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When you have a sales tax problem,
we are the solution!

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The Elusive Sales Tax Refund (PLUS INTEREST!)

Like unicorns and leprechauns, many people believe a refund from the New York State Department of Taxation & Finance for overpaid sales tax is a myth. Many people think that their time would be better spent trying to take a picture of Bigfoot than fill out a Form AU-11, Application for



Credit or Refund of Sales or Use Tax. But those nonbelievers will be shocked to learn the following: While the process can be difficult and lengthy, sales tax refunds can be obtained... PLUS INTEREST!

Sales tax refund/credit claims must be filed within three years from the date the tax was payable to the Tax Department or within two years from the date the tax was paid, whichever is later.

Just because a vendor collects sales tax doesn't necessarily mean that they should or even that they are collecting the right amount. Think about how much sales tax your business or your client's business pays over the course of three years on items which may be exempt: certain printed promotional materials, certain computer services, certain machinery and equipment, etc. Or maybe you're just now realizing that there's something you missed in the sales tax audit you recently completed. There are plenty of situations which can lead to an overpayment of sales tax.

Three years of overpaid sales tax - plus interest (if not processed in 90 days) refunded likely isn't enough money to allow you to retire before dinner tonight but it can make a substantial difference to a business, especially in this unfavorable economy. Every penny counts and wouldn't you much rather have it in your pocket?

However, the Tax Department isn't just issuing refunds the day after it receives a Form AU-11 without asking questions. The refund must be supported by some documentation and the refund process can take many months to be reviewed and resolved. The process also requires communication with the Tax Department and often negotiation as well.

While our businesses and our client's businesses should be paying the correct amount of sales tax, that's all they should be paying. The *correct* amount. Contact us and let us help you make sure you're not overpaying sales tax – and if you are overpaying, help you get a refund... PLUS INTEREST!



Refund from Completed Audit

A beer distributor was audited for sales and use tax purposes. The beer distributor's owner had engaged a professional to represent the business. At the end of the audit, despite believing the auditor's findings were incorrect, the beer distributor's owner reluctantly agreed to accept the findings as the professional representing the beer distributor had claimed the settlement proposed was as reasonable as possible.

A few months later, the beer distributor's owner was still convinced the audit findings were incorrect so he engaged Sales Tax Defense LLC to look into the matter. After reviewing the beer distributor's sales documentation and bank statements, it appeared that the audit findings were incorrect. A refund claim for the overpaid tax was requested and denied. At that point, a Small Claims Hearing was requested.

Sales Tax Defense LLC attended the Small Claims Hearing along with the beer distributor's owner. By using the beer distributor's documentation and citing numerous applicable regulations and prior cases researched, we were able to show that the auditor's methodology was erroneous. Accordingly, the Presiding Officer ruled that the beer distributor was entitled to a refund.

We estimate the refund to be approximately 30% of the tax paid... PLUS INTEREST!

About Us

We are a dedicated team of tax professionals who have committed our careers to helping businesses and fellow professionals with tax problems. Since the only work we are focused on is solving tax problems, businesses never have to be concerned that we will try to sell them other services they do not need. And professionals never have to be concerned with us encroaching on their client relationships, because we view you, our fellow professional, as our client.

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