

Letter of Findings: 10-0405P
Sales and Use Tax
For the Years 2007, 2008, and 2009

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ISSUE

I. Tax Administration – Interest.

Authority: IC § 6-8.1-10-1.

Taxpayer protests the imposition of interest.

STATEMENT OF FACTS

Taxpayer, an Indiana Limited Liability Partnership, is a general concrete contractor that specializes in residential foundations, flat work, and Insulating Concrete Forms (ICF) construction. Pursuant to an audit, the Indiana Department of Revenue ("Department") determined that Taxpayer did not pay sales tax on certain purchases of tangible personal property, nor did Taxpayer self-assess and remit the use tax to the Department. As a result, the Department's audit assessed Taxpayer additional use tax and interest.

Taxpayer paid the use tax. Taxpayer, however, requests that the Department abate the interest. Upon receiving Taxpayer's request, the Department sent Taxpayer a letter that informed Taxpayer to provide additional evidence or request a hearing within twenty days. Taxpayer did not provide additional evidence or request a hearing within twenty days. This Letter of Findings, therefore, is written based on the documentation available within Taxpayer's protest file.

I. Tax Administration – Interest.

DISCUSSION

The Department assessed interest on the tax liabilities. Taxpayer protested the imposition of interest.

IC § 6-8.1-10-1(a) provides, as follows:

If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on the person's return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

Pursuant to IC § 6-8.1-10-1(e), the Department does not have the authority to waive the interest.

FINDING

Taxpayer's protest regarding the imposition of interest is respectfully denied.

Posted: 10/27/2010 by Legislative Services Agency

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