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### SALES TAX DEFENSE GOES COAST-TO-COAST



Fun fact: Sales Tax Defense LLC helps clients with sales and use tax in every state in the union, including assisting international businesses seeking to operate or already operating here. A lot of people didn't know that but now they do. A lot of people also don't know about some sales and use tax exemptions outside New York State... but now they will. Please note that certain terms and conditions do apply (such as sometimes receiving a timely,

completed exemption document in good faith, for example). Here we go!

Similar to New York, New Jersey has an exemption for machinery and equipment for use directly and primarily in the production of property by manufacturing, processing, assembling and refining. Connecticut has an exemption for manufacturers' materials, tools and fuel.

Speaking of Connecticut, they also have an exemption for the purchase of meals and lodgings by nonprofit organizations.

Gas, electricity and water, including steam and geothermal steam, brines and heat delivered through mains, lines or pipes are exempt in California.

Organic products grown expressly for fuel purposes and waste by-products from agricultural or forest products operations, and municipal refuse or manufacturing used in an industrial facility as a fuel source in lieu of either oil, natural gas or coal are exempt too.

California also has plenty of other exemptions ranging from blood storage units to ice or dry ice used in shipping food products for human consumption to meals for low-income elderly and plenty of exemption related to the motion picture industry. After all, Hollywood is in California.

While not quite an "exemption", Tennessee has a Sales Tax Holiday every year from the first Friday of August through the following Sunday. Not the kind of holiday where a kid gets a cute puppy in a box or a wife gets a new car with a big bow on top of it though. It's the kind of holiday where they won't charge sales tax on certain clothing, school supplies and computers.

Michigan has exemptions related to agricultural production, industrial processing and nonprofit organizations.

There are so many other exemptions that it would be seemingly impossible for there to be a firm for you to call when you're not sure. Oh wait, there is! Call Sales Tax Defense LLC and we can help you with all your sales and use tax needs in every state, including exemptions!



### Congratulations Joseph Calamia II on your new position!

Sales Tax Defense LLC is proud to promote Joseph Calamia II, as its new Tax Manager. Joseph has been with Sales Tax Defense LLC for over 8 years as our Senior Tax Specialist. During his time with the company, Joseph has successfully assisted many clients with their sales tax needs and continues to be a valuable asset to the growth of the company.

Joseph holds a B.A. in Accounting from Briarcliffe College, where he graduated summa cum laude. Since graduating Joseph has earned his CPA license and is presently completing his Masters in Taxation at SUNY Old Westbury.

# \$800,000 LIABILITY SETTLED FOR 250,000!!

## WE WERE PUBLISHED IN THE NASSAU CHAPTER NEWSLETTER!





A gas station owner came to Sales Tax Defense LLC owing a sales and use tax liability of approximately \$800,000 to the New York State Department of Taxation and Finance.

Sales Tax Defense LLC, sat down with the owner of the Company and evaluated his income, his assets, the Company's income and the Company's assets and determined the owner met the guidelines necessary to file an Offer-In-Compromise with the Tax Department.

After compiling all of the documentation and going back and forth with the reviewer assigned by the Tax Department, a settlement offer for the sales tax liability of \$250,000. Additionally, Sales Tax Defense negotiated a 5 year payment plan for the owner and company to pay the settlement!

to the sales and use tax return.

New York State usually audits over a three year period. To commence the audit, the auditor assigned to the case will request documents such as bank statements, sales tax work sheets, tax returns and a general ledger. The auditor will review the company's deposits, general ledger sales account and gross sales reported on the sales and federal income tax returns. At the very least, these numbers should be relatively similar. After all, why would a business have sales as one number on its books but report a different number

After reviewing the company's asset and expense accounts, the typical procedure is for the auditor to choose a test period for sales and expenses. This is done to both verify that the business reported the correct gross and taxable sales and to ensure that the company paid the appropriate sales tax on purchases. If every guest check, register roll and invoice is provided for the test period, and all of the books and records tie in, the business is deemed to have adequate

has a right to use any reasonable means to determine sales. Courts have held that reasonable means can range from something as basic as utility and rent payments, or even through assumptions, such as the idea that every person who walks into a body shop has an average of \$5,000 of repair work done. When trying to rebut such calculations, the State's response is often, "well, prove us wrong."

So, after documentation going to the auditor and work papers going to the business and negotiations going back and forth, the State will eventually issue an AU346, also known as a Statement of Proposed Audit Change. This is an informal document showing what the auditor has proposed is due in tax, interest and penalties for the audit period. Now, if the company used a magic wand, maybe this document shows zero tax, zero interest and zero penalties due. If that is the case, sign the AU346 as agreed and run.

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Sales Tax Defense would like to congratulate
Jennifer Koo Esq. on getting her article "From
Audit to ALJ: The Tale of a Sales Tax Assessment"
published in the January edition of the Nassau
Chapter Newsletter.

<u>Click here</u> to read the full article (Pages 3 & 4.)

WHEN YOU HAVE A SALES TAX PROBLEM, WE ARE THE SOLUTION!

CALL: **631-491-1500** 

CONTACT US!

"Mark & Joseph, I am most grateful for your attention to my situation as I am very aware that it was not the easiest possible. You have earned my trust and confidence beyond any level of professionalism that I have ever experienced."

-Nic F., Business Owner

### MORE TESTIMONIALS

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This newsletter is not intended to be used as tax, legal or accounting advice.

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