

Attention: LAG Licensing Sub-Group

I will be participating , in the March 23rd meeting as a member of the public. I am a licensee of a Limited Winery. I note that you have reserved a 15-minute time slot for public comment. Thank you for the invite. I have sometimes had difficulties in getting signed on to the call so I wanted to take up the offer to provide written comments. As such I will submit them to [dor led rulemaking@state.co.us](mailto:dorledrulemaking@state.co.us)

- There exists some awkwardness within the license types, Limited Winery License and Vintner's Restaurant License which is classified as a Retail License in Colorado. I would hope that the licensing Subgroup could bring clarity to this confusion.
- **A Limited Winery** licensee has certain privileges that have been well known and exercised for many years, such as the ability to manufacture wine, sell at retail in their tasting rooms, sell at wholesale to retail liquor stores, sell to wholesalers, sell to off premises accounts and sell and ship direct to consumers.
- Similarly, **Vintner's Restaurants** have these same privileges except that they can't ship directly to consumers.
- **Limited Wineries, Manufacturing Wineries and Vintner's Restaurants**, when applying for the required Basic Permit from the Dept of Treasury, Bureau of Alcohol, Tax and Tobacco are uniformly classified as Wine Producers and Blenders because they are manufacturing Vinous liquor. All three of them pay the exact same state and federal taxes.
- **The CFR (Federal Regulations)** Title 27 Chapter 1. Subchapter A Part 24 subpart B-24-10 describes the meaning of the term Winery which is a "premises established under the provisions of this part on which wine operations or other operations are authorized to be conducted."
- **The Colorado Liquor Enforcement Division** recognizes the legitimacy of CFR Title 27. Colorado Revised Statutes advises that "Licenses" shall have the same meaning " industry members" as defined in 27 CFR 6.11 Re Other Producers.
- The definition of a winery most often used means "**any establishment where vinous liquors are manufactured**".
- Article 3 Title 44-3-103 (61) of the Liquor Code defines a Vintner's Restaurant as Retail Establishment the statutes advise the Vintners' Restaurant is not a winery, and in doing so disregards all established definitions of a winery operation.

- It is further complicated by Dept of Revenue LED Form 8487 where it is listed in the same realm as a retail liquor store.

An old adage applies here; If it walks like a duck, it looks like a duck and it quacks like a duck, it is likely a duck.

- As a side note, My Limited Winery is authorized and registered annually to Manufacture Food by the Colorado Department of Public Health. They consider making wine from grapes a food manufacturing process so we need to be registered to do so.
- At my Event Center, which is a part of my winery premises, the Mesa County Health Department licenses us with a Retail Food License. The license describes us as a Restaurant with seating for 200. With this license we can prepare the foods we want in the kitchen with minimal exceptions.

I believe that LED should issue Limited Wineries, Manufacturing Wineries and Vintner's Restaurants the **same** License type with the same privileges for each Licensee. All three licenses currently allow for, as their primary activities the Manufacturing of Vinous Liquor. The Federal Government recognizes this and the tax obligations are the **same** for each business type. The so-called privileges allowed for are appropriate for each entity. They are essential while conducting the type of manufacturing activities that take place on their premises.

Thank you,

Bob Witham, Two Rivers Winery