

NOTAVIVA VINEYARDS LLC – PATRONAGE CODE OF CONDUCT

BE IT KNOWN that in accordance with the laws of the Virginia Department of Alcoholic Beverage Control (ABC), the Code of Virginia and the Virginia Administrative Code, NOTAVIVA VINEYARDS LLC mandates the following standards for patronage of our facility:

1. No alcoholic beverages may be brought onto our winery premises except those produced by our winery. This includes beer, other wines, and liquor except in special circumstances under ABC banquet licensure. See § 4.1-225
2. No person visibly intoxicated or believed to be intoxicated shall be served and will be asked to leave the premises immediately. See § 4.1-304 and Appendix B
3. No person under the age of 21 or believed to be under the age of 21 without proper identification shall be served. See § 4.1-304 and Appendix B
4. Any person found urinating in public will be asked to leave the premises immediately. See § 18.2-387
5. Any person found committing salacious acts or acts of indecent exposure will be asked to leave the premises immediately. See § 18.2-387
6. Any person using vulgar or inappropriate language will be asked to leave the premises immediately. See § 18.2-416
7. Any person intending to purchase wine will be asked for identification when an ordinary and prudent person would have reason to doubt that the intender is of legal age based on the general appearance, facial characteristics, behavior and manner of the intender. See 3VAC5-50-20

I, the undersigned, acknowledge receipt of these standards.

Signed _____
Date

Print Name _____
Phone

Tour Operator _____ Number of Guests _____

Reason for visiting e.g. "birthday party" _____

WINERY ITINERARY	ARRIVAL TIME	DEPARTURE TIME

NOTAVIVA VINEYARDS LLC – PATRONAGE CODE OF CONDUCT

APPENDIX A

§ 4.1-304. Persons to whom alcoholic beverages may not be sold; penalties.

No person shall, except pursuant to subdivisions 1 through 5 of § 4.1-200, sell any alcoholic beverages to any person when at the time of such sale he knows or has reason to believe that the person to whom the sale is made is (i) less than twenty-one years of age, (ii) interdicted, or (iii) intoxicated.

Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

§ 4.1-306. Purchasing alcoholic beverages for one to whom they may not be sold; penalty; forfeiture.

A. Any person who purchases alcoholic beverages for another person, and at the time of such purchase knows or has reason to believe that the person for whom the alcoholic beverage was purchased was (i) interdicted, or (ii) intoxicated, is guilty of a Class 1 misdemeanor.

A1. Any person who purchases for, or otherwise gives, provides, or assists in the provision of alcoholic beverages to another person, knowing that such person was less than 21 years of age, except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or local law-enforcement officer when possession of an alcoholic beverage is necessary in the performance of his duties, is guilty of a Class 1 misdemeanor.

B. In addition to any other penalty authorized by law, any person found guilty of a violation of this section shall have his license to operate a motor vehicle suspended for a period of not more than one year. The court, in its discretion, may authorize any person convicted of a violation of this section the use of a restricted permit to operate a motor vehicle in accordance with the provisions of subsection D of § 16.1-278.9 or subsection E of § 18.2-271.1.

C. Any alcoholic beverages purchased in violation of this section shall be deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-338.

§ 18.2-387. Indecent exposure.

Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.

NOTAVIVA VINEYARDS LLC – PATRONAGE CODE OF CONDUCT

§ 18.2-416. Punishment for using abusive language to another.

If any person shall, in the presence or hearing of another, curse or abuse such other person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a Class 3 misdemeanor.

3VAC5-50-20. Determination of legal age of purchaser.

A. In determining whether a licensee, or his employee or agent, has reason to believe that a purchaser is not of legal age, the board will consider, but is not limited to, the following factors:

1. Whether an ordinary and prudent person would have reason to doubt that the purchaser is of legal age based on the general appearance, facial characteristics, behavior and manner of the purchaser; and
2. Whether the seller demanded, was shown and acted in good faith in reliance upon bona fide evidence of legal age, as defined herein, and that evidence contained a photograph and physical description consistent with the appearance of the purchaser.

B. Such bona fide evidence of legal age shall include a valid motor vehicle driver's license issued by any state of the United States or the District of Columbia, armed forces identification card, United States passport or foreign government visa, valid special identification card issued by the Virginia Department of Motor Vehicles, or any valid identification issued by any other federal or state government agency, excluding student university and college identification cards, provided such identification shall contain a photograph and signature of the subject, with the subject's height, weight and date of birth.

C. It shall be incumbent upon the licensee, or his employee or agent, to scrutinize carefully the identification, if presented, and determine it to be authentic and in proper order. Identification which has been altered so as to be apparent to observation or has expired shall be deemed not in proper order.

3VAC5-70-210. Schedule of penalties for first-offense violations.

Any licensee charged with any violation of board regulations or statutes listed below, if the licensee has not had any substantiated violations of regulation or statute within the three years immediately preceding the date of the violation, may enter a written waiver of hearing and (i) accept the period of license suspension set forth below for the violation, or (ii) pay the civil charge set forth below for the violation in lieu of suspension. Any notice of hearing served on a licensee for a violation covered by this section shall contain a notice of the licensee's options under this section. Any licensee who fails to notify the board of its intent to exercise one of the options provided for under this section within 20 days after the date of mailing of the notice of hearing shall be deemed to have waived the right to exercise such options and the case shall proceed to hearing. For good cause shown, the board may, in its discretion, allow a licensee to exercise the options provided for under this section beyond the 20-day period.

NOTAVIVA VINEYARDS LLC – PATRONAGE CODE OF CONDUCT

VIOLATION	SUSPENSION	CIVIL CHARGE
Sale of beer, wine or mixed beverages to a person at least 18 but under 21 years of age.	25 days	\$2,000
Allowing consumption of beer, wine, or mixed beverages by a person at least 18 but under 21 years of age.	25 days	\$2,000
Aiding and abetting the purchase of alcoholic beverages by a person at least 18 but under 21 years of age.	10 days	\$1,000
Keeping unauthorized alcoholic beverages on the premises, upon which appropriate taxes have not been paid.	10 days	\$1,000
Keeping unauthorized alcoholic beverages on the premises, upon which appropriate taxes have been paid.	7 days	\$500
Allow gambling on the premises, if licensee, agent, or employee is participant, but is not conducting the gambling event or operation.	10 days	\$1,000
Allow gambling on the premises, if licensee, agent, or employee is not participant nor conducting the gambling event or operation.	7 days	\$500
Allow an intoxicated person to loiter on the premises.	7 days	\$500
Sale to an intoxicated person.	25 days	\$2,000
Allow consumption by an intoxicated person.	25 days	\$2,000
After hours sales or consumption of alcoholic beverages.	10 days	\$1,000
No designated manager on premises.	7 days	\$500
Invalid check to wholesaler or board.	7 days	\$250
Failure to keep records.	7 days	\$500
Failure to maintain mixed beverage food ratio required by statute (not applicable if ratio falls below 30%).	10 days	\$1,000
Inadequate illumination.	7 days	\$500
ABC license not posted.	7 days	\$500

NOTAVIVA VINEYARDS LLC – PATRONAGE CODE OF CONDUCT

Not timely submitting report required by statute or regulation.	7 days	\$500
Designated manager not posted.	7 days	\$500
Person less than 18 serving alcoholic beverages; less than 21 acting as bartender.	7 days	\$500
Sale of alcoholic beverages in unauthorized place or manner.	10 days	\$1,000
Consumption of alcoholic beverages in unauthorized area.	7 days	\$500
Removal of alcoholic beverages from authorized area.	7 days	\$500
Failure to obliterate mixed beverage stamps.	7 days	\$500
Employee on duty consuming alcoholic beverages.	7 days	\$500
Conducting illegal happy hour.	7 days	\$500
Illegally advertising happy hour.	7 days	\$500
Unauthorized advertising.	7 days	\$500
Failure to remit state beer/wine tax (if deficiency has been corrected).	10 days	\$1,000
Wholesaler sale of wine/beer in unauthorized manner.	10 days	\$1,000
Wholesaler sale of wine/beer to unauthorized person.	10 days	\$1,000

§ 4.1-225. Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership or association, any partner or member thereof, or if the licensee is a corporation, any officer, director, or manager thereof or shareholder owning 10 percent or more of its capital stock:
 - a. Has misrepresented a material fact in applying to the Board for such license;
 - b. Has defrauded or attempted to defraud the Board, or any federal, state or local government or governmental agency or authority, by making or filing any report, document or tax return required by statute or regulation which is fraudulent or contains a false representation of a material fact; or has willfully deceived or attempted to deceive the Board, or any federal, state or local government, or governmental agency or authority, by

NOTAVIVA VINEYARDS LLC – PATRONAGE CODE OF CONDUCT

making or maintaining business records required by statute or regulation which are false or fraudulent;

c. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.) of this title; (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;

d. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;

e. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been disclosed;

f. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;

g. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;

h. Has allowed noisy, lewd or disorderly conduct upon the licensed premises, or has maintained such premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;

i. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

j. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;

k. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii) intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises;

l. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as provided under this title;

NOTAVIVA VINEYARDS LLC – PATRONAGE CODE OF CONDUCT

m. Is physically unable to carry on the business conducted under such license or has been adjudicated incapacitated;

n. Has allowed any lewd, obscene or indecent literature, pictures or materials upon the licensed premises;

o. Has possessed any illegal gambling apparatus, machine or device upon the licensed premises; or

p. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and the Drug Control Act (§ 54.1-3400 et seq.); (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any conduct related to the operation of the licensed business which facilitates the commission of any of the offenses set forth herein.

2. The place occupied by the licensee:

a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;

b. Has been adjudicated a common nuisance under the provisions of this title or § 18.2-258; or

c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks, prostitutes, pimps, panderers or habitual law violators or has become a place where illegal drugs are regularly used or distributed. The Board may consider the general reputation in the community of such establishment in addition to any other competent evidence in making such determination.

3. The licensee or any employee of the licensee discriminated against any member of the armed forces of the United States by prices charged or otherwise.

4. The licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur.

5. Any cause exists for which the Board would have been entitled to refuse to grant such license had the facts been known.

6. Any other cause authorized by this title.

NOTAVIVA VINEYARDS LLC – PATRONAGE CODE OF CONDUCT

APPENDIX B

CONSEQUENCES FOR SERVING UNDERAGE OR INTOXICATED PERSONS

1. The underage or intoxicated person trying to purchase the alcohol has committed a criminal act that is classified as a Class 1 misdemeanor. As a result, they can be fined up to \$2,500 and/or sentenced to one year in jail.
2. The employee making the sale has committed a criminal act that is classified as a Class 1 misdemeanor. As a result, they can be fined up to \$2,500 and/or sentenced to one year in jail.
3. For a first offense, the licensee (the establishment with the ABC license) can be fined up to \$2,000 or their license can be suspended for 25 days. The license could be revoked.