

2018-BRE-03407-O

OMB No. 1513-0045



**DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)
BREWERY'S NOTICE**

Brewery's Section

<p>1. This is notice serial number</p>	<p>2. The notice date is 08/29/2018</p>
<p>3. Our brewery's name is HIGHLANDLAKE BREWING COMPANY LLC</p>	
<p>4. Our trade name is DBA: HIGHLANDLAKE BREWING CO. See Attached</p>	
<p>5. Our business address is 951 E. 9TH. AVE., BROOMFIELD, CO 80020</p> <p><small>(Number and Street) (City) (County) (State) (Zip Code)</small></p>	
<p>6. Our brewery location is 234 MAIN ST UNIT 109 MEAD, CO 80542</p> <p><small>(Number and Street) (City) (County) (State) (Zip Code)</small></p>	
<p>7. Our main contact person is TTB can reach me at Derrick Dwane Hays 303-898-9622</p> <p><small>(Name) (Phone Number)</small></p>	

Brewery Description

<p>8. Our phone number at the brewery is</p>	<p>9. Our E-mail Address is highlandlakebrewing1@gmail.com</p>
<p>10. Our brewery operates as a: <input type="checkbox"/> Brewery <input checked="" type="checkbox"/> Brewpub (You must complete items 19 and 20.) <input type="checkbox"/> Pilot Brewing Plant</p> <p><small>(check one only)</small></p>	
<p>11. We are a: (check one only)</p> <p><input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Limited Partnership</p>	
<p>12a. Our employer identification number is: (for example: 12-3456789) 82-3530048</p>	
<p>12b. Title to premises and equipment (list names and addresses of owner of land or buildings, or if any other mortgage or encumbrance on the land or buildings of the brewery).</p>	

(See Attached)

<p>13. Brewer's Business Day 12:00 AM (List only if different than 12:00 am through 11:59pm.)</p>	
<p>14. We are filing this notice to:</p> <p><input checked="" type="checkbox"/> give TTB our original notice that we intend to engage in the business of producing beer.</p> <p><input type="checkbox"/> amend our previously approved original notice (Registry No. _____) for the following reason(s):</p> <p><input type="checkbox"/> add or delete (circle one) a trade or operating name (attach registration, if your state requires, of new trade or operating name). List new trade names(s) in item 4 or on a separate sheet of paper. List deleted trade name(s) on a separate sheet of paper.</p> <p><input type="checkbox"/> show a change in brewery premises (attach description of change).</p> <p><input type="checkbox"/> make changes in officers, directors, members, stock, or interest distribution (attach description of change; you must file personnel questionnaires for new personnel and any new person owning 10% or more of total stock).</p> <p><input type="checkbox"/> discontinuance of business as of: (date) _____</p> <p><input type="checkbox"/> other _____</p>	
<p>15. A. We are <input type="checkbox"/> or not <input checked="" type="checkbox"/> members of a controlled group of breweries. (List all breweries with shared ownership on a separate sheet of paper.)</p> <p>B. If you are a member, will the controlled group of breweries produce more than 80,000 but less than 2,000,000 barrels of beer per year? (If so, describe how the reduced rate of tax will be apportioned among brewery members in the controlled group.)</p>	
<p>16. The Internal Revenue Code (IRC) provides that if you produce not more than 2,000,000 barrels per year, you are entitled to a reduced rate of tax on your first 60,000 barrels. What is your estimated production in barrels per year? (check one)</p> <p><input type="checkbox"/> More than 2,000,000 barrels per year. We are not entitled to the reduced rate.</p> <p><input type="checkbox"/> More than 60,000 barrels per year, but not more than 2,000,000 barrels per year. We are entitled to the reduced tax rate on our first 60,000 barrels removed for consumption or sale.</p> <p><input checked="" type="checkbox"/> Not more than 60,000 barrels per year. We are entitled to the reduced tax rate on all beer removed for consumption or sale.</p>	

EIN 82-3530048

Brewery Registry No.: BR-CO-21374

Signing Authority For Corporate Officials

17. I am ☐ or am not ☒ required to furnish a bond under 27 CFR 25.91. I am not required to furnish a bond only if all of the following are true: I will withdraw beer for deferred payment of tax under 27 CFR 25.164, I was liable for not more than \$50,000 in beer taxes in the preceding calendar year, and I reasonably expect to be liable for not more than \$50,000 in such taxes during the current calendar year.

18. We held our board meeting with (check one)

☐ Directors ☐ Trustees ☐ Managers ☐ Governors Date of Meeting _____

We authorize the following corporate officials, employees, or incumbents of the listed offices to execute all documents and to do all acts for us in dealing with the Alcohol and Tobacco Tax and Trade Bureau. (You must impress your corporate seal. If you do not have one, two witnesses must sign.)

By the authority of our board, I certify that this authorization is true and complete.

Title: _____	Title: _____	Corporate Seal:
Title: _____	Title: _____	
Title: _____	Title: _____	
Witness: _____	Witness: _____	

Brewpub Applicant Information (If you are a brewpub, you must complete this section.)

19. We are a brewpub. Our entire business location is the brewery premises. We understand that by initialing these boxes, we acknowledge that:

- ☒ a. We must separate the brewery operations (non-public area) from the public area of the brewery premises by an adequate partition. Access to the brewery operations must be restricted to authorized visitors and employees only.
- ☒ b. The serving tanks as noted on our attached diagram are our tax-determined beer tanks. These tanks have a working capacity of approximately 63 barrels/kogs and are accurately calibrated with appropriate measuring devices.
- ☒ c. We must transfer beer ready for consumption or sale from our fermenters into an empty tax-determination tank for measurement by the approved measuring device. We will make prompt and accurate records of these transactions to determine tax due.
- ☐ 20. We plan to sell retail liquors other than beer. We must file a special occupational tax registration as a retailer before we start these sales.

Attachment Section

21. You must make attachments to complete an original notice. You may also need additional information for an amended notice. Check all the blocks here for your attachments for this notice. For original Brewer's Notices, you must attach all documents for your type of business organization. For amended Brewer's Notices, some forms are mandatory, while others may be optional.
- | | |
|---|---|
| <input type="checkbox"/> Articles of Incorporation/Organization (Corporations/LLCs) | <input type="checkbox"/> Personnel Questionnaires (for all owners/officers/directors/partners/members/stockholders of over 10%) |
| <input type="checkbox"/> Trade Name Registrations (if required by state) | <input type="checkbox"/> By-Laws (Corporations/LLCs) |
| <input type="checkbox"/> Certificate to Transact Business in a Foreign State (if applicable) | <input type="checkbox"/> Partnership Agreement |
| <input type="checkbox"/> Power of Attorney (TTB F 5000.8, or Corporate Resolution) | <input type="checkbox"/> Environmental Information (TTB F 5000.29) |
| <input type="checkbox"/> Diagram (or Plat/Plan) with dimensions of the brewery | <input checked="" type="checkbox"/> Diagram for Brewpub as required |
| <input type="checkbox"/> Legal description of the Brewery | <input type="checkbox"/> Statement Describing the Security at the Brewery |
| <input type="checkbox"/> Supplemental Information on Water Quality Considerations (TTB F 5000.30) | |
| <input type="checkbox"/> Other _____ | |

All statements and documents are part of this notice. Under penalties of perjury, I declare that I have examined this notice and all attachments and to the best of my knowledge and belief they are true, correct, and complete.

22. Signature of Authorized Person

Date

23. Printed or Typed Name and Title

PUBLICUSER89435

Mail this completed package with all attachments to:

Director, National Revenue Center, 550 Main St, Ste 8002, Cincinnati, OH 45202-5215

TTB Section - For TTB Use Only

This Notice is:

☒ Approved ☐ Not Approved

Effective Date:

10/17/2018

Approval Date:

10/17/2018

Director, National Revenue Center

Registry Number:

BR-CO-21374

TTB F 5130.10 (11/2016)

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General Instructions

1. **Where do I send my application?**
File this form with TTB at this address: Director
National Revenue Center
550 Main St, Ste 8002
Cincinnati, OH 45202-5215
2. **When may I start Brewing?** You may not operate your brewery until we approve your Brewer's Notice (including all attachments) and your Brewer's Bond (if a bond is required under 27 CFR 25.91).
3. **When must I file a Brewer's Notice?** You must file this form:
 - To start business at your brewery premises;
 - To amend or supplement information you previously submitted or;
 - In connection with a new bond.
4. **Do I need to file any other documents with the Brewer's Notice?** You must file the attachments this form requires. Also, we may require you to furnish any additional information we find necessary to protect revenue and insure collection of taxes.
5. **What happens if I do not complete this notice?** We will return your notice to you for correction if it is not completed in accordance with these instructions or does not include all of the required information and documents. If you do not complete the notice you may not produce or package beer.
6. **What items do I need to complete on this notice?** You must complete all items on this notice that apply to your business, regardless of the purpose for which you are filing.
7. **How long must I keep my copy of this notice?** At your brewery you must keep available for TTB inspection during your normal business hours:
 - Your most recently approved Brewer's Notice and
 - All attachments and documents that provide current and complete information of this form.

Specific Instructions

Item 1. **What serial number do I use?** Serially number each notice. Begin with No. 1 for the first notice and continue in sequence for each amendment or supplemental notice you file after you start business.

Item 2. **What is the notice date?** The date that you submit this notice for approval.

Item 3. **What is my brewery's name?**

If you are....	Then your name is....
An individual	Your name, followed by "sole owner" and the name you use to operate
A partnership	The name of each partner followed by the name you use to operate
A limited partnership (LP)	The name of your LP
A corporation or limited liability corporation (LLC)	The corporation or LLC name and, if different, the name you use to operate

Item 4. **What if I use a trade name?** You must list all trade names you use to do business or to package beer. Approval of a trade name does not necessarily constitute approval as a brand name for labeling purposes. Submit your requests for brand names to the Alcohol Labeling and Formulation Division on an Application for and Certificate/Exemption of Label/Bottle Approval, TTB F 5100.31. If your State requires you to register your trade name, you must submit a copy of the State trade name registration.

Item 5. **What is our business address?** Your business address may be different than the actual location of the brewery. Your business address is where you receive mail deliveries and you conduct office activity. You must include the county of this address.

Item 6. **What is our brewery location?** Your brewery location is where you actually brew your beer.

Item 7. **Who may be a contact person?** Your contact person must be someone who has authority to speak or write to any of our officers regarding any aspect of your brewing operations. You must file with us a signing authority or power of attorney for this person.

Item 15. **What information must I provide if I am a member of a controlled brewery group?**

1. A controlled brewery group is a group of breweries that share common ownership or controlled interest. Controlled groups of breweries include groups where:
 - (a) one brewery owns controlling interest in the other brewery or
 - (b) there is a common ownership in the controlling interest in each brewery
2. If you are a member of a controlled group of breweries and you intend to transfer beer between breweries without payment of tax, you must:
 - (a) give the name and principal business address of each of the other breweries; and
 - (b) state whether condition 1.(a) or condition 1.(b) applies. If condition 1.(a) applies, state which brewery owns controlling interest in the other and the percentage of that interest. If condition 1.(b) applies, give the name and principal business address of the person owning controlling interest in both breweries and state the percentage of interest in each brewery.
3. If you are a member of a controlled group of breweries and the total production of all breweries in the controlled group is less than 2,000,000 barrels of beer per year, you may be eligible to pay tax at the reduced rate. You must:
 - (a) give the name and principal business address of each of the other breweries;
 - (b) provide a list to allocate the reduced tax for 60,000 barrels between the members of the controlled group; and
 - (c) state whether condition 1.(a) or condition 1.(b) applies. If condition 1.(a) applies, state which brewery owns controlling interest in the other and the percentage of that interest. If condition 1.(b) applies, give the name and principal business address of the person owning controlling interest in both breweries and state the percentage of interest in each brewery.

Item 18. Who may sign for my corporation? You may indicate signature authority in two ways.

- **By corporate office:** In item 18 you may list the corporate offices or employees whose incumbents may sign for your corporation. Check the box that indicates how your board authorized these officers to sign. Include the date of the meeting. List the offices by title. Attach your corporate seal. These authorities remain with the office when you change personnel in that office.
- **By name:** you may authorize specific individuals to sign by executing a power of attorney (use TTB F 5000.8) or a signing authority for corporate officials (use TTB F 5100.1). You may limit these authorities to specific actions. For instance, you may grant a signing authority limited to monthly reports.

Item 19. When must I initial the brewpub information? Operating as a brewpub means that you will not be bottling beer but rather that you will be dispensing beer only from serving tanks. If this is the case, then you must initial each box and provide tank capacity to demonstrate that you understand special considerations for operating taverns on brewery premises.

Item 21. What are the attachments for my type of business? Follow these instructions. You must attach the organizational information and documents we require for your type of business.

If you are a....	Then you must file....
Sole proprietor	- A list with the name and address of each person who holds an interest in the brewery, whether the interest appears in the name of the interested party or in the name of another for that party.
Partnership	- A copy of (1) articles of partnership or association, if any; or (2) the certificate of partnership or association if required to be filed by any State, county, or municipality. - A list with the name and address of each person who holds an interest in the brewery, whether the interest appears in the name of the interested party or in the name of another for that party.
Corporation	- A copy of the corporation charter or of the certificate of corporate existence or incorporation. - A list with the name, address, and title of each officer and director. - Copies of extracts or digests of minutes of meetings of the board of directors authorizing certain individuals to sign for the corporation. - A statement showing the number of shares of stock (or other evidence of ownership) authorized and outstanding and the voting rights of the respective owners. - A list with the names and addresses of all persons having a voting interest of 10 percent or more in the corporation whether the interest appears in the name of the interested party or in the name of another person. For each person listed, show the amount of the stockholding or other interest.

- a. May I refer to information that I filed for another operation? If you have already filed information with us, you may incorporate that information by reference if that information is complete and accurate. You may, instead of resubmitting that information, provide a statement that:
- identifies the other premises by operating name, type (*brewery, winery, etc.*), and location (*city and State*); and
 - specifies which organizational information and documents are being incorporated. You must attach all organizational information and documents you do not incorporate by reference.
- b. What must I keep available for TTB inspection? You must keep available for our inspection the originals of the corporate documents we require under item 21 of this notice and certain other corporate documents (*articles of incorporation, bylaws, State certificates authorizing the brewer to operate in the State where located*). Each brewer's notice filed by multi-plant brewers must state, as part of the response to item 21, the location where we may inspect these original corporate documents.

Item 22. Who is the "authorized person" who must sign this notice? These are the persons authorized to sign this notice:

If you are a....	Then you must file....
Sole proprietor	- signed by the sole owner or - an empowered attorney-in-fact.
Partnership	- signed by all partners, or - a partner authorized to sign on behalf of all of the partners, or - an empowered attorney-in-fact.
Corporation	- executed in the corporate name, followed by the signature and title of a person authorized to act for the corporation.

Paperwork Reduction Act Notice

This request is in accordance with the Paperwork Reduction Act of 1995. We use this information collection to determine your identity as a brewer, the location and extent of your brewery premises, and whether your brewery operations conform with Federal laws and regulations. The information we request is required for you to obtain or retain a benefit and is mandatory by law (26 U.S.C. 5401(a)).

We estimate the average burden associated with this collection of information is 3 hours per respondent or recordkeeper, depending on your individual circumstances. Address your comments concerning the accuracy of this burden estimate and suggestions to reduce this burden to: Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, DC 20005.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.

Privacy Act information

We provide this information to comply with Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(e)(3)):

1. **What is TTB's authority to ask for this information?** We require this information under the authority of 26 U.S.C. 5401(a). You must disclose this information to obtain authority to conduct brewing operations.
2. **What is the purpose for this information collection?** You provide this information to give TTB notice of your intention to establish a brewery, so that we may identify you as a brewer, and to identify your brewery location and processes.
3. **How does TTB routinely use this information?** We use this information to make determinations for the purposes described in paragraph 2. Also, we may disclose the information to other Federal, State, foreign, and local law enforcement and regulatory agency personnel to verify information on the form where such disclosure is not prohibited by law. We may disclose the information to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, we may disclose the information to members of the public in order to verify information on the form where such disclosure is not prohibited by law.
4. **What is the effect of my not supplying the information TTB requests?** If you fail to supply complete information then we will delay processing and may disapprove or deny your application.

Item 4: Our Trade Name is:

Labeling Trade Name Highlandlake Brewing Co.

OTHER PURPOSE FOR WHICH FILED:

Item 12: Title to premises and equipment (list names and addresses of owner of land or buildings, or if any other mortgage or encumbrance on the land or buildings of the brewery).

Does the applicant own the land or building comprising the brewery?

Yes

☐

No

☒

If yes, please provide us with the name and address of any mortgagee, or other person who has a claim on the land or buildings comprising the brewery. If there is no mortgagee, or other claim on the land or buildings, please enter "Not Applicable"

If no, please provide us with the name/address of the owner of the land or buildings comprising the brewery, and of any mortgagee, or other claim on the land or buildings comprising the brewery

Top Level Property Management and Development
221 Main St. Mead CO, 80542

Does the applicant own the equipment that will be used in the operation?

Yes

☒

No

☐

If no, please provide name and address of the equipment owner

Item 15B: If you produce more than 60,000 but less than 2,000,000 barrels you would qualify for the reduced rate on the first 60,000 barrels. Give the allotted barrels for each location at the reduced rate.

MEMBERS OF CONTROLLED GROUP

Item 17: We authorize the following corporate officials, employees, or incumbents of the listed offices to execute all documents and to do all acts for us in dealing with the Alcohol and Tobacco Tax and Trade Bureau. (You must impress your corporate seal. If you do not have one, two witnesses must sign.)

Key Contact	Yes
Authority Granted by	Name
First Name	Derrick
Middle Name	Dwane
Last Name	Hays
Is this person already a registered user of Permits Online	Yes
Address	951 e. 9th. ave.
City	Broomfield
State	CO
Zip	80020
Phone Number	303-898-9622
Email Address	highlandlakebrewing1@gmail.com
Title	Member
Source of Authority	Signing Authority for Corporate Officials
Type of Board Meeting	Managers
Date of Meeting (Must be on or before date of submittal)	08/02/2018
Type	Unlimited
Effective Date (Must be on or before date of submittal)	08/02/2018
What authorization does this person have regarding label submissions?	Submitter

submissions?

Does this person already have a COLAs Online and/or Yes
Formulas Online account with TTB?

Applies to All Permits

Key Contact

Authority Granted by

First Name

Middle Name

Last Name

Is this person already a registered user of Permits Online

Address

City

State

Zip

Phone Number

Email Address

Title

Source of Authority

Type of Board Meeting

Date of Meeting (Must be on or before date of submittal)

Type

Effective Date (Must be on or before date of submittal)

What authorization does this person have regarding label Submitter
submissions?

What authorization does this person have regarding formula Submitter
submissions?

Does this person already have a COLAs Online and/or No

Formulas Online account with TTB?

Applies to All Permits

Yes

Yes

Name

Daniel

Louis

Akin

No

13430 Gaylord St.

Thornton

CO

80241

303-810-2373

highlandlakebrewing1@gmail.com

Member

Signing Authority for Corporate Officials

Managers

08/02/2018

Unlimited

08/02/2018

Submitter

Submitter

Submitter

Submitter

Submitter

Submitter

Submitter

Submitter

Describe the entire tract of land by using directions and distances:

the land the brewery building sits on starts 100 feet south of Fairburn ave. to the NW corner of the building and continues 350 feet south on main st. to the SW corner of the building it extends 200 feet east of Main st. to the end of the rear parking lot then 350 feet north to the other end of the rear parking lot and 200 feet west back to Main st.

Describe the brewery premises.

The building sits 1 hundred feet south of Fairburn Ave. on Main St. the brewery will be in the north west corner of the building on the bottom floor extending south for 40 feet and extending east for 75 feet within the building. The building extends another 300 feet south and 50 feet east. the building is multi story (3) with mixed retail/services and housing. there is a window in the brewery starting 2 feet from the NW corner and extends 8 feet to the south and 8 feet up. the front door is 30 feet south from the NW corner and is a double entry door. the rear door is 5 feet from the NE corner of the building and is 75 feet from the front door. building construction is steel frame with cement floors, the North wall is cinder block construction as is the south wall with metal facade on the west and east walls.

If a brewpub, you must identify the portion of the brewery which will be operated as a tavern by providing the boundaries of the tavern.

The Tavern/Pub area of the brewery will extend from in front of the bar for 20 feet south to the end of the atrium and will extent east from the brew house for 32 feet to include the bathroom and then 31 feet east from the eastern end of the bar to the back wall and 10 feet north to the storage room wall and 31 feet west to the end of the cooler/bar.

You must identify areas of the brewery which are accessible to the public and areas which are not.

Accessible areas include the bar, the atrium, the bathroom and the room opposite the storage room leading to the back door. non accessible areas include behind the bar, the brewhouse, and the cooler.

Describe security measures to be used to segregate public areas from non-public areas.

There will be an L shaped wall and a 48' solid wall that is behind barrels extending from the west wall 3 feet north of the front door going east for 12 feet to the support post and north from the post 10 feet to the edge of the bar. The 48' solid wall will be used to separate, and the barrels will be for looks. The eastern end of the bar will have a lockable swing door covering the 5 feet from the edge of the bar north to the southern edge of the cooler.

Describe in detail the method to be used for measuring beer for the purpose of tax determination. Identify the tanks which will periodically contain tax-determined beer, and any other areas where tax-determined beer will be.

glasses on the fermenter/bright tanks and will be PM'd monthly with a predetermined amount of non beer fluid for accuracy then transferred to kegs weighed on calibrated scales that will be PM'd monthly using a calibrated weight, the tax determined beer will be stored in the cooler for purposes of serving from taps and will be the tax-determined area.

Provide description of the brewery security. Brewery building must be arranged and constructed to give adequate protection to the revenue. Describe locks, access to the brewery and how un-taxpaid goods will be protected during and after business hours

the front and side hallway access door to the elevator and rear doors will be locked during off/closed hours, all taps will have tap locks, all fermenters will have valve locks and all kegs will be stored in the cooler with a pad locked door.

Description of Non-Contiguous Locations