholesale Supply Company agreed to a 30 day suspension of its Federal tobacco importer permit commencing on November 9, 2010. During the audit period of June 2008 and continuing to November of 2010, Native Wholesale Supply Company failed to timely submit to TTB its monthly reports of operations, TTB F 5220.6, in that the forms were received by TTB after the due date, in violation of 27 C.F.R. Section 41.206 and 26 U.S.C. Sections 5722 and 5741. BUSINESS IN WHICH ENGAGED: Proponent is engaged in the business and duly qualified as an importer of tobacco products. DATE OR PERIOD AND LOCATION OF THE VIOLATIONS: On or between June of 2008 and November of 2010 at the proponent's business location at 10955 Logan Drive Perrysburg, New York 14129, and elsewhere. AMOUNT AND TERMS OF THE OFFER: Proponent has submitted an offer of \$1,200,000.00 in compromise of the above referenced violations incurred under the Internal Revenue Code. RECOMMENDATION: The Director, National Revenue Center recommends acceptance of this offer. In view of the potential litigation hazards, acceptance of the 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 <input checked="" type="checkbox"/> ACCEPT <input type="checkbox"/> REJECT the terms proposed.		
<div style="background-color: black; width: 100%; height: 20px;"></div> Deputy Assistant Administrator, Field Ops.	11. DATE 11/16/11	

TTB/F 5640.3 (10/2007)