

07-0117  
Sales & Withholding Tax  
Signed 08/09/2007

TAXPAYER SERVICES DIVISION,  
UTAH STATE TAX COMMISSION,

Petitioner,

vs.

RESPONDENT,

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND FINAL ORDER OF  
REVOCATION**

Appeal No. 07-0117  
Account Nos. #####-1 & #####-2

Tax Type: Sales & Withholding Tax  
Revocation

Judge: Jensen

**Presiding:**

D'Arcy Dixon, Commissioner  
Clinton Jensen, Administrative Law Judge

**Appearances:**

For Petitioner: PETITIONER REPRESENTATIVE 1, Assistant Attorney General  
PETITIONER REPRESENTATIVE 2, from the Taxpayer Services Division  
For Respondent: RESPONDENT REPRESENTATIVE

STATEMENT OF THE CASE

This matter came before the Utah State Tax Commission for a Formal Hearing on June 14, 2007. On the basis of the evidence and testimony presented at the hearing, the Tax Commission hereby makes its:

FINDINGS OF FACT

1. This matter is before the Utah State Tax Commission due to the Request for Revocation of Sales Tax License, filed by Petitioner on June 4, 2007. Petitioner requests revocation of sales tax license number #####-2 in accordance with Utah Code Sec. 59-12-106(2)(h) on the grounds that Respondent has failed to comply with the laws of the Utah Sales and Use Tax Act. Additionally Petitioner requests revocation of withholding tax license #####-1 in accordance with Utah Code Sec. 59-10-405(7)(a) on the grounds that Respondent has failed to comply with the withholding tax provisions.

2. Respondent became delinquent in sales tax obligations beginning in the year 2000, and has not been current since. Respondent became delinquent in its withholding tax obligations in the year 2004 and has not been current since.

3. With penalties and interest, Respondent owes \$\$\$\$ in withholding tax, sales tax, and interest, and that amount does not include the most recent periods.

4. Respondent has entered into several payment agreements for its sales and withholding tax

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obligations, but has not completed these agreements.

5. Respondent explained that he had refinanced his house and was taking steps to try to resolve the amounts owed in sales and withholding taxes.

APPLICABLE LAW

(i) The commission shall, on a reasonable notice and after a hearing, revoke the license of any licensee violating any provision of this chapter and no license may be issued to such person until the taxpayer has complied with the requirements of this chapter. (ii) A license may not be issued to a licensee described in Subsection (2)(h)(i) until the licensee has complied with the requirements of this chapter . . (Utah Code Sec. 59-12-106(2)(h).)

Any person required to collect a tax under this chapter within this state without having secured a license to do so is guilty of a criminal violation as provided in Section 59-1-401. (Utah Code Sec. 59-12-106(2)(i).)

(a) The commission shall revoke a license under this section if: (i) a licensee violates any provision of this part; and (ii) before the commission revokes the license the commission provides the licensee; (A) reasonable notice; and (B) a hearing. (b) If the commission revokes a licensee's license in accordance with Subsection (7)(a), the commission may not issue another license to that licensee until that licensee complies with the requirements of this part, including: (i) paying any: (A) amounts due under this part; (B) penalty as provided in Section 59-1-401; or (C) interest as provided in Section 59-1-402; and (ii) posting a bond in accordance with Subsections (5) and (6). (Utah Code Section 59-10-405.5(7).)

CONCLUSIONS OF LAW

Respondent has substantially failed to comply with provision of the Sales and Use Tax Act and for that reason the Commission revokes Respondent's sales tax license pursuant to Utah Code Sec. 59-12-106(2) and Respondent's withholding tax license pursuant to Utah Code Sec. 59-10-405.5(7).

DECISION AND ORDER

Based upon the foregoing, the Utah State Tax Commission revokes Sales Tax License #####-1 for failure to comply with the provisions of the Utah Sales and Use Tax Act, and Withholding Tax License #####-2, for failure to comply with the provision of the Utah Individual Income Tax Act. It is so ordered.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Clinton Jensen, Administrative Law Judge

BY ORDER OF THE UTAH STATE TAX COMMISSION.

The Commission has reviewed this case and the undersigned concur in this decision.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Pam Hendrickson  
Commission Chair

R. Bruce Johnson  
Commissioner

Marc B. Johnson  
Commissioner

D'Arcy Dixon Pignanelli  
Commissioner

**Notice of Appeal Rights:** You have twenty (20) days after the date of this order to file a Request for Reconsideration with the Tax Commission Appeals Unit pursuant to Utah Code Ann. §63-46b-13. A Request for Reconsideration must allege newly discovered evidence or a mistake of law or fact. If you do not file a Request for Reconsideration with the Commission, this order constitutes final agency action. You have thirty (30) days after the date of this order to pursue judicial review of this order in accordance with Utah Code Ann. §§59-1-601 and 63-46b-13 et. seq.

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