

Mountain Peak Winery
Attn: Mr. Steve Rea, General Manager (by U.S. mail and email)
cc: Ms. Donna Olford, Winery Consultant (by email only)
3265 Soda Canyon Road
Napa, CA 94558

November 23, 2015

Subject: Unpermitted Wine Tastings at Mountain Peak Winery

Dear Mr. Rea,

For the past several months, our family, along with other nearby neighbors, have noticed a steady stream of different cars, and even a few limousines, entering and leaving the proposed site for Mountain Peak Winery/Vineyards (MPV), located at 3265 Soda Canyon Road in Napa, CA (County of Napa Use Permit Modification #P13-00320-UP), which we recently learned is operating as Acumen Wines (<http://www.acumenwine.com/>). Based on the increasing number of cars and limousine sightings, we have suspected that improper activity in the form of unpermitted wine tastings has been occurring at MPV. Just over a week ago, on Sunday, November 15, 2015, our suspicions that unpermitted and unlicensed wine tastings are happening at MPV seem to have been confirmed.

On Sunday, November 15, 2015, family friends of ours were visiting our home and vineyards, located at 3030 Soda Canyon Road, and happened to be at the intersection of Soda Canyon Road and the dirt road that veers towards our property (where residents leave their garbage cans), also right at the entrance to MPV. At approximately 10:45 am, a blue, four-door sedan with Washington state license plates was moving slowly east along Soda Canyon Road (towards the direction of our property and that of MPV from the Silverado Trail) and stopped to ask our friends if they knew where “Acumen Winery [was] located” because they had “a wine tasting appointment.” Our friends, who have visited our home several times, and are aware not only of MPV/Acumen’s location, but also of its pending permit with the County of Napa, pointed to the entrance of the MPV property. At that moment, a man wearing a blue colored vest with what appeared to be an “Acumen” label/logo on the left breast pocket walked to the end of MPV’s driveway, opened the gates, and ushered the blue sedan inside the property. Based on this sequence of events, it is quite clear that the individuals in the sedan were visiting MPV for the strict purpose of a private wine tasting.

It is my understanding that Mountain Peak Winery/Vineyards (operating as “Acumen”) is not currently permitted by the County of Napa (the County) to conduct any on-site winery tours or wine tastings. It is also my understanding that MPV does not currently have a Type 02 license to serve alcohol to wine tasters from the California Department of Alcoholic Beverage Control (ABC). Based on what we have observed in the form of different cars and limousines entering and exiting the property over the past several weeks and months, and this specific incident where

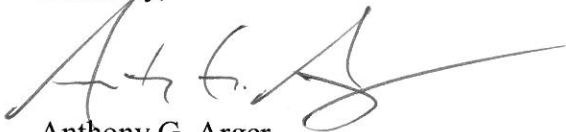
individuals driving a car with an out-of-state license plate specifically asked our friends for directions to the MPV/Acumen property because they had “a wine tasting appointment,” there is little doubt that unpermitted and unlicensed tastings are being conducted at the proposed site for MPV/Acumen.

We have not yet decided how we are going to handle this situation with the County or the ABC. We are not immediately inclined to report this activity to either the County or the ABC because we realize that we are going to be neighbors for the foreseeable future and would like to maintain a working relationship with you, as well as with the owners and other employees/consultants of MPV. However, we are simultaneously quite concerned that MPV is engaging in what appears to be improper activity even before perfecting any entitlements for public wine tastings and tours from the County of Napa or the ABC.

As you are well aware, this project is a very important matter to the Soda Canyon neighborhood and community. As one of your immediate neighbors, we are reaching out to you as a courtesy to inform you and other MPV employees of what has been observed at your property over the past several weeks and months. While we try to resolve how we are going to handle this situation, we strongly encourage you and other MPV employees to immediately cease all unpermitted and unlicensed wine tastings at the proposed winery site for Mountain Peak Winery/Vineyards. If the neighborhood continues to observe similar activities at the Mountain Peak site, we, along with other members of the community, will be left with no other option but to seek corrective action through the proper channels.

Thank you in advance for your cooperation and understanding. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. G. Arger', with a long, sweeping horizontal line extending to the right.

Anthony G. Arger
3030 Soda Canyon Road
Napa, CA 94558