

Terminello & Terminello, P.A.

A T T O R N E Y S A T L A W

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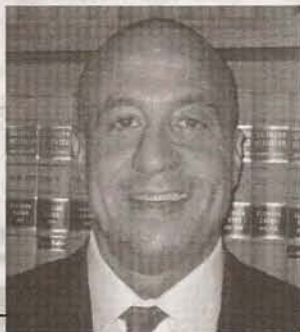
- ADMINISTRATIVE LAW
- ALCOHOLIC BEVERAGE LAW

NEW SECTION AT THE FIRM

Terminello & Terminello, P.A., is pleased to announce the opening of a new section at the firm which focuses on the needs of importers, manufacturers, and wholesalers of beverage alcohol. Directed by **Brad Berkman**, the section deals with all federal alcohol licensing and product-compliance matters, as well as other matters which fall within the purview of the Alcohol and Tobacco Tax and Trade Bureau (TTB, formerly BATF). Also, this section can help obtain and ensure compliance with all state licensing requirements for the shipment and wholesale of beverage alcohol. Whether you are looking to import or produce, and market wine, beer, and/or spirits in the United States, this section can help you with all of your issues. Also, if you are contemplating exporting beverage alcohol, Brad Berkman is well-versed in all matters in this area, including recouping valuable federal excise taxes already paid through drawback from TTB or Customs and Border Protection. Visit us at www.terminello.com and click on tab entitled "Federal Licensing."

Mr. Berkman comes to the firm with years of experience in the industry as an importer and marketer of beverage alcohol. He brings a unique and knowledgeable perspective to the issues confronted by importers, producers, and wholesalers. Mr. Berkman received his J.D. from St. Thomas University (2006), a Master's degree from George Washington University (1993), and his B.A. from American University (1987).

Brad Berkman



THE PARTNERS



Louis J. Terminello

Born New York, New York; admitted to bar, 1990, Florida; 1991, District of Columbia; U.S. District Court, Southern District of Florida; 1992, New York.

Education: Northeastern University (B.S., 1974); University of Miami (J.D., cum laude, 1990). Honor Council President, University of Miami School of Law, 1989-1990. Member, Inter-American Law Review, University of Miami, 1988-1990. **Member:** Dade County, New York State, and American Bar Associations; The Florida Bar. Paul Harris Fellow. Retired senior law-enforcement investigator with the State of Florida's Division of Alcoholic Beverages and Tobacco.

Practice Areas: Administrative Law, Alcoholic Beverage Law.



Nancy Terminello

Born White Plains, New York; admitted to bar, 1991, Florida; 1992, U.S. District Court, Southern District of Florida; 1993, New York. **Education:**

University of Miami (B.S., 1981; J.D., 1991). Senator, University of Miami Student Bar Association, 1989-1990. Registered Nurse, State of Florida, 1981. **Member:** Dade County and New York State Bar Associations; The Florida Bar. [Lt., U.S. Naval Res., Ret.]. **Languages:** Spanish. **Practice Areas:** Administrative Law, Alcoholic Beverage Law.

Legal solutions to business problems.

TTB

The 18th Amendment to the Constitution prohibiting the manufacture, sale, or transportation of alcohol in America went into effect on January 16, 1920. A pall fell over the country, and the United States officially became “dry” from coast to coast. Prohibition was the law of the land. Nearly 14 years later, when Utah became the last state needed to ratify the 21st Amendment, prohibition was repealed. A short two years later, in 1935, President Roosevelt signed the Federal Alcohol Administration Act (FAA).

The FAA appointed the Treasury Department as the prime regulator of the alcohol industry for the federal government, and over time the responsibility of administering the Act through Title 27 C.F.R. was granted to the Alcohol and Tobacco Tax and Trade Bureau, or TTB.

TTB is responsible for regulating all industry members on issues such as permitting and licensing compliance and label

matters, advertising regulation, and the collection of federal excise taxes on alcohol, tobacco, and firearms.

Brad Berkman is well-versed in the matters falling under the purview and control of the TTB. He is capable of resolving the myriad of problems that can surface for importers, manufacturers, and wholesalers. Mr. Berkman is also versed in FDA and customs matters as they affect beverage alcohol, and has experience in dealing with both federal agencies.

Facts at a glance— TTB regulates...

As of May 2009 and growing

- 9,673 importers
- 17,547 wholesalers
- 6,589 wineries
- 656 distilled spirits plants
- 1,871 breweries

(Source: TTB)

The overall licensing scheme— The role of state regulators

Importing and/or selling beverage alcohol requires licensing and compliance at the state level as well. Planning a product rollout entails a complete licensing rollout strategy. Almost every state requires manufacturers/suppliers to hold some sort of nonresident or importer's permit. Further, a number of states have specific and separate brand registration and label registration requirements that must be complied with before wine, beer, or spirits may cross its borders for the purpose of consumption.

The process can be complicated and time-consuming, and a careful license rollout strategy needs to be developed that runs side by side with the brand sales strategy. If this plan is not in place and the licenses and approvals not acquired in a timely manner, the impetus for brand success will be significantly diminished. This new section is well-versed in state permitting and product-compliance matters, and can ensure that your product rolls out into the various markets according to plan and in compliance with the law.



SOME SERVICES WE PROVIDE

PERMITTING FOR:

- Importers of beverage alcohol
- Wholesalers of beverage alcohol
- Establishing bonded wine premises
- Establishing distilled spirits plants
- Establishing breweries

AMENDING PERMITS TO REMAIN IN COMPLIANCE

FEDERAL PRODUCT APPROVAL

- Pre-import approvals/Laboratory analysis
- Label review for compliance and approval

ALCOHOL BEVERAGE IMPORT AND EXPORT

- Managing federal excise taxes through:
 - Drawbacks through TTB and customs
 - Shipping into bond and foreign trade zones and customs regulations

TRADE PRACTICE COMPLIANCE

FDA AND CUSTOMS MATTERS AS THEY RELATE TO BEVERAGE ALCOHOL

GUIDANCE ON PROPER RECORD KEEPING FOR IMPORTERS/EXPORTERS AND MANUFACTURERS OF BEVERAGE ALCOHOL

AND MANY OTHER SERVICES