

06-0534  
Revocation  
Signed 07/17/2006

BEFORE THE UTAH STATE TAX COMMISSION

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TAXPAYER SERVICES DIVISION,	)	
UTAH STATE TAX COMMISSION,	)	<b>ORDER OF REVOCATION</b>
	)	
Petitioner,	)	
	)	Appeal No.    06-0534
v.	)	Account No.   #####
	)	
	)	Tax Type:     Sales Tax
RESPONDENT,	)	Presiding:    Phan
Respondent.	)	

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**Presiding:**  
Jane Phan, Administrative Law Judge

**Appearances:**  
For Petitioner:    PETITIONER REPRESENTATIVE 1, Assistant Attorney General  
                    PETITIONER REPRESENTATIVE 2, Taxpayer Services Division  
For Respondent:

STATEMENT OF THE CASE

This matter came before the Utah State Tax Commission for an Initial Hearing pursuant to the provisions of Utah Code Sec. 59-1-502.5, on July 13, 2006. The matter had been scheduled previously for an Initial Hearing on May 24, 2006, but was rescheduled rather than a default issued against Respondent for failure to appear because of a lengthy explanation submitted by RESPONDENT as to why he was unable to attend the hearing. However, although duly notified of the date, time and location of the new hearing date, RESPONDENT failed to appear either in person or by telephone.

This issue before the Utah State Tax Commission is the Request for Revocation of Sales Tax License, filed by Petitioner on May 8, 2006. Petitioner requests revocation of sales tax license number ##### pursuant to Utah Code Sec. 59-12-106 (2)(h)(i) on the grounds that Respondent has failed to comply with the laws of the Utah Sales Tax Act.

Currently Respondent owes \$\$\$\$ in sales tax, penalty and interest. Interest continues to

accrue on the unpaid balance. Petitioner's representatives indicate that the account has been delinquent for a substantial period of time and tax is owed for periods as far back as April 1999. Petitioner has made numerous efforts to try to contact RESPONDENT about compliance and collect the tax. The history of Respondent's breached payment agreements and failure to follow through is lengthy in this matter. RESPONDENT continues to indicate that he will file the returns that have yet to be filed and pay the tax, but as of the continued hearing date no payment on the account was indicated.

In his correspondence RESPONDENT blames his own health problems and legal issues involving his former tattoo artist. He indicates that his business prospects are improving and that he will be able to pay the back taxes within a few months.

Because RESPONDENT has failed to deliver on numerous previous representations that he would pay the tax, Petitioner requested that the revocation be issued.

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. (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, including: (A) paying any: (I) tax due under this chapter; (II) penalty as provided in Section 59-1-401; or (III) interest as provided in Section 59-1-402; and (B) posting a bond in accordance with Subsections (2)(e) and (f). (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).)

DECISION AND ORDER

This account is substantially delinquent and in violation of the provisions of the Sales Tax Act. Revocation of the sales tax license is required. In addition, the Commission issues an Order of Default against Respondent for failing to appear at the Initial Hearing.

Based on the foregoing the Utah State Tax Commission hereby revokes sales tax license number ##### for failure to comply with the provisions of the Sales Tax Act.

This decision does not limit a party's right to a Formal Hearing. However, this Decision and Order will become the Final Decision and Order of the Commission unless any party to this case files a written request within thirty (30) days of the date of this decision to proceed to a Formal Hearing. Such a request shall be mailed to the address listed below and must include the Petitioner's name, address, and appeal number:

Utah State Tax Commission  
Appeals Division  
210 North 1950 West  
Salt Lake City, Utah 84134

Failure to request a Formal Hearing will preclude any further appeal rights in this matter.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Jane Phan  
Administrative Law Judge

Appeal No. 06-0534

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 \_\_\_\_\_, 2006.

Pam Hendrickson  
Commission Chair

R. Bruce Johnson  
Commissioner

Marc B. Johnson  
Commissioner

D'Arcy Dixon Pignanelli  
Commissioner

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