

**FORM 4**

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION**

Washington, D.C. 20549

OMB APPROVAL

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**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934 or Section 30(h) of the Investment Company Act of 1940

Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

1. Name and Address of Reporting Person* <u>Novak Damian</u>  (Last) (First) (Middle) 505 HIGHWAY 169 NORTH SUITE 255  (Street) PLYMOUTH MN 55441  (City) (State) (Zip)	2. Issuer Name and Ticker or Trading Symbol <u>Fresh Vine Wine, Inc. [ VINE ]</u>	5. Relationship of Reporting Person(s) to Issuer (Check all applicable)  <input checked="" type="checkbox"/> Director <input checked="" type="checkbox"/> 10% Owner  Officer (give title below) <input checked="" type="checkbox"/> Other (specify below)  <u>Executive Chairman</u>
	3. Date of Earliest Transaction (Month/Day/Year) 12/20/2021	
4. If Amendment, Date of Original Filed (Month/Day/Year)		

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

1. Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)		4. Securities Acquired (A) or Disposed Of (D) (Instr. 3, 4 and 5)			5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
			Code	V	Amount	(A) or (D)	Price			
Common Stock, \$.001 par value	12/20/2021		P		10,700	A	\$5.6537 <sup>(1)</sup>	10,700	D	
Common Stock, \$.001 par value	12/21/2021		P		8,500	A	\$5.6565 <sup>(2)</sup>	19,200	D	
Common Stock, \$.001 par value	12/22/2021		P		6,000	A	\$5.0435 <sup>(3)</sup>	25,200	D	
Common Stock, \$.001 par value								5,317,653	I	By Nechio & Novak, LLC <sup>(4)</sup>

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)**

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transaction Code (Instr. 8)		5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)		7. Title and Amount of Securities Underlying Derivative Security (Instr. 3 and 4)	8. Price of Derivative Security (Instr. 5)	9. Number of derivative Securities Beneficially Owned Following Reported Transaction(s) (Instr. 4)	10. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	11. Nature of Indirect Beneficial Ownership (Instr. 4)
				Code	V		Date Exercisable	Expiration Date					

**Explanation of Responses:**

- The price reported in column 4 is a weighted average price. These shares were purchased in multiple transactions at prices ranging from \$5.50 to \$5.899 inclusive. The reporting person undertakes to provide to the Issuer, any security holder of the Issuer or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares purchased at each separate price within the ranges set forth.
- The price reported in column 4 is a weighted average price. These shares were purchased in multiple transactions at prices ranging from \$5.515 to \$6.30, inclusive. The reporting person undertakes to provide to the Issuer, any security holder of the Issuer or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares purchased at each separate price within the ranges set forth.
- The price reported in column 4 is a weighted average price. These shares were purchased in multiple transactions at prices ranging from \$5.01 to \$5.10, inclusive. The reporting person undertakes to provide to the Issuer, any security holder of the Issuer or the staff of the Securities and Exchange Commission, upon request, full information regarding the number of shares purchased at each separate price within the ranges set forth.
- A Texas limited liability company of which the reporting person is a co-founder. The reporting person shares voting and dispositive power over the shares of common stock of the Issuer held by Nechio & Novak, LLC. The reporting person disclaims beneficial ownership over the shares of the Issuer's common stock held by Nechio & Novak, LLC except to the extent of his pecuniary interest in such shares.

**Remarks:**

Exhibit 24.1 Power of Attorney filed with Form 3 on December 13, 2021 and incorporated herein by reference.

/s/ Elliot Savoie, as Attorney-in-Fact 12/22/2021

\*\* Signature of Reporting Person

Date

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

\* If the form is filed by more than one reporting person, see Instruction 4 (b)(v).

\*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, see Instruction 6 for procedure.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB Number.