STATE OF ARKANSAS
DEPARTMENT OF FINANCE & ADMINISTRATION
OFFICE OF HEARINGS & APPEALS
ADMINISTRATIVE DECISION

IN THE MATTER OF [redacted]	**GROSS RECEIPTS, COMPENSATING USE, ALCOHOLIC BEVERAGE TAX ASSESSMENTS**
ACCT. NO.: [redacted]	**AUDIT NO.:** [redacted]
DOCKET NOS.: 16-209 **16-210** **16-211**	**(**[redacted] – Sales Tax**)**[1] **(**[redacted] – Comp. Use Tax**)**[2] **(**[redacted] – Alc. Bev. Tax**)**

TODD EVANS, ADMINISTRATIVE LAW JUDGE
APPEARANCES

This case is before the Office of Hearings and Appeals upon a written protest dated June 5, 2015, signed by [redacted] ("Taxpayer's Accountant") on behalf of [redacted], the Taxpayer. The Taxpayer protested the assessments of Gross Receipts Tax ("sales tax"), Compensating Use Tax ("use tax"), and Alcoholic Beverage Taxes issued by the Department of Finance and Administration ("Department").

A hearing was held in Little Rock, Arkansas, on June 29, 2016, at 10:00 a.m. The Department was represented by Jeffrey Weber, Attorney at Law, Office of Revenue Legal Counsel ("Department's Representative"). Present for the Department was Tanzetta Lasker, Auditor, and Guy Meneley and Judy Bowers, Audit Supervisors. [redacted], ("Taxpayer's

[1] This amount does not include concessions by the Department during this proceeding.
[2] Except for the Statute of Limitations issue to be discussed later in this decision, the Taxpayer's Representative conceded taxability of the underlying purchases assessed for Arkansas Use Tax and, consequently, the analysis of this tax's application shall be limited to the Statute of Limitations Issue.

Representative") appeared at the hearing and represented the Taxpayer. Present for the Taxpayer was the Taxpayer's Accountant.

After the June 29th hearing, it was discovered that additional issues remained regarding the catering and gross food sales. The Taxpayer requested and received a supplemental hearing that was held on October 19, 2016 at 1 p.m. The Department's Representative, the Auditor, and the Audit Supervisors appeared for the Department. The Taxpayer's Representative and its Accountant appeared for the Taxpayer. After the presentation of additional evidence by the Taxpayer, the parties requested a time to discuss and attempt to settle certain issues. On November 28, 2016, the Department conceded all portions of the assessment related to the catering and gross food sales and the parties continued to discuss the correct adjusted amounts for the assessment after the concessions. On March 3, 2017, the parties requested more time to finalize discussions on the adjusted numbers and to attempt to settle any remaining issues. On May 1, 2017, the record was closed and the matter was submitted for a decision as the parties were unable settle the remaining issues.

Based on the arguments and evidence presented, the only remaining issues requiring a determination by this Office appear to be the calculation of the tax basis on mixed drink sales and a determination of whether any portion of the assessment was barred by the statute of limitations. Consequently, this decision shall solely address those issues.

ISSUE

Whether the assessments, after adjustments agreed to by the Department, should be sustained? Yes, in part.

FINDINGS OF FACT/CONTENTIONS OF THE PARTIES

The Department's Answers to Information Response provided relevant facts and stated, in pertinent part, as follows:

> The taxpayer operates [redacted] in [redacted], Arkansas. As part of its service, the restaurant offers mixed drinks. As noted below, there should be a 33% tax imposed on the sales of mixed drinks. The taxpayer, however, informed the auditor that it only charged 12.5%, and that it "ate" the remaining amount. The remaining amount, however, was not forwarded to the State. The audit resulted in an assessment total of [redacted] in tax and interest, as of May 20, 2015. The following exhibits are attached:
>
> 1. DFA Summary of Findings, dated May 20, 2015.
>
> 2. Monthly sales sheets provided by the taxpayer to Revenue Counsel for all months included in the audit period.
>
> 3. Monthly sales sheets provided by the taxpayer to the auditor for January 2015 and March 20 15 (attached as representative examples of the discrepancy in documents provided by the taxpayer).
>
> 4. List of out-of-state items purchased by the taxpayer during the audit period for which no compensating use tax was paid.
>
> For purposes of this discussion, the month March 2015 will be used as a representative example of why the assessment should be sustained.
>
> The Department conducted an audit and discovered that the records provided to the auditor did not match with the reports filed by the taxpayer. For example, the taxpayer reported [redacted] in taxable mixed drink sales for March 2015 and remitted [redacted] in tax. On examination of what records were made available, the taxpayer charged 12.5% tax on [redacted] of mixed drink sales.
>
> The proper amount of tax on [redacted] of mixed drink sales is [redacted]. The Department has given the taxpayer credit for [redacted] in remitted tax and is seeking the difference between the amounts. If the taxpayer applied tax to [redacted], that is the appropriate amount of gross receipts to base tax.
>
> For each month there is an amount of "Net Liquor Sold" in the bottom left of the monthly sheet. For March 2015 the amount sold was [redacted]. The tax that should have been collected on this amount is 33%, or [redacted]. The Department agrees and the auditor gave the

taxpayer credit for paying 33% of [redacted] (based on the mathematical formula described by the taxpayer in its answers), or [redacted] (listed on bottom right corner of March 2015 sheet). The auditor specifically asked for receipts showing what tax was paid which the taxpayer refused to provide. It is the taxpayer's responsibility to keep proper records and provide them to the Department when requested. Based on the documents the taxpayer did provide, the balance owed for March 2015 is [redacted]. Moreover, no information was provided to the auditor that the menu or other medium at the restaurant denotes any tax inclusive policies on mixed drink sales. This methodology was used for each of the audit period months to arrive at the amount assessed.

The taxpayer has also provided the Department with conflicting information. For example, the monthly sales sheets have a section for catering sales. When the taxpayer provided the auditor with the monthly sales sheets, the amounts listed were greater than those listed on the monthly sales sheets provided to Revenue Counsel. Because these were the only records the auditor was permitted the review, the larger amount was used. No receipts were provided by the taxpayer despite the auditor's request.

Finally, Exhibit 4 lists all of the out-of-state purchases the taxpayer made during the audit period. The auditor asked for receipts to show whether tax had been paid on any of the items and was told there were no receipts for those purchases. Therefore, tax was assessed on all of the items.

The Taxpayer's Accountant provided the following in his Answers to Information Request:

[redacted] includes sales tax in mixed drink price. Examiner did not understand this concept.
Examiner did not reduce deposit/gross receipts by sales tax included
(a) Liquor
(b) Catering

Examiner did not reduce deposit/gross receipts by Voids/Over Rings/Employee Discounts

Examiner Incorrectly calculated taxable gross receipt. Examiner used amount deposited as taxable gross receipt, instead of removing tax component and leaving the resulting taxable sale amount.

Examiner incorrectly calculated sales tax by applying sales tax % to amount deposited

Examiner did not rely on source documents, but instead exclusively relied on my spreadsheet, which I designed as a tool to help me with the correct calculation. My spreadsheet is old and is not a substitute for the source documents and actual transactions. Examiner did not understand that the majority of mixed drink establishments include sales tax in the price of the drink.
Soda from a vending machine, tax included
Liquor stores that include tax in price
Like all other restaurants

Like most mixed drink establishments, [redacted] includes the sales tax in the price of the drink. However, not the entire tax sales. [redacted] does charge 12.5% of the drink price to help cover the tax. To arrive at the total 33% tax due, I use the following formula.

(a) Drink Price (does not include 12.5%)

(b) multiplied by 1.125

(c) equals total collected for sale of drink

(d) divide total collected by 1.33 to arrive at net of tax drink price (taxable receipt)

multiple (d) by 9% for general sales tax,14% for state mixed drink tax, and 10% for City of [redacted]

For example;

$8.00 cocktail;

customer pays $9.00 ($8 times 1.125)

9.00 divided by 1.33 equals $6.77, the net of tax drink price.

$.61 paid to state

$.95 paid for state mixed drink tax

$.67 paid to [redacted] drink tax

Total of net drink and taxes equals $9.00 collected

The Tax Auditor testified as follows during the June 29th hearing: (1) she completed the audit in this matter; (2) the total tax rate for mixed drink sales was 33% during the audit period, (3) the Taxpayer improperly remitted a reduced amount of tax; (4) for mixed drink sales, the Taxpayer combined the taxable sales total from its records and an additional 12.5% fee that was collected from customers to determine the total proceeds received from customers; (5) the Taxpayer then removed 33% from that gross total to represent the total taxes alleged to be included in the amount collected from customers; (6) the reduced amount was used as the tax base on the Taxpayer's returns; (7) the Auditor assessed the Taxpayer on mixed drinks using the menu price (i.e. gross sales) as the tax base and multiplying that amount by 33% (the applicable tax rate); (8) the Auditor requested sales summaries and register tapes; (9) the register tapes were not provided; (10) the Department allows a taxpayer to include taxes on a mixed drink sales and then back out those taxes to calculate their tax liability; (11) she is not confident that the Taxpayer included tax in its sales and could only rely on the documentation provided by the Taxpayer's Accountant without actual receipts; (12) the Taxpayer's Accountant told her that the Taxpayer "eats" a portion of the total taxes on its returns; (13) the Taxpayer's method is flawed because it reduces the tax base below the menu prices (which she viewed as the actual tax base); (14) if the Taxpayer did not charge the customers the 12.5% fee (which was designated as tax on customer receipts), then taxes would have been wholly included in the customer's price and could be backed out in the calculation of the tax base; (15) she was told that catering statements also did not include tax but she did not receive the original source documents to verify that

information; (16) voids, over rings, and bad checks were not removed since the necessary documentation was missing; (17) the spreadsheets eventually provided to the Auditor for monthly catering sales contradicted the catering spreadsheets provided to the Department's Representative; and (18) Department's Exhibit 5 provided during the administrative hearing (which purported to provide a breakdown of the remaining balances owed for each tax category (except use tax) for the assessment broken down by period) was created for the hearing at the request of the Department's Representative.

The Taxpayer's Accountant testified as follows during the June 29th hearing: (1) originally, the Taxpayer included all applicable taxes in its mixed drink menu prices; (2) in 2011 or 2012, the Taxpayer began to charge a 12.5% fee to partially offset some of the mixed drink tax liability; (3) after that time, the menu price included roughly 21% of the applicable taxes; (4) the 12.5% fee to customers based on the menu price did include "tax on tax" by being applied to the monthly liquor sales total (which included roughly 21% of the applicable taxes in the drink prices); (5) he does not recall saying that the Taxpayer "ate" the remaining tax amount; (6) the monthly returns aggregated the total amount collected from the customer (including the 12.5% fee)[3] and backed out the 33% of taxes that were included in that aggregated amount; (7) the 12.5% fee was reflected as a lump sum in a line item on the customer's receipts that was labeled as tax; and (8) applicable taxes were paid on catering sales because those sales were included in the gross food sales.

[3] The daily sales reports did not include the 12.5% charge in the sales totals; consequently, those amounts were added by the Taxpayer's Accountant in his work papers because he knew those amounts were collected. The Taxpayer's Accountant stated that his math works because the amount collected agreed with the Taxpayer's records.

The Taxpayer's Representative described the Taxpayer's methodology as a hybrid methodology which should be allowed and claimed that the Taxpayer's formula in its work papers produced the same amount due as the Department's calculation in a published guidance. The Taxpayer's Representative appeared to reference a document provided by the Department titled: "PUBLIC OUTLET (*restaurant/hotel)* – COMPUTATION OF TAX." That document proposes a hypothetical taxpayer "that serves alcoholic beverages [and] has gross receipts (includes tax collected). . . ." That document does not discuss and, hence, is not applicable to a taxpayer that only includes a portion of the taxes (as incorrectly alleged by the Taxpayer). The Taxpayer's Representative further explained that, today, the Taxpayer simply charges the applicable taxes based on the menu price with no taxes included in hopes of resolving this issue for future periods. Even though the 12.5% fee was calculated based on the higher menu price, the Taxpayer's Representative also asserted the customers were not harmed (i.e. paying an excess amount of tax) because in all cases they underpaid the tax that was due and the difference was paid by the Taxpayer.

CONCLUSIONS OF LAW

Standard of Proof

Ark. Code Ann. § 26-18-313(c) (Supp. 2015) provides, in pertinent part, as follows:

> The burden of proof applied to matters of fact and evidence, whether placed on the taxpayer or the state in controversies regarding the application of a state tax law shall be by preponderance of the evidence.

A preponderance of the evidence means the greater weight of the evidence. *Chandler v. Baker*, 16 Ark. App. 253, 700 S.W.2d 378 (1985). In *Edmisten v. Bull Shoals Landing*, 2014 Ark. 89, at 12-13, 432 S.W.3d 25, 33, the Arkansas Supreme Court explained:

> A preponderance of the evidence is "not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.

The Department bears the burden of proving that the tax law applies to an item or service sought to be taxed, and a taxpayer bears the burden of proving entitlement to a tax exemption, deduction, or credit. Ark. Code Ann. § 26-18-313(d) (Supp. 2015). Statutes imposing a tax or providing a tax exemption, deduction, or credit must be reasonably and strictly construed in limitation of their application, giving the words their plain and ordinary meaning. Ark. Code Ann. § 26-18-313(a), (b), and (e) (Supp. 2015). If a well-founded doubt exists with respect to the application of a statute imposing a tax or providing a tax exemption, deduction, or credit, the doubt must be resolved against the application of the tax, exemption, deduction, or credit. Ark. Code Ann. § 26-18-313(f)(2) (Supp. 2015).

Assessment of Mixed Drink Sales

Arkansas Gross Receipts (sales) Tax generally applies to the entire "gross proceeds or gross receipts" of all sales of tangible personal property within the State of Arkansas. Ark. Code Ann. § 26-52-301 (Repl. 2014). County and city sales taxes also apply and are based on the "gross proceeds or gross receipts." The

entire "gross proceeds or gross receipts" of sales of alcoholic beverages is also subject to a supplemental 10% alcoholic beverage tax. Ark. Code Ann. § 3-9-213(b)(1) (Repl. 2008); Arkansas Gross Receipts Tax Rule GR-26(C)(1). Alcoholic beverages include all intoxicating liquors other than beer and wine. Ark. Code Ann. § 3-9-202(1) (Supp. 2015). In addition to the other taxes discussed above, the "gross proceeds or gross receipts" of all mixed drink sales, that is sales of spirits not including wine or beer, are subject to a supplemental 4% Additional Mixed Drink Tax and any supplemental city taxes. Ark. Code Ann. § 3-9-213(b)(2) (Repl. 2008); *see also* Arkansas Gross Receipts Tax Rule GR-26(D)(1). As shown in the statutory provisions cited above, all of the above taxes are calculated based on the "gross proceeds or gross receipts" of the sale of the mixed drinks.

Ark. Code Ann. § 26-52-103(13) (Repl. 2014) defines "gross receipts or gross proceeds" as follows:

> (A) "Gross receipts", "gross proceeds", or "sales price" means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:
>
> (i) The seller's cost of the property sold;
>
> (ii) The cost of materials used, labor or service cost, interest, any loss, any cost of transportation to the seller, any tax imposed on the seller, and any other expense of the seller;
>
> (iii) Any charge by the seller for any service necessary to complete the sale, other than a delivery charge or an installation charge;
>
> (iv) Delivery charge;
>
> (v) (a) Installation charge.
>
> (b) Installation charges will not be included in the "gross receipts", "gross proceeds", or "sales price" if they are not a specifically taxable service under this chapter or the

Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and the installation charges have been separately stated on the invoice, billing, or similar document given to the purchaser; or

(vi) Credit for any trade-in.

(B) **"Gross receipts", "gross proceeds", or "sales price" does not include**:

(i) A discount including cash, term, or a coupon that is not reimbursed by a third party and that is allowed by a seller and taken by a purchaser on a sale;

(ii) Interest, financing, or a carrying charge from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; and

(iii) **Any tax legally imposed directly on the consumer that is separately stated on the invoice, bill of sale, or similar document given to the purchaser**; [Emphasis Supplied].

Further, it is the duty of every taxpayer to make a return of any tax due under any state tax law and to preserve suitable records to determine the amount due. Ark. Code Ann. § 26-18-506(a) (Repl. 2012). The Arkansas Supreme Court has also explained that "the interpretation of statutes by an administrative agency, while not conclusive, is highly persuasive." *Matter of Sugarloaf Min. Co. Permit No. P-272-M-Co,* 310 Ark. 772, 776, 840 S.W.2d 172, 174 (1992). In *Ford vs. Keith,* 338 Ark. 487, 494, 996. S.W.2d 20, 25 (1999), the Arkansas Supreme Court explained as follows:

> The construction of a state statute by an administrative agency is not overturned unless it is clearly wrong. *Thomas v. Arkansas Department of Human Services,* 319 Ark. 782, 894 S.W.2d 584 (1995) (citing *Douglass, supra.*) Ordinarily, agency interpretations of statutes are afforded great deference, even though they are not binding. *Arkansas State Medical Bd. v. Bolding,* 324 Ark. 238, 244, 920 S.W.2d 825 (1996). However, although an agency's interpretation is highly persuasive, where the statute is not ambiguous, we will not interpret it to mean anything other than what it says. *Kildow,* 333 Ark. at 339, 969 S.W.2d 190.

The governing statutes show that all of the relevant taxes must be calculated based on the same tax base, being the entire "gross receipts or gross proceeds" received for the transaction. However, any taxes separately stated on a customer's receipt must be excluded from the gross proceeds for the transaction. Consequently, the Taxpayer cannot separate different portions of the relevant taxes to utilize different tax bases for the percentage of tax collected from customers relative to the remaining tax percentage paid by the Taxpayer (i.e. utilize the menu price for the 12.5% of the tax rate and a reduced price for the remainder of the tax rate). A Taxpayer also cannot include the amount billed as tax on customers' receipts as part of the entire gross proceeds for the transaction in its calculation of the tax due.

The latter approach was utilized by the Taxpayer's Accountant when completing the Taxpayer's monthly returns and advocated as the correct approach by the Taxpayer in this proceeding. That approach improperly treats the tax collected from customers as part of the gross receipts for the transaction, claims all relevant taxes were included in the proceeds received from the customer after that adjustment, and then backs out the applicable tax rate for all taxes (33%) to arrive at the tax base for the transactions. Since the Taxpayer's methodology contradicts the governing statutes by including separately billed taxes in the calculation of the gross proceeds, it is incorrect and cannot be used in the calculation of the tax base.

While the Taxpayer asserts that some portion of the menu price includes a tax or fraction of a tax not collected from the customer, all taxes must apply to the

same tax base (the entire gross proceeds received for the transaction) as all of the other taxes imposed on the mixed drink sales. Further, even if the taxes could be included in the menu price in a piecemeal fashion, the tax types (i.e. all applicable sales tax, mixed drink tax, and all applicable supplemental alcoholic beverage taxes) at issue cannot be combined to produce the 20.5% tax rate that the Taxpayer alleges is included in the menu price.

The Department has shown by a preponderance of the evidence that its application of the governing statutes (using the menu price as the tax base and not including the customers' tax payments in the gross proceeds for the transaction) complies with the statutory definition of "gross proceeds" and provides the most accurate tax base for the sales of mixed drinks during the relevant audit period. Consequently, this portion of the assessment is sustained.

Statute of Limitations

The Notice of Proposed Assessment in this matter was issued May 22, 2015. According to the Summary of Findings, Arkansas Sales Tax and Alcoholic Beverage Taxes were assessed for the reporting periods of April 1, 2012 through March 31, 2015, and Arkansas Compensating (use) Tax was assessed for the reporting periods June 1, 2012 through September 30, 2014.

According to Ark. Code Ann. § 26-18-306(a)(1) and (f) (Supp. 2015), Arkansas tax liabilities must generally be assessed within three years of the date that a return was required to be filed or the date the return was filed whichever periods expires later; however, no limitations exist on a tax assessment if the Taxpayer has failed to file the necessary tax return. Additionally, an assessment may be issued for a tax period within six years from the date that the return was

required to be filed or the date the return was filed if the taxpayer has underreported its tax liability by 25% or more in that return. Ark. Code Ann. § 26-18-306(e) (Supp. 2015).

The Taxpayer's Representative argued that the Statute of Limitations runs from the date of assessment which he interpreted to mean the date that a Notice of Final Assessment is issued. The Department's Representative argued that Ark. Code Ann. § 26-18-306(a)(1) (Supp. 2015) states "assessment" and does not limit that term to a Final Assessment, arguing the Notice of Proposed Assessment is the proper date of assessment. A Notice of Final Assessment is the final action of the agency after an assessment and after a taxpayer has completed its administrative review process. Ark. Code Ann. § 26-18-405(d)(4) (Supp. 2015).

Ark. Code Ann. § 26-18-401 (Repl. 2012) provides that the Director assesses additional tax due by filing a Notice of Proposed Assessment and the Notice of Final Assessment is not issued until after completion of the administrative hearing process. Under the analysis proposed by the Taxpayer's Representative, a taxpayer could request administrative review of an assessment, request extensions of time for the completion of those proceedings, and each additional month of delay would result in the tax liability for an assessed month in the underlying assessment going outside the statute of limitations and being removed. There is no indication in the governing statutes that the Arkansas General Assembly intended the time spent in the administrative hearing process to be counted against the Department for purposes of the statute of limitations. Consequently, the Departments argument that the Notice of Proposed

Assessment constitutes the date of assessment for tax audits is persuasive and the Taxpayer's legal argument is not persuasive.

A proper application of the statutes of limitation, however, still shows that one period was assessed outside of the applicable statutes of limitation and must be removed. Here, the Sales Tax and Alcoholic Beverage Tax Assessments were issued on May 22, 2015. A review of the return filings associated with the Taxpayer's Account shows that its April 2012 return was filed on May 16, 2012 and reported a tax liability of [redacted] According to the Summary of Findings, the following additional taxes were assessed for the April 2012 tax period: [redacted] (State Sales Tax), [redacted] (County Sales Tax), [redacted] (City Sales Tax), [redacted] (Additional Mixed Drink Tax), [redacted] (Mixed Drink Tax).[4]

Generally, Arkansas sales tax returns must be filed on twentieth day of the month following a prior month's reporting period. Ark. Code Ann. § 26-52-501(b) (Repl. 2012). However, if that day falls on a weekend or holiday, the due date for the return is extended to the next succeeding business day. Ark. Code Ann. § 26-18-105(b) (Repl. 2012). Here, May 20, 2012 (the normal due date) was a Sunday; consequently, the April 2012 return was due on Monday, May 21, 2012. Both the due date and filing date for the April 2012 return precede the date of assessment (May 22, 2015) by more than three years and the taxes for that period were not deemed to be underreported by 25% or more. Thus, the assessments of additional sales taxes and alcoholic beverage taxes for the April 2012 period were not timely and the assessments for that period are not sustained. The remaining

[4] These assessed amounts were likely reduced by concessions made by the Department during this proceeding; however, it is apparent (even based on the original higher assessed amounts) that the assessment of April 2012 was not proper.

assessments of sales taxes and alcoholic beverage taxes for the periods May 1, 2012 through March 31, 2015 are timely and are sustained after adjustments conceded to by the Department.

The assessment of use tax for the periods June 1, 2012 through September 30, 2014 is timely and sustained. Arkansas Use Tax Returns are likewise due on the twentieth day of the following month. Ark. Code Ann. § 26-53-125 (Repl. 2014). The Taxpayer, however, was a nonfiler for the relevant periods (resulting in no applicable statute of limitations) and, even if the general three-year statute of limitations was applicable, those periods are within three years of the date of assessment as well.

Interest

After the adjustments agreed to by the Department, the remaining interest balance is sustained as interest is required to be assessed upon tax deficiencies for the use of the State's tax dollars. Ark. Code Ann. § 26-18-508 (Repl. 2012).

DECISION AND ORDER

Except for the single period assessed outside the applicable statute of limitations, the proposed assessments are sustained after adjustments agreed to by the Department. The file is to be returned to the appropriate section of the Department for further proceedings in accordance with this Administrative Decision and applicable law. Pursuant to Ark. Code Ann. § 26-18-405 (Supp. 2015), unless the Taxpayer requests in writing within twenty (20) days of the mailing of this decision that the Commissioner of Revenues revise the decision of the Administrative Law Judge, this Administrative Decision shall be effective and become the action of the agency. The revision request may be mailed to the

Assistant Commissioner of Revenues, P.O. Box 1272, Rm. 2440, Little Rock, Arkansas 72203. A revision request may also be faxed to the Assistant Commissioner of Revenues at (501) 683-1161 or emailed to revision@dfa.arkansas.gov. The Commissioner of Revenues, within twenty (20) days of the mailing of this Administrative Decision, may revise the decision regardless of whether the Taxpayer has requested a revision. The Taxpayer may seek relief from the final decision of the Administrative Law Judge or the Commissioner of Revenues on a final assessment by following the procedure set forth in Ark. Code Ann. § 26-18-406 (Supp. 2015).

OFFICE OF HEARINGS & APPEALS

TODD EVANS
ADMINISTRATIVE LAW JUDGE

DATED: May 8, 2017