

**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)  Frank-Lin Distillers Products, Ltd. 2455 Huntington Dr Fairfield, CA 94533	OFFER IN COMPROMISE	
	2. ORIGINATING OFFICE NRC	3. AMOUNT OF OFFER \$2,000,000.00
	4. PERMIT, LICENSE, OR REGISTRY NO. (if applicable) [REDACTED]	
	5. CASE NUMBER	
	6. DOLLAR AMOUNT OF LIABILITY BEING COMPROMISED (if applicable) \$ 3,209,957.10	
	7. TAXPAYER IDENTIFICATION NUMBER [REDACTED]	

8. CHARGE

**BUSINESS IN WHICH ENGAGED:**  
Frank-Lin Distillers Products, Ltd. is registered as a Distilled Spirits Plant Operator.

**VIOLATION(S):**  
Between September 16, 2021 to September 30, 2023, the Proponent underpaid the excise tax on distilled spirits withdrawn from bond, in violation of 26 U.S.C. 5061 and 27 CFR 19.234. In its offer-in-compromise, the proponent summarized the cause of the underpayment as follows: "Frank-Lin's underpayment of Federal Excise taxes was proximately caused by improperly configured and implemented NetSuite software supposedly designed to correctly track and prepare reports and FET filings to ensure compliance."

**DATE OR PERIOD AND LOCATION OF VIOLATIONS:**  
The violations occurred between September 16, 2021 to September 30, 2023, at Proponent's premises located at 2455 Huntington Dr, Fairfield, CA 94533.

**AMOUNT AND TERMS OF OFFER:**  
Proponent has submitted an Offer-in-Compromise (OIC) in the amount of \$2,000,000.00, to be paid in lump-sum.

**RECOMMENDATION:**  
The Director, Tax Services Division, Office of Permitting and Taxation, believes that the Proponent has provided sufficient facts to establish doubt as to collectibility subsequent to the voluntary disclosure, and thus recommends acceptance.

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] Deputy Assistant Administrator, PT	11. DATE 9/3/2024
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## INSTRUCTIONS

### Item No:

1. Complete name and address along with any name the proponent is doing business as (d/b/a), operating as, or trading as (t/a).
2. Indicate the office originating the offer.
3. State the dollar amount of the offer submitted by the proponent.
4. This block should show the permit, license, or registry number of the proponent, if the proponent has such a number. If there is no license, permit, or registry number, identify the type of business and the state of operation, e.g., RLD-PA or FAET-NJ.
5. This block should indicate the case number assigned by the Office of Assistant Administrator, Field Operations.
6. For those IRC cases where TTB is reviewing an offer to compromise, an outstanding tax liability due to doubt as to collectibility and/or liability, the full amount of the tax liability (including any penalties, interest and/or additional amounts) should be entered in this block. This amount must agree with the amount shown on the offer form, TTB F 5640.1.
7. This block must contain the proponent's employer identification number (EIN) or, if the proponent has no EIN, the proponent's social security number (SSN).
8. Describe, in separate paragraphs:
  - The business in which the proponent is engaged and to which the offer applies;
  - The violation(s) and number of instances, if appropriate, including all law citation(s) and regulation citation(s);
  - The liabilities to be compromised, if any, and the sections of law and regulations applicable to those liabilities;
  - A statement of the facts, to include the date or tax period, as applicable, and place of the violation(s);
  - The reason for submitting the offer (which may include the amount and terms of the offer) and, if applicable, the basis for doubt as to liability and/or collectibility; and
  - Additional comments, conclusions, and the recommendation of the appropriate TTB official.

Additional pages may be attached to TTB F 5640.3 describing the condition(s) of the offer.

9. The appropriate TTB official signing in Item 10 must check either the "ACCEPT" or "REJECT" block.
10. The signature and title of the appropriate TTB official must appear in this block.
11. The date the offer is accepted or rejected must be indicated in this block.