

ILLINOIS INDEPENDENT TAX TRIBUNAL

RONALD BENDERSON & SUSAN JUSTINGER,)	
)	
Petitioners,)	
)	
v.)	No. 14-TT-127
)	
ILLINOIS DEPARTMENT OF REVENUE,)	
)	
Defendant.)	

**DEFENDANTS’ MOTION TO STRIKE AND FOR OTHER RELIEF
PURSUANT TO §2-619 OF THE ILLINOIS CODE OF CIVIL PROCEDURE**

NOW COMES the Department of Revenue (“Department”) of the State of Illinois, through Lisa Madigan, Attorney General of and for the State of Illinois, by Jennifer Kieffer and Rick Walton, Special Assistant Attorneys General, and for its Motion pursuant to Section 2-619 of the Code of Civil Procedure states as follows:

1. Illinois Code of Civil Procedure (735 ILCS 5/1-101 et seq.) section 2-619 provides: “(a) Defendant may, within the time for pleading, file a motion for dismissal of the action or for other appropriate relief upon any of the following grounds. . . . (1) That the court does not have jurisdiction of the subject matter of the action, provided the defect cannot be removed by a transfer of the case to a court having jurisdiction.” 735 ILCS 5/2-619(a).
2. A section 2-619 motion may be filed before or after the filing of an Answer. *Dever v. Simmons*, 292 Ill.App.3d 70, 74 (1st Dist. 1997).
3. This Tribunal does not have subject matter jurisdiction of certain allegations and claims raised in Count I of the Petition in the above-captioned action, and this defect cannot be removed by a transfer of the case to a court having jurisdiction. 735 ILCS 5/2-619(a)(1).

FACTS

4. On October 13, 2006, Department issued a Notice of Deficiency to Delta Sonic Car Wash Systems, Inc. (“Delta Sonic”) for the tax year ending December 31, 2000. A copy of that Notice is attached hereto as Exhibit 1.

5. On January 23, 2007, Delta Sonic filed its protest (Complaint) of the Notice of Deficiency dated October 13, 2006. See Exhibit 2, Affidavit of Brian Fliflet and the attached Exhibit 2B, Docket Sheet, Circuit Court of Cook County, Docket No. 07-L-50059.

6. The Circuit Court of Cook County entered an Order dismissing with prejudice Delta Sonic’s protest of the Notice of Deficiency issued on October 13, 2006, because Delta Sonic’s protest (Complaint) was filed more than 60 days after the Notice of Deficiency was issued. See Exhibit 2, Affidavit of Brian Fliflet and attached Exhibit 2C, Defendant’s Motion to Dismiss and Agreed Dismissal Order in Circuit Court of Cook County docket No. 07-L-50059.

7. Department’s Notice of Deficiency issued October 13, 2006 to Delta Sonic became final on December 12, 2006; 60 days after it was issued. 35 ILCS 5/908(d).

8. Delta Sonic later filed a Form IL-1120-ST-X (amended Illinois income tax return) for tax years 2000, 2001, 2002, and 2003, which reversed the Department’s unitary determination, and claimed a refund of tax paid for tax year 2000. Exhibit 2, Affidavit of Brian Fliflet.

9. The Department denied Delta Sonic’s refund claim for tax year ending December 31, 2000. See Notice of Denial issued May 26, 2010 to Delta Sonic attached as Exhibit 3.

10. On December 14, 2009, Delta Sonic protested the Department’s refund claim denial for 2000 by filing a formal protest and request for hearing before the Department’s Office of Administrative Hearings. Exhibit 2, Affidavit of Brian Fliflet.

11. Delta Sonic's protest was assigned docket number 10-IT-0229 in the Department's Office of Administrative Hearings. Exhibit 2, Affidavit of Brian Fliflet.
12. Office of Administrative Hearings, docket number 10-IT-0229 is open/pending. Exhibit 2, Affidavit of Brian Fliflet.
13. The issue pending in Office of Administrative Hearings' docket number 10-IT-0229 is whether Delta Sonic and Benderson Development were members of a unitary business group in 2000 through 2003. Exhibit 2, Affidavit of Brian Fliflet.
14. On October 13, 2006, Department issued a Notice of Deficiency to Petitioner, Ronald Benderson, for the tax years ending December 31, 2000, December 31, 2001, December 31, 2002, and December 31, 2003. See Exhibit 4. Notice of Deficiency issued October 13, 2006.
15. Ronald Benderson did not file a Form EAR-14 or otherwise protest the Notice of Deficiency for 2000, 2001, 2002 and 2003 within 60 days of October 13, 2006. Exhibit 5, Affidavit of Carrie Leininger.
16. Department's Notice of Deficiency issued October 13, 2006 to Ronald Benderson became final on December 12, 2006; 60 days after it was issued. 35 ILCS 5/908(d).
17. Petitioners/Taxpayer reported an overpayment of individual income tax on Form IL-1040 for the tax year ending December 31, 2010. Exhibit 5, Affidavit of Carrie Leininger.
18. On or about August 6, 2012, Petitioners/Taxpayer filed a Form IL-1040-X (amended income tax return) for the tax year ending December 31, 2010, claiming a tax overpayment of \$ 40,934, a credit carry forward of \$12,250, and a refund of \$ 28,684. Exhibit 5, Affidavit of Carrie Leininger.
19. Department denied Petitioners'/Taxpayer's refund claim on Form IL-1040-X in a Notice of Claim Denial issued February 21, 2013. A copy of that Notice is attached as Exhibit 6.

20. Petitioners'/Taxpayer's did not file a protest within 60 days of the Notice of Claim Denial issued February 21, 2013. Exhibit 5, Affidavit of Carrie Leininger.

21. On October 16, 2012, Petitioners/Taxpayer filed an IL-1040 Individual Income Tax Return for the tax year ending December 31, 2011, reporting a tax overpayment of \$47,469. Exhibit 5, Affidavit of Carrie Leininger.

22. On December 6, 2012, the Department issued a Return Correction Notice to Petitioners/Taxpayer showing \$8,500 of estimated payments received for tax year 2011 and a tax overpayment of \$34,896. Exhibit 5, Affidavit of Carrie Leininger.

23. On December 6, 2012, the Department issued a Notice of Overpayment Adjustment to Petitioners/Taxpayer showing that Taxpayer's 2011 overpayment of \$34,896 was applied to Taxpayer's unpaid final liabilities for the tax years ending December 31, 2001 and December 31, 2002. Exhibit 5, Affidavit of Carrie Leininger and Exhibit 5C attached thereto.

24. On or about January 28, 2013, Petitioners/Taxpayer filed an IL-1040-X (amended individual income tax return) for the tax year ending December 31, 2011 claiming a refund in the amount of \$47,469. Exhibit 5, Affidavit of Carrie Leininger.

25. On May 13, 2014, the Department issued a Notice of Claim Denial to Taxpayer denying Petitioners'/Taxpayer's refund claim for the tax year ending December 31, 2011. A copy of that Notice is attached to Exhibit 5, Affidavit of Carrie Leininger, as Exhibit 5E.

26. On October 15, 2013, Petitioners filed an IL-1040 (individual income tax return) for the tax year ending December 31, 2012, reporting a tax overpayment of \$62,688. Exhibit 5, Affidavit of Carrie Leininger.

27. On October 26, 2013, the Department issued a Notice of Overpayment Adjustment to Petitioners showing that Taxpayer's 2012 tax overpayment of \$62,688 was

applied to unpaid liabilities for the 2002 and 2003 tax years. A copy of that Notice is attached to Exhibit 5, Affidavit of Carrie Leininger, as Exhibit 5F.

28. On or about February 6, 2014, Petitioners/Taxpayer filed an IL-1040-X (amended individual income tax return) for the tax year ending December 31, 2012, claiming a refund in the amount of \$62,688. Exhibit 5, Affidavit of Carrie Leininger.

29. On May 19, 2014, the Department issued a Notice of Claim Denial to Taxpayer denying Petitioners'/Taxpayer's refund claim for the tax year ending December 31, 2012. A copy of that Notice is attached to Exhibit 5, Affidavit of Carrie Leininger, as Exhibit 5G.

30. Petitioners/Taxpayer protested the May 13, 2014 Notice of Claim Denial (for 2011) and the May 19, 2014 Notice of Claim Denial (for 2012) by filing a protest and petition with this Tribunal on July 11, 2014.

**A. Subject Matter Jurisdiction:
Department's Collection Activities**

31. Section 1-45 of the Illinois Independent Tax Tribunal Act of 2012 (35 ILCS 1010/1-1 et seq.) states: "Jurisdiction of the Tax Tribunal. . . (e) The Tax Tribunal shall not have jurisdiction to review: . . .(4) any action or determination of the Department regarding tax liabilities that have become finalized by law, including but not limited to the issuance of liens, levies, and revocations, suspensions, or denials of licenses or certificates of registration or any other collection activities." 35 ILCS 1010/1-45.

32. Section 909(a) of the Illinois Income Tax Act (35 ILCS 5/909(a)) provides:

(a) In general. In the case of any overpayment, the Department, within the applicable period of limitations for a claim for refund, may credit the amount of such overpayment, including any interest allowed thereon, against any liability in respect of the tax imposed by this Act, regardless of whether other collection remedies are

closed to the Department on the part of the person who made the overpayment and shall refund any balance to such person.

33. The Department's act of offsetting overpayments against final liabilities in accordance with Section 909(a) is a "collection activit[y]" for which this Tribunal does not have jurisdiction to review. 35 ILCS 1010/1-45(e).

34. This Tribunal has jurisdiction to review the amount of Petitioners'/Taxpayer's overpayment of tax for the tax years ending December 31, 2011 and December 31, 2012. 35 ILCS 1010/1-45(e); 35 ILCS 5/909(a).

35. This Tribunal also has jurisdiction to review the timeliness of the Department's offset, when such a claim is raised by the Taxpayer. 35 ILCS 1010/1-45(e); 35 ILCS 5/909(a).

36. Once the amount of the overpayment is determined, this Tribunal does not have subject matter jurisdiction to review the Department's application of Petitioners'/Taxpayer's tax overpayments for tax years 2011 and 2012 to Taxpayer's final liabilities because the Department acted timely.

WHEREFORE, Department prays this Tribunal enter an Order:

- a) Finding that Department's act of offsetting overpayments against final liabilities in accordance with Section 909(a) is a collection activity, pursuant to 35 ILCS 1010/1-45(e);
- b) Holding that this Tribunal does not have subject matter jurisdiction to review Department's act of offsetting overpayments against final liabilities pursuant to IITA Section 909(a) when such offsets are timely made;
- c) Holding that this Tribunal has jurisdiction to determine the correct amount of

Petitioners'/Taxpayer's tax overpayment for 2011 and 2012;

- d) Holding that this Tribunal does not have subject matter jurisdiction to review the Department's application of Petitioners'/Taxpayer's tax overpayments for tax years 2011 and 2012 to Taxpayer's final liabilities, once the amount of the overpayment is determined; and
- e) Granting any further relief this Tribunal deems just and appropriate.

**B. Subject Matter Jurisdiction:
Determinations not "reflected on" Taxpayer's protested 2011 & 2012 Notices**

37. Section 1-45(a) of the Independent Tax Tribunal Act of 2012 provides: "the Tax Tribunal shall have original jurisdiction over all determinations of the Department reflected on a Notice . . . ," including a Notice of Claim Denial . 35 ILCS 1010/14-45(a).

38. The protested Notices of Claim Denial at issue in this action (14-TT-127) are for Individual Income Tax for Ronald Benderson and Susan Justinger for the tax years ending December 31, 2011 and December 31, 2012.

39. However, in their petition, Petitioners/Taxpayer raise the issue that "Delta Sonic and Benderson Development [were] not engaged in a unitary business" for tax years 2000 through 2003. Petition, ¶¶ 38, 39, 40.

40. In support of this contention, Taxpayer alleges facts in paragraphs 10, 11, 12, 13, 14, 15, 16, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 concerning Delta Sonic's claim that it was not unitary with Benderson Development in the years 2000 through 2003.

41. The facts alleged in paragraphs 10, 11, 12, 13, 14, 15, 16, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 are not reflected on the Notices of Claim Denial issued to Ronald

Benderson and Susan Justinger for individual income tax for the tax years ending December 31, 2011 and December 31, 2012, which are the subject of this protest. 35 ILCS 1010/14-45(a).

42. Additionally, in its prayer for relief in Count I of the petition, Petitioners/Taxpayer prays that this Tribunal find and declare “that Delta Sonic and Benderson Development were not engaged in a unitary business.” Petition, Count I, Prayer for Relief, ¶ (a).

43. The Department’s determination that Delta Sonic was engaged in a unitary business with Benderson Development for the tax years 2000 through 2003 was reflected in the Notice of Deficiency issued to Delta Sonic on October 13, 2006 and the Notice of Denial issued to Delta Sonic on May 26, 2010. A copy of those Notices are attached hereto as Exhibit 1 and Exhibit 4, respectively.

44. Taxpayer admits that the Department’s Office of Administrative Hearings has jurisdiction of Delta Sonic’s protest of the May 26, 2010 Notice of Denial and that the unitary issue is pending before the Office of Administrative Hearings. See Petition ¶¶ 10 through 15.

45. The unitary issue must be decided by the Department’s Office of Administrative Hearings. 35 ILCS 5/910(a) (2010) (prior to 2012 amendment at P.A. 97-1129, eff. 8-28-12); See P.A. 89-399, eff. 8-20-95.

46. This Tribunal does not have jurisdiction to review Delta Sonic’s claim that Delta Sonic and Benderson Development were not unitary because Delta Sonic’s unitary relationship with Benderson Development for tax years ending 2000 through 2003 is not “reflected on [the] ... Notice of Claim Denial” issued to Ronald Benderson and Susan Justinger for the tax years ending December 31, 2011 and December 31, 2012. 35 ILCS 1010/14-45(a).

47. Although Taxpayer has artfully tried to incorporate the third-party unitary issue in this individual income tax protest, surely this Tribunal is too sophisticated to accept for even a

moment that a Taxpayer can challenge a third party's 2001 business income tax assessment by means of protesting a Notice concerning 2011 individual income tax.

WHEREFORE, Department prays this Tribunal enter an Order

- a) Finding that Delta Sonic's unitary relationship with Benderson Development for tax years ending 2000 through 2003 is not reflected on the Notices of Claim Denial issued to Ronald Benderson and Susan Justinger on May 14, 2014 and May 19, 2014 for the tax years ending December 31, 2011 and December 31, 2012, respectively;
- b) Holding that this Tribunal does not have subject matter jurisdiction to determine whether Delta Sonic and Benderson Development were engaged in a unitary business in 2000 through 2003;
- c) Holding that this Tribunal does not have subject matter jurisdiction to review the correctness of the Notice of Claim Denial issued to Delta Sonic on May 26, 2010;
- d) Striking paragraphs and 10, 11, 12, 13, 14, 15, 16, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 from the Petition; and
- e) Granting any further relief this Tribunal deems just and appropriate.

C. Subject Matter Jurisdiction:

Final Assessments – Notice of Deficiency to Delta Sonic

48. Section 1-45 of the Illinois Independent Tax Tribunal Act of 2012 (35 ILCS 1010/1-1 et seq.) states: "Jurisdiction of the Tax Tribunal. . . (e) The Tax Tribunal shall not have jurisdiction to review: . . .(4) any action or determination of the Department regarding tax liabilities that have become finalized by law, including but not limited to the issuance of liens,

levies, and revocations, suspensions, or denials of licenses or certificates of registration or any other collection activities.” 35 ILCS 1010/1-45 (emphasis added).

49. Because the Notice of Deficiency issued on October 13, 2006 to Delta Sonic is final, this Tribunal does not have Subject Matter Jurisdiction to review the correctness of the Notice of Deficiency or the issues determined therein, including whether Delta Sonic and Benderson Development were members of a unitary group for the tax years ending December 31, 2000, December 31, 2001, December 31, 2002 and December 31, 2003. 35 ILCS 1010/1-45.

WHEREFORE, Department prays this Tribunal enter an Order

- (a) Finding that the Notice of Deficiency issued to Delta Sonic on October 13, 2006, for tax year ending December 31, 2000 became final on December 12, 2006;
- (b) Holding that this Tribunal does not have subject matter jurisdiction to review the correctness of the Department’s Notice of Deficiency issued to Delta Sonic on October 13, 2006;
- (c) Holding that this Tribunal does not have subject matter jurisdiction to determine whether Delta Sonic and Benderson Development were engaged in a unitary business in 2000 through 2003;
- (d) Striking paragraphs and 10, 11, 12, 13, 14, 15, 16, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 from the Petition; and
- (e) Granting any further relief this Tribunal deems just and appropriate.

**D. Subject Matter Jurisdiction:
Final Assessments – Notice of Deficiency to Ronald Benderson**

50. Section 1-45 of the Illinois Independent Tax Tribunal Act of 2012 (35 ILCS 1010/1-1 et seq.) states: “Jurisdiction of the Tax Tribunal. . . (e) The Tax Tribunal shall not have jurisdiction to review: . . .(4) any action or determination of the Department regarding tax liabilities that have become finalized by law, including but not limited to the issuance of liens, levies, and revocations, suspensions, or denials of licenses or certificates of registration or any other collection activities.” 35 ILCS 1010/1-45.

51. On October 13, 2006, Department issued a Notice of Deficiency to Petitioner, Ronald Benderson, for the tax years ending December 31, 2000, 2001, 2002, and 2003. See Exhibit 3. Notice of Deficiency issued October 13, 2006.

52. Ronald Benderson did not file a Form EAR-14 or otherwise protest the Notice of Deficiency for 2000, 2001, 2002 and 2003 within 60 days of October 13, 2006.

53. Illinois Income Tax Act (IITA) Section 908(d) provides: “(d) Finality of decision. If the taxpayer fails to file a timely protest or petition under subsection (a) of this Section, then the Department's notice of deficiency shall become a final assessment at the end of the 60th day after the date of issuance of the notice of deficiency.” 35 ILCS 5/908(d).

54. Department’s Notice of Deficiency issued to Ronald Benderson on October 13, 2006 for the tax years ending December 31, 2000, December 31, 2001, December 31, 2002, and December 31, 2003 became final on December 12, 2006, 60 days after it was issued.

55. Because the October 13, 2006 Notice of Deficiency is final, this Tribunal does not have Subject Matter Jurisdiction to review the correctness of the Notice of Deficiency issued to

Ronald Benderson or the income tax assessments for the tax years ending December 31, 2000, December 31, 2001, December 31, 2002 and December 31, 2003. 35 ILCS 1010/1-45.

WHEREFORE, Department prays that this Tribunal enter an Order

- (a) Finding that Ronald Benderson did not timely file a protest of the Notice of Deficiency issued on October 13, 2006, for the years ending December 31, 2000, December 31, 2001, December 31, 2002 and December 31, 2003, on or before December 12, 2006;
- (b) Holding that the Notice of Deficiency issued to Ronald Benderson on October 13, 2006, for the years ending December 31, 2000, December 31, 2001, December 31, 2002 and December 31, 2003, is final; and
- (c) Holding that this Tribunal does not have subject matter jurisdiction to review the correctness of the Notice of Deficiency issued to Ronald Benderson on October 13, 2006, for the tax years ending December 31, 2000, December 31, 2001, December 31, 2002, and December 31, 2003; and
- (d) Granting any further relief this Tribunal deems just and appropriate.

**E. Subject Matter Jurisdiction:
Final Assessment – Petitioners’ 2010 Overpayment**

56. The Tax Tribunal has original jurisdiction over all determinations of the Department reflected on the protested Notice of Claim Denial. 35 ILCS 1010/1-45(a).

57. Taxpayer alleges that “Petitioners had an overpayment of \$12,250 from the 2010 tax year which Petitioners' sought to apply toward its tax liability for the 2011 tax year.”

Petition, ¶ 17.

58. Taxpayer alleges that “Department issued a Return Correction Notice to Petitioners . . . in which it reduced the amount of overpayment applied to 2011 tax year from the 2010 tax year, as the 2010 overpayment was used to offset unpaid liabilities for the 2001 tax year.” Petition, ¶ 19.

59. On February 21, 2013, Department issued a Notice of Claim Denial to Petitioners/Taxpayer for the tax year ending December 31, 2010. See Exhibit 6.

60. Petitioners/Taxpayer did not protest the Notice of Claim Denial issued on February 21, 2013 to Petitioners/Taxpayer.

61. The Notice of Claim Denial issued to Petitioners/Taxpayer on February 21, 2013 became final on Monday, April 22, 2013, 60 days after it was issued. 35 ILCS 5/908(d).

62. Because the Notice of Claim Denial issued to Petitioners/Taxpayer on February 21, 2013 for tax year ending December 31, 2010 is final, the Department may apply the 2010 overpayment of tax to any final liability of tax, penalty, or interest of Taxpayer, including 2001. 35 ILCS 5/909(a).

63. This Tribunal does not have subject matter jurisdiction to review the amount of tax overpayment of Petitioners/Taxpayer for the tax year ending December 31, 2010, or the Department’s offset of that overpayment against Taxpayer’s final liabilities because

- a. The 2010 overpayment is reflected on the Notice of Claim Denial issued on February 21, 2013;

- b. The Notice of Claim Denial issued on February 21, 2013 for tax year ending December 31, 2010 is not part of this protest action; and
- c. The Notice of Claim Denial issued on February 21, 2013 for tax year ending December 31, 2010 is final.

WHEREFORE, Department prays this Tribunal enter an Order:

- (a) Finding that the Notice of Claim Denial issued to Petitioners/Taxpayer on February 21, 2013 became final on Monday, April 22, 2013;
- (b) Holding that this Tribunal does not have subject matter jurisdiction to review the amount of tax overpayment of Petitioners/Taxpayer for the tax year ending December 31, 2010;
- (c) Holding that this Tribunal does not have subject matter jurisdiction to review the Department's offset of that overpayment to Taxpayer's 2001 final liability; and
- (d) Granting any further relief this Tribunal deems just and appropriate.

Respectfully submitted,

Illinois Department of Revenue

By: LISA MADIGAN,
Attorney General, State of Illinois

Special Assistant Attorney General

Jennifer Kieffer
Special Assistant Attorney General
Phone: (312) 814-1533
Jennifer.Kieffer@Illinois.gov

Rickey A. Walton
Special Assistant Attorney General
Phone: (312) 814-1016
Rick.Walton@Illinois.gov

Illinois Department of Revenue
100 West Randolph St., 7-900
Chicago, IL 60601
Fax: (312) 814-4344



Illinois Department of Revenue

101 W. Jefferson St.
Springfield, IL 62702



October 13, 2006

NOTICE OF DEFICIENCY

FORM: IL-1120-ST

FEIN: 16-0972035

Delta Sonic Car Wash Systems, Inc.
570 Delaware Avenue
Buffalo, NY 14202-1284

TAXABLE YEAR ENDING:
12/31/2000

STATUTORY DEFICIENCY:
\$ 11,539.00

INTEREST TO DATE:
\$ 7,434.00

LESS AMTS. PREVIOUSLY PAID:
\$ 177.00

TOTAL AMOUNT DUE:
\$ 18,796.00

Pursuant to Section 904(c) of the Illinois Income Tax Act, notice is hereby given that the determination of your income tax liability for the above-noted taxable year discloses a deficiency in the amount shown above. The attached statement contains explanations of the adjustments and shows the computation of the deficiency.

IF YOU AGREE to this determination and pay the Total Amount Due shown above within thirty (30) days of the date of this notice, no additional interest will accrue. The payment should be forwarded to the address shown below.

IF YOU DO NOT AGREE, Section 908(a) of the Act provides that the Department shall reconsider the proposed assessment if within 60 days of the date of this notice, the taxpayer or his authorized representative files a written protest setting forth the grounds upon which the protest is based and, if requested, shall grant the taxpayer or his authorized representative a hearing (under Section 914). Thus, if you disagree with the assessment proposed, you may file a protest and, if desired, request a hearing. A protest, if filed, should be forwarded to the address shown below.

IF AN ADEQUATE AND TIMELY PROTEST is not received, the total amount of the deficiency shown will be deemed assessed as of the expiration of the aforementioned 60-day period pursuant to Section 903(a)(2) and 904(d). If no protest is filed and if the tax liability is not paid within 60 days of the date of this notice, a 15% penalty will be assessed under Section 3-3(b)(2) of the Uniform Penalty and Interest Act for liabilities which became due on or after January 1, 1994. (The penalty rate is 20% for liabilities due on or after January 1, 1998.) If the tax remains unpaid after a demand for payment, the Act permits, in addition to other remedies, the seizure and sale of real and personal property to enforce collection.

Sincerely,

Brian Hamer
Director

Enclosures: EAR-14, IDR-867
Return Envelope

NOTICE SECTION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19012
SPRINGFIELD, IL 62794-9012
PHONE: 217-785-9375
ATTENTION: LF 99904A

Page 2

16-0972035

Delta Sonic Car Wash Systems, Inc.

570 Delaware Avenue

Buffalo, NY 14202-1284

STATEMENT

We changed the separate return that you filed for the taxable year ended December 31, 2000 to a unitary filing status. [35 ILCS 5/1501(a)(27), 502(e)]

We disallowed as nonbusiness income the following items that are transactions and activities in the regular course of your trade or business: Rental income and partnership income. [35 ILCS 5/1501(a)(1), (13)]

If this liability qualified for amnesty, and you did not pay that liability during the amnesty period held October 1, 2003, through November 17, 2003, your penalty and interest amounts may be doubled.

[35 ILCS 521/101(b)]

EDA-93 (Ver. 6.25)

TAXPAYER NAME: Delta Sonic Car Wash Systems, Inc.

APE: 12/31/2000

AUDIT PERIOD: 1/1/2000 - 12/31/2002

STATUTE EXPIRES: 10/15/2008

FEIN: 16-0972035

IBT#: 1779-9800

AUDIT CODE: EL

PART I - Base Income (Loss)

		A As originally reported or adjusted	B Net Change	C Corrected amount
Unmodified base income from Part IA	1	4,760,754	11,313,103	16,073,857
Additions:				
State, municipal and other interest income excluded	2a	0	477,949	477,949
Illinois replacement tax deducted	2b	0	30,195	30,195
	2c	0	0	0
	2c	0	0	0
	2c	0	0	0
Total additions	3	0		508,144
Total income - line 1 plus line 3	4	4,760,754		16,582,001
Subtractions:				
Interest income from US Treasury obligations	5a	0	0	0
Enterprise zone or foreign trade zone dividends	5b	0	0	0
Enterprise zone contributions	5c	0	0	0
Enterprise zone or high impact business interest	5d	0	0	0
Expenses incurred in producing tax-exempt interest	5e	0	0	0
	5f	0	0	0
	5f	0	0	0
	5f	0	0	0
Total subtractions	6	0		0
Base income	7	4,760,754		16,582,001

Part IV - Base Income (loss) allocable to Illinois

Base/unitary base income (loss) from Part I, Line 7	1	4,760,754	11,821,247	16,582,001
Nonbusiness income (loss)	2a	3,413,747	(3,413,747)	0
Non-unitary partnership, trust and estate business inc.	2b	0	0	0
Apportionable business income (loss)	4	1,347,007	15,234,994	16,582,001

APPORTIONMENT

		EVERYWHERE	ILLINOIS	FACTOR
Sales Factor	5c	334,205,981	32,681,962	0.097790
Total Factor	6			0.097790
AVERAGE	7			0.097790

		(Column A cont.)	(Column B cont.)	(Column C cont.)
Business income apportionable to Illinois	8	349,962		1,621,554
Nonbusiness income (loss) allocable to Illinois	9	0	0	0
IL partnership, trust, & estate business income (loss)	10	0	0	0
Base income or net loss allocable to Illinois	11	349,962	1,271,592	1,621,554

Part II - Net Income (Loss) and Replacement Tax

Base income or net loss allocable to Illinois	1a	349,962		1,621,554
Illinois net loss deduction (NLD)	1b	0	0	0
Income after NLD	1c	349,962		1,621,554
Standard exemption	4	74	24	98
Net Income	5	349,888		1,621,458
Replacement tax @ 1.5%	6a	5,248	19,074	24,322
Recapture of investment credits	6b	0	0	0
Total replacement tax before investment credits	7	5,248		24,322
Replacement tax investment credits	8	5,248	7,535	12,783
Net replacement tax	9	0	11,539	11,539

	(Column A cont)	(Column B cont)	(Column C cont)
Part III - Payments and Credits			
Total replacement tax		\$0	\$11,539
Credit from prior year and IL-505-B payments	16b	\$12,000	\$0
Tax paid with original return	2		\$0
Subsequent tax payments	3		\$177
Payments applied to penalty and interest	4		\$0
Total tax paid	5		\$12,177
Credit carryforward	6		\$12,000
Released refunds	7		\$0
Payments applied to other years liability(s)	8		\$0
Pending refund	9		\$0
Net tax paid	10		\$177
Amount of correct tax per audit	11		\$11,539
OVERPAYMENT	12		\$0
UNDERPAYMENT	13		\$11,362

PART V - Penalty and interest			TOTAL
Interest due	1		\$7,434
Other interest	2		\$0
3-3(a-10) penalty	3		\$0
3-5 penalty	4		\$0
3-3(b-10)(1) penalty	5		\$0
Other penalty	6		\$0
Interest on UPIA penalties			\$0
Total penalty and interest assessed			\$7,434
Less: penalty and interest paid			\$0
TOTAL TAX, PENALTY AND INTEREST	12		\$18,796

Part IA - Ordinary Income Adjustments			
Ordinary income (loss) from US 1120S	1	4,760,754	11,313,103
Additions from Schedule K, form US 1120S	2		16,073,857
Net income (loss) from rental real estate activity	2a	0	0
Net income (loss) from other rental activities	2b	0	0
Portfolio income (loss)	2c	0	0
Net IRC Sec 1231 casualty and theft gain (loss)	2d	0	0
Other income (loss)	2e	0	0
Total additions	2	0	0
Total of lines 1 and 3	3	4,760,754	16,073,857
Subtractions from Schedule K, form US 1120S	4		
Charitable contributions	4a	0	0
Expense deduction under IRC, Section 179	4b	0	0
Oil and gas depletion	4c	0	0
Interest on investment indebtedness	4d	0	0
Other items of expense	4e	0	0
Total subtractions	4	0	0
Unmodified base income	5	4,760,754	16,073,857

Date of Report 10/12/2008	Region Number 25	Auditor Dale Blanchard
Discussed with Robert Kline	Title Vice President	Date 06/22/2008



STATE OF ILLINOIS
DEPARTMENT OF REVENUE
ADMINISTRATIVE HEARINGS DIVISION
CHICAGO, ILLINOIS

RONALD BENDERSON & SUSAN JUSTINGER,)
v.) No. 14-TT-127
ILLINOIS DEPARTMENT OF REVENUE,)

AFFIDAVIT OF BRIAN FLIFLET

STATE OF ILLINOIS

COUNTY OF COOK

Under penalties as provided by Section 1-109 of the Code of Civil Procedure, 735 ILCS §5/1-109, I, Brian Fliflet, being first duly sworn on oath, depose, and state as follows:

1. I am currently employed by the Illinois Department of Revenue.
2. My current title is Deputy General Counsel, Income Tax Litigation.
3. One of my duties is to supervise the litigation of Protest Moneys Act cases in circuit court when the Department is a named defendant.
4. One of my duties is to supervise the litigation of Administrative Hearings cases before the Department's Office of Administrative Hearings.
5. On October 13, 2006, Department issued a Notice of Deficiency to Delta Sonic Car Wash Systems, Inc. ("Delta Sonic") for the tax year ending December 31, 2000. A copy of that Notice is attached hereto as Exhibit 2A.
6. On January 23, 2007, Delta Sonic filed a Complaint in the Circuit Court of Cook County protesting the Notice of Deficiency dated October 13, 2006. A copy of the Docket entry sheet of docket no. 2007-L-050059 is attached hereto as Exhibit 2B.
7. The Circuit Court of Cook County entered an Order dismissing Delta Sonic's Complaint (protest of the Notice of Deficiency issued October 13, 2006), because

Delta Sonic's Complaint was filed more than 60 days after the Notice of Deficiency was issued. See Dismissal Order and Motion attached hereto as Exhibit 2C.

8. Department's Notice of Deficiency issued October 13, 2006 to Delta Sonic became final on December 12, 2006; 60 days after it was issued.
9. On or about April 30, 2009, Delta Sonic filed a Form IL-1120-ST-X (amended Illinois income tax return) for tax years 2000, 2001, 2002, and 2003, which reversed the Department's unitary determination, and claimed a refund of tax paid for tax year 2000.
10. On December 14, 2009, Delta Sonic protested the Department's deemed denial of its refund claim for tax years ending December 31, 2000 through December 31, 2003, respectively.
11. The Department formally denied Delta Sonic's refund claim for tax years ending December 31, 2000 through December 31, 2003 in a Notice of Claim Denial issued May 26, 2010 to Delta Sonic. A copy of that Notice is attached as Exhibit 2D.
12. Delta Sonic's protest was assigned docket number 10-IT-0229 in the Department's Office of Administrative Hearings.
13. The issue pending in Office of Administrative Hearings' docket number 10-IT-0229 is whether Delta Sonic and Benderson Development were members of a unitary business group in 2000 through 2003.
14. As of the date of this affidavit, Office of Administrative Hearings' docket number 10-IT-0229 is open - a final administrative decision has not yet been issued.
15. I am an adult resident of the State of Illinois and can truthfully and competently testify to the matters contained herein based upon my own personal knowledge.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Brian Fliflet
Deputy General Counsel
Income Tax Litigation
Illinois Department of Revenue

Date: 9/11/2014



Illinois Department of Revenue

101 W. Jefferson St.
Springfield, IL 62702

OCT 16 2006

October 13, 2006

FORM: IL-1120-ST

FEIN: 16-0972035

NOTICE OF DEFICIENCY

Delta Sonic Car Wash Systems, Inc.
570 Delaware Avenue
Buffalo, NY 14202-1284

TAXABLE YEAR ENDING:
12/31/2000

STATUTORY DEFICIENCY:
\$ 11,539.00

INTEREST TO DATE:
\$ 7,434.00

LESS AMTS. PREVIOUSLY PAID:
\$ 177.00

TOTAL AMOUNT DUE:
\$ 18,796.00

Pursuant to Section 904(c) of the Illinois Income Tax Act, notice is hereby given that the determination of your income tax liability for the above-noted taxable year discloses a deficiency in the amount shown above. The attached statement contains explanations of the adjustments and shows the computation of the deficiency.

IF YOU AGREE to this determination and pay the Total Amount Due shown above within thirty (30) days of the date of this notice, no additional interest will accrue. The payment should be forwarded to the address shown below.

IF YOU DO NOT AGREE, Section 908(a) of the Act provides that the Department shall reconsider the proposed assessment if within 60 days of the date of this notice, the taxpayer or his authorized representative files a written protest setting forth the grounds upon which the protest is based and, if requested, shall grant the taxpayer or his authorized representative a hearing (under Section 914). Thus, if you disagree with the assessment proposed, you may file a protest and, if desired, request a hearing. A protest, if filed, should be forwarded to the address shown below.

IF AN ADEQUATE AND TIMELY PROTEST is not received, the total amount of the deficiency shown will be deemed assessed as of the expiration of the aforementioned 60-day period pursuant to Section 903(a)(2) and 904(d). If no protest is filed and if the tax liability is not paid within 60 days of the date of this notice, a 15% penalty will be assessed under Section 3-3(b)(2) of the Uniform Penalty and Interest Act for liabilities which became due on or after January 1, 1994. (The penalty rate is 20% for liabilities due on or after January 1, 1998.) If the tax remains unpaid after a demand for payment, the Act permits, in addition to other remedies, the seizure and sale of real and personal property to enforce collection.

Sincerely,

Brian Hamer
Director

Enclosures: EAR-14, IDR-867
Return Envelope

NOTICE SECTION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19012
SPRINGFIELD, IL 62794-9012
PHONE: 217-785-9375
ATTENTION: LF 99904A

Page 2

16-0972035

Delta Sonic Car Wash Systems, Inc.

570 Delaware Avenue

Buffalo, NY 14202-1284

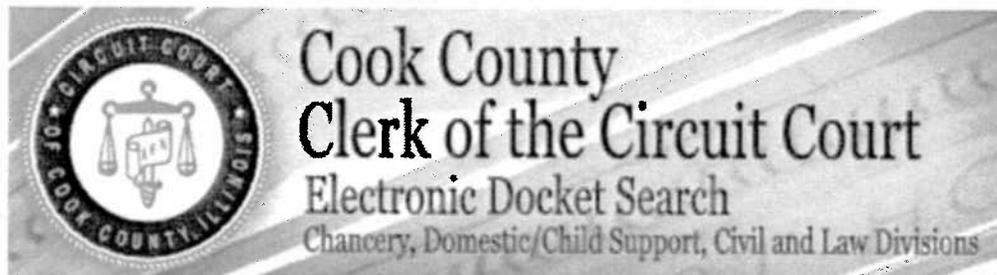
STATEMENT

We changed the separate return that you filed for the taxable year ended December 31, 2000 to a unitary filing status. [35 ILCS 5/1501(a)(27), 502(e)]

We disallowed as nonbusiness income the following items that are transactions and activities in the regular course of your trade or business: Rental income and partnership income. [35 ILCS 5/1501(a)(1), (13)]

If this liability qualified for amnesty, and you did not pay that liability during the amnesty period held October 1, 2003, through November 17, 2003, your penalty and interest amounts may be doubled.

[35 ILCS 521/101(b)]



Case Information Summary for Case Number
2007-L-050059

Filing Date: 1/23/2007
Division: Law Division
Ad Damnum: \$30001.00

Case Type: TAX (NOT PERSONAL PROPERTY)
District: First Municipal
Calendar: 1

Party Information

Plaintiff(s)

DELTA SONC CAR EASH
SYSTE

Attorney(s)

HORWOOD MARCUS BERK
CTD
500W MADISON#3700
CHICAGO IL, 60661
(312) 281-1117

**Date of
Service**

Defendant(s)

DIRECTOR OF THE ILLINOI

GIANNOULIAS ALEXI

Attorney(s)

HAMER BRIAN

ATTORNEY GENERALS
OFFICE
100 W RANDOLPH13-194
CHICAGO IL, 60601
(312) 814-3000

ILLINOIS DEPARTMENT OF

ATTORNEY GENERALS
OFFICE
100 W RANDOLPH13-194
CHICAGO IL, 60601
(312) 814-3000

TREASURER OF THE STATE

ATTORNEY GENERALS
OFFICE

100 W RANDOLPH13-194

CHICAGO IL, 60601

(312) 814-3000

Case Activity

Activity Date: 1/23/2007

Participant: DELTA SONC CAR EASH SYSTE

TAX (NOT PERSONAL PROPERTY) COMPLAINT FILED

Court Fee: 294.00

Attorney: HORWOOD MARCUS BERK

Ad Damnum Amount: 30001.00

CTD

Activity Date: 1/23/2007

Participant: DELTA SONC CAR EASH SYSTE

CASE SET ON STATUS CALL

Date: 3/22/2007

Judge: WHITE, ALEXANDER P

Court Time: 0935

Activity Date: 1/23/2007

Participant: DELTA SONC CAR EASH SYSTE

CASE SET ON INDIVIDUAL CALENDAR

Activity Date: 1/24/2007

Participant: DELTA SONIC CAR WASH

AFFIDAVIT OF SERVICE FILED

Attorney: HORWOOD MARCUS BERK

CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC CAR

AFFIDAVIT OF SERVICE FILED

Attorney: HORWOOD MARCUS BERK

CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC

CERTIFICATE OF MAILING FILED

Date: 1/26/2007
Court Time: 0930

Attorney: HORWOOD MARCUS BERK
CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC CAR WASH

CERTIFICATE OF MAILING FILED

Attorney: HORWOOD MARCUS BERK
CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC CAR WASH

EXHIBITS FILED

Attorney: HORWOOD MARCUS BERK
CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC

NOTICE OF MOTION FILED

Date: 1/26/2007
Court Time: 0930

Attorney: HORWOOD MARCUS BERK
CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC CAR WASH

NOTICE OF FILING FILED

Attorney: HORWOOD MARCUS BERK
CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC CAR WASH

NOTICE OF FILING FILED

Attorney: HORWOOD MARCUS BERK
CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC CAR

NOTICE OF FILING FILED

Attorney: HORWOOD MARCUS BERK
CTD

Activity Date: 1/24/2007

Participant: DELTA SONIC

MOTION FILED

Date: 1/26/2007
Court Time: 0930

Attorney: HORWOOD MARCUS BERK
CTD

Activity Date: 1/26/2007

Participant: ILLINOIS DEPT REVENUE

APPEARANCE FILED - NO FEE PAID -

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: HAMER BRIAN

APPEARANCE FILED - NO FEE PAID -

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: TREASURER JUDY BAAR

APPEARANCE FILED - NO FEE PAID -

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: HAMER BRIAN

NOTICE OF FILING FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: ILLINOIS DEPARTMENT

NOTICE OF FILING FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: HAMER BRIAN

PROOF OF SERVICE FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: ILLINOIS DEPARTMENT

PROOF OF SERVICE FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: HAMER BRIAN

MOTION TO DISMISS FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: ILLINOIS DEPARTMENT

MOTION TO DISMISS FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/26/2007

Participant: DELTA SONIC CAR

FILE AMENDMENT OR ADDITIONAL OR AMENDED PLEADINGS -
ALLOWED -

Date: 2/28/2007

Judge: WHITE, ALEXANDER P
Microfilm: LD000121191

Activity Date: 1/26/2007

Participant: HAMER BRIAN

FILE AMENDMENT OR ADDITIONAL OR AMENDED PLEADINGS -
ALLOWED -

Date: 3/14/2007

Judge: WHITE, ALEXANDER P
Microfilm: LD000121191

Activity Date: 1/26/2007

Participant: DELTA SONIC CAR

INJUNCTION - ALLOWED -

Judge: WHITE, ALEXANDER P
Microfilm: LD000121189

Activity Date: 1/26/2007

Participant: HAMER BRIAN

CONTINUANCE

Date: 3/22/2007
Court Time: 1130

Judge: WHITE, ALEXANDER P
Microfilm: LD000121191

Activity Date: 2/28/2007

Participant: DELTA-SONIC

FILE AMENDMENT OR ADDITIONAL OR AMENDED PLEADINGS -
ALLOWED -

Date: 3/7/2007

Judge: NOVAK RITA M.
Microfilm: LD000192400

Activity Date: 2/28/2007

Participant: HAMER BRIAN

FILE AMENDMENT OR ADDITIONAL OR AMENDED PLEADINGS -
ALLOWED -

Date: 3/21/2007

Judge: NOVAK RITA M.
Microfilm: LD000192400

Activity Date: 2/28/2007

Participant: HAMER BRIAN

STRIKE FROM MOTION CALL - ALLOWED

Date: 3/22/2007

Judge: NOVAK RITA M.
Microfilm: LD000192400

Activity Date: 2/28/2007

Participant: HAMER BRIAN

DISMISS ENTIRE CAUSE - DEFENDANT - CONTINUED -

Date: 4/5/2007
Court Time: 1115

Judge: NOVAK RITA M.
Microfilm: LD000192400

Activity Date: 4/4/2007

Participant: HAMER BRIAN

STRIKE FROM MOTION CALL - ALLOWED

Date: 4/5/2007

Judge: WHITE, ALEXANDER P
Microfilm: LD000311399

Activity Date: 4/4/2007

Participant: HAMER BRIAN

CASE SET ON STATUS CALL - CONTINUED -

Date: 6/7/2007
Court Time: 0930

Judge: WHITE, ALEXANDER P
Microfilm: LD000311399

Activity Date: 6/7/2007

Participant: DELTA SONIC CAR

CASE SET ON STATUS CALL - CONTINUED -

Date: 9/12/2007
Court Time: 0930

Judge: WHITE, ALEXANDER P
Microfilm: LD000484266

Activity Date: 9/12/2007

Participant: DELTA SONIC

CASE SET ON STATUS CALL - CONTINUED -

Date: 10/15/2007
Court Time: 0930

Judge: WHITE, ALEXANDER P
Microfilm: LD000744057

Activity Date: 10/15/2007

Participant: DELTA SONIC CAR

CASE SET ON STATUS CALL - CONTINUED -

Date: 11/15/2007
Court Time: 0930

Judge: WHITE, ALEXANDER P
Microfilm: LD000832019

Activity Date: 11/15/2007

Participant: DELTA SONIC

CASE SET ON STATUS CALL - CONTINUED -

Date: 1/22/2008
Court Time: 0930

Judge: GARDNER, SHELDON
Microfilm: LD000920759

Activity Date: 1/22/2008

Participant: DELTA

CASE SET ON STATUS CALL - CONTINUED -

Date: 3/20/2008
Court Time: 0930

Judge: WHITE, ALEXANDER P
Microfilm: LD000062456

Activity Date: 3/20/2008 Participant: DELTA SONIC CAR

CASE SET ON STATUS CALL - CONTINUED -

Date: 5/22/2008 Judge: WHITE, ALEXANDER P
Court Time: 0930 Microfilm: LD000203951

Activity Date: 5/22/2008 Participant: DELTA SONIC CAR

CASE SET ON STATUS CALL - CONTINUED -

Date: 8/5/2008 Judge: WHITE, ALEXANDER P
Court Time: 0930 Microfilm: LD000363902

Activity Date: 8/5/2008 Participant: DELTA

CASE SET ON STATUS CALL - CONTINUED -

Date: 10/28/2008 Judge: WHITE, ALEXANDER P
Court Time: 0930 Microfilm: LD000552143

Activity Date: 10/28/2008 Participant: DELTA

CASE SET ON STATUS CALL - CONTINUED -

Date: 1/22/2009 Judge: WHITE, ALEXANDER P
Court Time: 0930 Microfilm: LD000762492

Activity Date: 1/22/2009 Participant: ILLNIOS DEPARTMENT

NOTICE OF FILING FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/22/2009 Participant: ILLNIOS DEPARTMENT

PROOF OF SERVICE FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/22/2009 Participant: HAMER BRIAN

MOTION TO DISMISS FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/22/2009 Participant: ILLINOIS DEPARTMEN

MOTION TO DISMISS FILED

Attorney: ATTORNEY GENERALS OFFICE

Activity Date: 1/22/2009

Participant: DELTA

CASE SET ON STATUS CALL - CONTINUED -

Date: 2/4/2009

Judge: WHITE, ALEXANDER P

Court Time: 0930

Microfilm: LD000082107

Activity Date: 2/4/2009

Participant: DELTA

COURT RETAINS JURISDICTION OVER THIS MATTER

Judge: WHITE, ALEXANDER P

Activity Date: 2/4/2009

Participant: DELTA

DISMISS BY STIPULATION OR AGREEMENT

Judge: WHITE, ALEXANDER P

Please note: Neither the Circuit Court of Cook County nor the Clerk of the Circuit Court of Cook County warrants the accuracy, completeness, or the currency of this data. This data is not an official record of the Court or the Clerk and may not be represented as an official court record.

If data does not appear in a specific field, we likely do not have the responsive data in our master database.

[Start a New Search](#)

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION
TAX AND MISCELLANEOUS REMEDIES SECTION**

DELTA SONIC CAR WASH SYSTEMS, INC.,)

Plaintiff,)

v.)

BRIAN HAMER, IN HIS OFFICIAL)
CAPACITY AS DIRECTOR OF THE ILLINOIS)
DEPARTMENT OF REVENUE; the ILLINOIS)
DEPARTMENT OF REVENUE; and, ALEXI)
GIANNOULIAS, in his official capacity as)
TREASURER OF THE STATE OF ILLINOIS,)

Case No. 07 L 50059

Defendants.)

AGREED DISMISSAL ORDER

This matter coming before the Court on status, both parties represented by counsel, and the Court being fully advised in the premises, to wit, that the Defendants have filed a Motion to Dismiss and Plaintiff has agreed to voluntarily dismiss its Complaint with prejudice under the terms reflected in this Order,

IT IS HEREBY ORDERED THAT:

1. The Temporary Restraining Order previously entered by this Court on January 26, 2007, which enjoined transfer of Plaintiff's protest payment of \$18,796 to the General Revenue Fund pending a ruling on the Defendants' Motion to Dismiss, is hereby dissolved.
2. Defendant State Treasurer, despite objection by Defendants' counsel, is directed to disburse to the Plaintiff the sum of \$18,796 without statutory interest thereon.
3. The interest, if any, that Plaintiff might owe on the deficiency reflected on the Illinois Department of Revenue's Notice of Deficiency for Plaintiff's 2000 tax year is tolled during the period from the date of Plaintiff's payment under protest (December 28, 2006) through the date that it receives the refund referenced in paragraph 2 above.

4. If Plaintiff subsequently pays the refund referenced in paragraph 2 to the Department of Revenue, then Plaintiff is entitled to all statutory and administrative remedies as provided by law.
5. Plaintiff's Complaint is dismissed with prejudice, each party to bear its own costs and expenses.
6. The Court retains jurisdiction over the parties and the subject matter for purposes of enforcing the parties' agreement, and any related agreements entered into by and between the parties, and for purposes of enforcing this Order.

AGREED AS TO FORM AND SUBSTANCE:



David A. Hughes
Horwood Marcus & Berk Chartered
180 North LaSalle St., Suite 3700
Chicago, IL 60601
(312) 606-3200
Attorney no. 34957



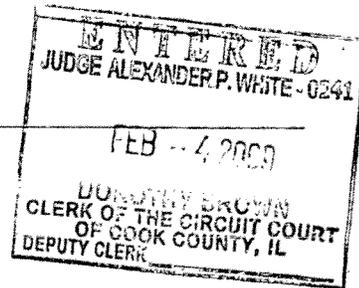
Michael Coveny
Assistant Attorney General
Revenue Litigation Bureau
100 w. Randolph St. - 13th Floor
Chicago, IL 60601
312-814-4142

DATED:

ENTERED: *11*

Judge

David A. Hughes
Horwood Marcus & Berk Chartered
180 North LaSalle Street, Suite 3700
Chicago, IL 60601
(312) 606-3200



FILED
 09 JAN 22 AM 8:59
 CIRCUIT COURT OF COOK COUNTY
 LAW DIVISION
 CLERK

NO. 99000
 CIRCUIT COURT OF COOK COUNTY
 COUNTY DEPARTMENT, LAW DIVISION
 TAX AND MISCELLANEOUS REMEDIES SECTION

DELTA-SONIC CAR WASH SYSTEMS, INC.,)

Plaintiff,)

v.)

No. 07 L 050059

BRIAN HAMER, in his official capacity as)
 DIRECTOR OF THE ILLINOIS DEPARTMENT)
 OF REVENUE; the ILLINOIS DEPARTMENT OF)
 REVENUE; and, ALEXI GIANNOULIAS, in his)
 Official capacity as TREASURER OF THE STATE)
 OF ILLINOIS,)

(Calendar 1)

Defendants,)

DEFENDANT'S MOTION TO DISMISS

NOW COME the Defendants, the Illinois Department of Revenue, Brian Hamer, Director of the Illinois Department of Revenue, and Alexi Giannoulis, State Treasurer, (collectively the "Department") by and through their attorney, Lisa Madigan, Illinois Attorney General and pursuant to § 2-619(a)(1) of the Illinois Code of Civil Procedure hereby move this Honorable Court to dismiss Plaintiff's Verified Complaint for lack of jurisdiction. In support of their motion, the Department states as follows:

Background

After completing its audit of Plaintiff/taxpayer, on October 13, 2006 the Department issued its statutory notice of deficiency ("NOD") pursuant to § 904(a) of the Illinois Income Tax Act (the "IITA"). See 35 ILCS 5/904(a). See also ¶¶'s 19-22 of Plaintiff's Verified Complaint ("Complaint"). Under the IITA, a taxpayer has 60 days in which to contest a NOD, after which time the notice becomes final:

(a) Time for Protest. Within 60 days (150 days if the taxpayer is outside the United States) after the issuance of a notice of deficiency, the taxpayer may file with the Department a written protest against the proposed assessment in such form as the Department may by regulations prescribe, setting forth the grounds on which such protest is based. If a protest is filed, the Department shall reconsider the proposed assessment and, if the taxpayer has so requested, shall grant the taxpayer or his authorized representative a hearing.

* * *

(d) Finality of decision. The action of the Department on the taxpayer's protest shall become final:

(1) 30 days after issuance of a notice of decision as provided in subsection (b);

* * *

35 ILCS 5/908(a) and 908(d).

(2) Notice of deficiency. If a notice of deficiency has been issued, the amount of the deficiency shall

be deemed assessed on the date provided in section 904(d) if no protest is filed; or if a protest is filed, then upon the date when the decision of the Department becomes final.

35 ILCS 5/903(a)(2).

(d) Assessment when no protest. Upon the expiration of 60 days after the date on which it was issued (150 days if the taxpayer is outside the United States), a notice of deficiency shall constitute an assessment of the amount of tax and penalties specified therein, except only for the such amounts as to which the taxpayer shall have filed a protest with the Department, as provided in Section 908.

35 ILCS 5/904(d).

(c) Governmental Agencies.

An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expires without such proceedings being instituted.

35 ILCS 5/917(c).

The Department's Assessment is Final

In this case, the Department issued its NOD to Plaintiff on October 13, 2006. See ¶ 21 of the Complaint. Under the IITA, that assessment became final 60 days after it was issued, i.e., on December 12, 2006 prior to the filing of this complaint on January 23, 2007, because this taxpayer took no action of any kind to protest the proposed assessment within the statutory required 60

days from the date the NOD was issued. Therefore, the NOD is final and cannot be contested anywhere, before the Department or in circuit court under the Protest Monies Act.

The rule that taxpayers cannot contest a final tax assessment in any forum is not exactly a new or radical concept but is based instead on the need for certainty/finality in the State's function of collecting taxes. *Department of Revenue v. Jones*, 141 Ill. App. 3d 968, 970 (1st Dist. 1986) ("The Department contends that once the assessment becomes final, the amount of liability and more generally, any issue of law or fact concerning the retailer's liability, cannot be questioned. This contention is correct") (emphasis added). A final assessment is the procedural and substantive equivalent of a circuit court judgment, which generally cannot be reviewed or attacked more than 30 days after entry. *Cook v. Department of Revenue*, 281 Ill. App. 3d 171, 178 (2nd Dist. 1996) ("We conclude that a final assessment is a judgment or its procedural and substantive equivalent").

While the Protest Monies Act is unquestionably a viable remedy or means to review proposed as opposed to final tax assessments, there is no authority suggesting or holding that it can be used to review or attack final assessments.

If that were the case, no Department assessment would ever be final. Given the above authority, not to mention common sense, that cannot be the result.

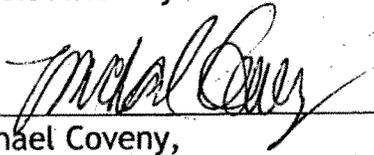
Since the Department's NOD became final on December 13, 2006 absent any action on Plaintiff's part, i.e., by default, it represents a final assessment immune from review under the IITA and the Protest Monies Act. As such, this court is without jurisdiction to review it under the Protest Monies Act or otherwise. Therefore, Plaintiff's Complaint should be dismissed and the monies previously paid by Plaintiff under protest should be transferred to the general revenue fund of the State of Illinois or to the fund(s) it would have gone into had not protest been made. Under the terms of the Protest Monies Act, once this court determines it is without jurisdiction to hear Plaintiff's case, the funds Plaintiff previously paid under protest must be transferred to the general revenue fund or other state fund because Plaintiff can only be awarded such monies if the court reaches the merits of Plaintiff's Complaint. Absent a ruling on the merits of Plaintiff's Complaint, the court can only: (i) dismiss Plaintiff's Complaint; and (ii) dissolve the injunction. Dissolving the injunction means the funds go to the appropriate state fund they otherwise would have been deposited in absent such injunction. See 30 ILCS 230/2a. Therefore, Plaintiff's Complaint should be dismissed under § 2-619(a)(1) for lack of jurisdiction and

the preliminary injunction previously entered by this court on January 23, 2007 should be dissolved. Further, the monies in the protest fund should be deposited in the appropriate state fund that they would have been deposited absent the preliminary injunction under the express terms of the Protest Monies Act.

Respectfully Submitted,

LISA MADIGAN
Illinois Attorney General

LISA MADIGAN
ILLINOIS ATTORNEY GENERAL
REVENUE LITIGATION BUREAU
100 W. RANDOLPH ST., RM. 13-216
CHICAGO, IL 60601
By: Michael Coveny (312) 814-4142

By: 
Michael Coveny,
Assistant Attorney General



Illinois Department of Revenue

101 W. Jefferson St.
Springfield, IL 62702

NOTICE OF DENIAL

05/26/2010

Delta-Sonic Car Wash Systems Inc.
570 Delaware Avenue
Buffalo, NY 14202-1207

FORM: IL-1120 ST

FEIN: 16-0972035

TAXABLE YEAR ENDING
12/31/2000

AMOUNT DENIED
\$18,796.00

Pursuant to Section 909(e) of the Illinois Income Tax Act, notice is hereby given that your claim for refund of income tax overpayment in the amount of \$18,796.00 for the taxable year ending 12/31/2000, filed on 04/30/2009, is denied in its entirety.

IF YOU DO NOT AGREE, Section 910(a) of the Act provides that the Department shall reconsider the denial if within 60 days of the date of this notice, the claimant or his authorized representative files a written protest setting forth the grounds upon which the protest is based and, if requested, shall grant the taxpayer or his authorized representative a hearing (under Section 914). Thus, if you disagree with the proposed denial of your claim, you may file a protest and, if desired, request a hearing. If an adequate and timely protest is not received, the denial of your claim in its entirety will become final as of the expiration of the aforementioned 60-day period pursuant to Section 909(f). A protest, if filed, should be forwarded to the address shown below.

Sincerely,

Brian Hamer
Director

Enclosures:EAR-14
IDR-867
Return Envelope

NOTICE SECTION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19012
SPRINGFIELD, IL 62794-9012
PHONE: 217 785-4472
ATTENTION: JD A1647683584

CC: Fred O. Marcus
Horwood Marcus & Berk Chtd.
180 N. LaSalle St Suite 3700
Chicago, IL 60601

STATEMENT

FEIN: 36-1208597
Hemlock Federal Bank for Savings
5700 W. 159th Street
Oak Forest, IL 60452

FEIN: 16-0972035
Delta-Sonic Car Wash Systems Inc.

TAXABLE YEAR ENDING: 12/31/2000

The claim for refund identified in this notice is hereby denied in full. The Department holds the tax as determined by the previous audit examination as presented on the Notice of Deficiency issued 10/13/2006, as well as the related interest, to be the correct liability for that year as of the date of the Notice of Deficiency. (This previous audit was identified as Track #99904A or A1803041792.)

REFERENCE: JD A1647683584



Illinois Department of Revenue

101 W. Jefferson St.
Springfield, IL 62702

NOTICE OF DENIAL

05/26/2010

Delta-Sonic Car Wash Systems Inc.
570 Delaware Avenue
Buffalo, NY 14202-1207

FORM: IL-1120 ST

FEIN: 16-0972035

TAXABLE YEAR ENDING
12/31/2000

AMOUNT DENIED
\$18,796.00

Pursuant to Section 909(e) of the Illinois Income Tax Act, notice is hereby given that your claim for refund of income tax overpayment in the amount of \$18,796.00 for the taxable year ending 12/31/2000, filed on 04/30/2009, is denied in its entirety.

IF YOU DO NOT AGREE, Section 910(a) of the Act provides that the Department shall reconsider the denial if within 60 days of the date of this notice, the claimant or his authorized representative files a written protest setting forth the grounds upon which the protest is based and, if requested, shall grant the taxpayer or his authorized representative a hearing (under Section 914). Thus, if you disagree with the proposed denial of your claim, you may file a protest and, if desired, request a hearing. If an adequate and timely protest is not received, the denial of your claim in its entirety will become final as of the expiration of the aforementioned 60-day period pursuant to Section 909(f). A protest, if filed, should be forwarded to the address shown below.

Sincerely,

Brian Hamer
Director

Enclosures: EAR-14
IDR-867
Return Envelope

NOTICE SECTION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19012
SPRINGFIELD, IL 62794-9012
PHONE: 217 785-4472
ATTENTION: JD A1647683584

CC: Fred O. Marcus
Horwood Marcus & Berk Chtd.
180 N. LaSalle St Suite 3700
Chicago, IL 60601

STATEMENT

FEIN: 36-1208597
Hemlock Federal Bank for Savings
5700 W. 159th Street
Oak Forest, IL 60452

FEIN: 16-0972035
Delta-Sonic Car Wash Systems Inc.

TAXABLE YEAR ENDING: 12/31/2000

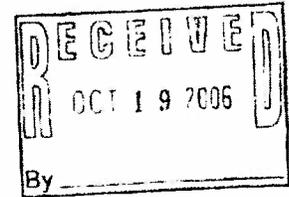
The claim for refund identified in this notice is hereby denied in full. The Department holds the tax as determined by the previous audit examination as presented on the Notice of Deficiency issued 10/13/2006, as well as the related interest, to be the correct liability for that year as of the date of the Notice of Deficiency. (This previous audit was identified as Track #99904A or A1803041792.)

REFERENCE: JD A1647683584



Illinois Department of Revenue

101 W. Jefferson St.
Springfield, IL 62702



October 13, 2006

NOTICE OF DEFICIENCY

Ronald Benderson
570 Delaware Avenue
Buffalo, NY 14202-1207

FORM: IL-1040

SSN: 075-34-4824

TAXABLE YEARS ENDING:
12/31/2000, 12/31/2001, 12/31/2002,
12/31/2003

STATUTORY DEFICIENCY:
\$ 124,183.00

INTEREST TO DATE:
\$ 36,869.00

TOTAL AMOUNT DUE:
\$ 161,052.00

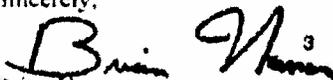
Pursuant to Section 904(c) of the Illinois Income Tax Act, notice is hereby given that the determination of your income tax liability for the above-noted taxable year discloses a deficiency in the amount shown above. The attached statement contains explanations of the adjustments and shows the computation of the deficiency.

IF YOU AGREE to this determination and pay the Total Amount Due shown above within thirty (30) days of the date of this notice, no additional interest will accrue. The payment should be forwarded to the address shown below.

IF YOU DO NOT AGREE, Section 908(a) of the Act provides that the Department shall reconsider the proposed assessment if within 60 days of the date of this notice, the taxpayer or his authorized representative files a written protest setting forth the grounds upon which the protest is based and, if requested, shall grant the taxpayer or his authorized representative a hearing (under Section 914). Thus, if you disagree with the assessment proposed, you may file a protest and, if desired, request a hearing. A protest, if filed, should be forwarded to the address shown below.

IF AN ADEQUATE AND TIMELY PROTEST is not received, the total amount of the deficiency shown will be deemed assessed as of the expiration of the aforementioned 60-day period pursuant to Section 903(a)(2) and 904(d). If no protest is filed and if the tax liability is not paid within 60 days of the date of this notice, a 15% penalty will be assessed under Section 3-3(b)(2) of the Uniform Penalty and Interest Act for liabilities which became due on or after January 1, 1994. (The penalty rate is 20% for liabilities due on or after January 1, 1998.) If the tax remains unpaid after a demand for payment, the Act permits, in addition to other remedies, the seizure and sale of real and personal property to enforce collection.

Sincerely,


Brian Hamer
Director

Enclosures: EAR-14, IDR-867
Return Envelope

NOTICE SECTION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19012
SPRINGFIELD, IL 62794-9012
PHONE: 217-785-9375
ATTENTION: LF 30072B

Page 2
075-34-4824
Ronald Benderson
570 Delaware Avenue
Buffalo, NY 14202-1207

STATEMENT

We determined that, as a nonresident, for the taxable years ended December 31, 2000, December 31, 2001, December 31, 2002, and December 31, 2003, you received income allocable to Illinois from your distributive share of S-Corporation income from Delta Sonic Car Wash Systems, Inc., Benderson Development Company, Inc., Har-Wal Associates, Inc., Blend-All Hotel Development, Inc., Tram-K Holdings, Inc., and Walden Avenue Blend-All Hotel Development, Inc. that was not reported.
[35 ILCS 5/502(a)(1)]

We are imposing a late-payment penalty for underpayment of estimated tax for the taxable year ended December 31, 2003 because you did not pay the required amount of estimated tax payments by the payment due date. This penalty is based on the amount shown due on your return, minus any timely payments and timely credits. This penalty is figured at increasing rates based on the number of days your payment is late. The penalty rates are

- 2 percent of any amount that is paid no later than 30 days after the due date;
- 10 percent of any amount that is paid later than 30 days but no later than 90 days after the due date;
- 15 percent of any amount that is paid later than 90 days but no later than 180 days after the due date;
- 20 percent of any amount that is paid later than 180 days after the due date.

[35 ILCS 735/3-3(b-15)(1)]

If this liability qualified for amnesty, and you did not pay that liability during the amnesty period held October 1, 2003, through November 17, 2003, your penalty and interest amounts may be doubled.
[35 ILCS 521/101(b)]



Illinois Department of Revenue

EDA-24 (Ver. 7.30)

IL-1040 AUDITOR'S REPORT

Oct/13/2006 AM

Taxpayer Name: RONALD BENDERSON
Spouse's Name:

SSN: 075-34-4824
SSN:

Mailing Address: 570 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-1207

Tax Year Start Date: 01/01/2000
Tax Year Ending: 12/31/2000
Statute Expires: 10/15/2006
Track #: 30072B

Audit Period: YE: 12/00,12/01,12/02,12/03,12/04

Table with 4 columns: Description, As Filed, Net Change, As Corrected. Rows include Filing Status, Residency Code, Adjusted Gross Income, Additions (Federally Tax-Exempt Interest, Other Additions), Subtractions (Retirement and Social Security, Military Pay, Illinois Income Tax Refund, U.S. Government Obligations Interest, Other Subtractions), Total Subtractions, Illinois Base Income, Exemptions (Federal, Dependent, 65 or Older and Blind), Total Exemption Amount, Net Income from Schedule NR, Net Taxable Income, Tax @ 3%, Recapture From Schedule 4255, and Total Tax Due.

Taxpayer: RONALD BENDERSON

SSN: 075-34-4824

APE: 12/31/2000

	As Filed	Net Change	As Corrected
Total Tax Due (from EDA24 front)	\$0		\$24,263
Payments and Credits			
17 Illinois Income Taxes Withheld (W-2)	0	0	0
18 Estimated Payments (IL-1040-ES, IL-505-I) and Prior Year Overpayment Credits	0	0	0
Payment Made With Original Return	0	0	0
Other Payments	0	0	0
19 Foreign Tax Credit From Schedule CR	0	0	0
20 Illinois Property Tax Paid:	0	0	0
Property Tax Credit for This Year	0	0	0
Qualifying Education Expenses:	0	0	0
Education Expense Credit	0	0	0
Federal Earned Income Credit:	0	0	0
Illinois Earned Income Credit	0	0	0
21 Tax Credits From Schedule 1299-C	0	0	0
22 Total Payments and Credits	0	0	0
Donations to Voluntary Contributions Funds	0	0	0
24 Credit Carryforward to Next APE	0	0	0
Amount(s) Refunded	0	0	0
Refund/Credit Used in Other APE	0	0	0
Payments Applied to Penalty/Interest	0	0	0
Net Payments and Credits	0	0	0
Net Tax Due	0	24,263	24,263
Interest Due on Tax	0	15,366	15,366
Penalty:			
Late Filing Penalty	0	0	0
Negligence Penalty	0	0	0
Late Payment Penalty for Underpayment of Est. Tax	0	0	0
Late Payment Penalty for Unpaid Tax	0	0	0
Less: Penalty Paid	0	0	0
Total Penalty Due	0	0	0
28 Total Tax, Penalty and Interest Due	\$0	\$39,629	\$39,629

Date of Report	Region Number	Auditor
10/13/2006	1	DALE VIRGIL BLANCHARD
Discussed with	Title	Date
PAUL SPEAKER	ACCOUNTANT	04/17/2006



Illinois Department of Revenue

EDA-24 (Ver. 7.30)

IL-1040 AUDITOR'S REPORT

Oct/13/2006 AM

Taxpayer Name: RONALD BENDERSON
Spouse's Name:

SSN: 075-34-4824
SSN:

Mailing Address: 570 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-1207

Tax Year Start Date: 01/01/2001
Tax Year Ending: 12/31/2001
Statute Expires: 10/15/2008
Track #: 30072B

Audit Period: YE: 12/00,12/01,12/02,12/03,12/04

Table with 4 columns: Description, As Filed, Net Change, As Corrected. Rows include Filing Status, Residency Code, Adjusted Gross Income, Additions (Federally Tax-Exempt Interest, Other Additions), Subtractions (Retirement and Social Security, Military Pay, Illinois Income Tax Refund, U.S. Government Obligations Interest, Other Subtractions), Total Subtractions, Illinois Base Income, Exemptions (Number of Federal, Dependent, 65 or Older and Blind), Total Exemption Amount, Net Income from Schedule NR, Net Taxable Income, Tax @ 3%, Recapture From Schedule 4255, and Total Tax Due.

Taxpayer: RONALD BENDERSON

SSN: 075-34-4824

APE: 12/31/2001

	As Filed	Net Change	As Corrected
Total Tax Due (from EDA24 front)	\$0		\$24,311
Payments and Credits			
17 Illinois Income Taxes Withheld (W-2)	0	0	0
18 Estimated Payments (IL-1040-ES, IL-505-I) and Prior Year Overpayment Credits	0	0	0
Payment Made With Original Return	0	0	0
Other Payments	0	0	0
19 Foreign Tax Credit From Schedule CR	0	0	0
20 Illinois Property Tax Paid:	0	0	0
Property Tax Credit for This Year	0	0	0
Qualifying Education Expenses:	0	0	0
Education Expense Credit	0	0	0
Federal Earned Income Credit:	0	0	0
Illinois Earned Income Credit	0	0	0
21 Tax Credits From Schedule 1299-C	0	0	0
22 Total Payments and Credits	0	0	0
Donations to Voluntary Contributions Funds	0	0	0
24 Credit Carryforward to Next APE	0	0	0
Amount(s) Refunded	0	0	0
Refund/Credit Used in Other APE	0	0	0
Payments Applied to Penalty/Interest	0	0	0
Net Payments and Credits	0	0	0
Net Tax Due	0	24,311	24,311
Interest Due on Tax	0	11,942	11,942
Penalty:			
Late Filing Penalty	0	0	0
Negligence Penalty	0	0	0
Late Payment Penalty for Underpayment of Est. Tax	0	0	0
Late Payment Penalty for Unpaid Tax	0	0	0
Less: Penalty Paid	0	0	0
Total Penalty Due	0	0	0
28 Total Tax, Penalty and Interest Due	\$0	\$36,253	\$36,253

Date of Report	Region Number	Auditor
10/13/2006	1	DALE VIRGIL BLANCHARD
Discussed with	Title	Date
PAUL SPEAKER	ACCOUNTANT	04/17/2006



Illinois Department of Revenue

EDA-24 (Ver. 7.30)

IL-1040 AUDITOR'S REPORT

Oct/13/2006 AM

Taxpayer Name: RONALD BENDERSON
Spouse's Name:

SSN: 075-34-4824
SSN:

Mailing Address: 570 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-1207

Tax Year Start Date: 01/01/2002
Tax Year Ending: 12/31/2002
Statute Expires: 10/15/2006
Track #: 30072B

Audit Period: YE: 12/00,12/01,12/02,12/03,12/04

Table with 4 columns: Description, As Filed, Net Change, As Corrected. Rows include Filing Status, Residency Code, Adjusted Gross Income, Additions (Federally Tax-Exempt Interest, Other Additions), Subtractions (Retirement and Social Security, Military Pay, Illinois Income Tax Refund, U.S. Government Obligations Interest, Other Subtractions), Total Exemption Amount, Net Income from Schedule NR, Net Taxable Income, Tax @ 3%, Recapture From Schedule 4255, and Total Tax Due.

Taxpayer: RONALD BENDERSON

SSN: 075-34-4824

APE: 12/31/2002

	As Filed	Net Change	As Corrected
Total Tax Due (from EDA24 front)	\$0		\$26,074
Payments and Credits			
17 Illinois Income Taxes Withheld (W-2)	0	0	0
18 Estimated Payments (IL-1040-ES, IL-505-I) and Prior Year Overpayment Credits	0	0	0
Payment Made With Original Return	0	0	0
Other Payments	0	0	0
19 Foreign Tax Credit From Schedule CR	0	0	0
20 Illinois Property Tax Paid:	0		
Property Tax Credit for This Year	0	0	0
Qualifying Education Expenses:	0		
Education Expense Credit	0	0	0
Federal Earned Income Credit:	0		
Illinois Earned Income Credit	0	0	0
21 Tax Credits From Schedule 1299-C	0	0	0
22 Total Payments and Credits	0	0	0
Donations to Voluntary Contributions Funds	0	0	0
24 Credit Carryforward to Next APE	0	0	0
Amount(s) Refunded	0	0	0
Refund/Credit Used in Other APE	0	0	0
Payments Applied to Penalty/Interest	0	0	0
Net Payments and Credits	0	0	0
Net Tax Due	0	26,074	26,074
Interest Due on Tax	0	4,690	4,690
Penalty:			
Late Filing Penalty	0	0	0
Negligence Penalty	0	0	0
Late Payment Penalty for Underpayment of Est. Tax	0	0	0
Late Payment Penalty for Unpaid Tax	0	0	0
Less: Penalty Paid	0	0	0
Total Penalty Due	0	0	0
28 Total Tax, Penalty and Interest Due	\$0	\$30,764	\$30,764

Date of Report	Region Number	Auditor
10/13/2006	1	DALE VIRGIL BLANCHARD
Discussed with	Title	Date
PAUL SPEAKER	ACCOUNTANT	04/17/2006



Illinois Department of Revenue

EDA-24 (Ver. 7.30)

IL-1040 AUDITOR'S REPORT

Oct/13/2006 AM

Taxpayer Name: RONALD BENDERSON
Spouse's Name:

SSN: 075-34-4824
SSN:

Mailing Address: 570 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-1207

Tax Year Start Date: 01/01/2003
Tax Year Ending: 12/31/2003
Statute Expires: 10/15/2006
Track #: 30072B

Audit Period: YE: 12/00,12/01,12/02,12/03,12/04

Table with 4 columns: Description, As Filed, Net Change, As Corrected. Rows include Filing Status, Residency Code, Adjusted Gross Income, Additions (Federally Tax-Exempt Interest, Other Additions), Subtractions (Retirement and Social Security, Military Pay, Illinois Income Tax Refund, U.S. Government Obligations Interest, Other Subtractions), Total Subtractions, Illinois Base Income, Exemptions (Number of Federal, Dependent, 65 or Older and Blind), Total Exemption Amount, Net Income from Schedule NR, Net Taxable Income, Tax @ 3%, Recapture From Schedule 4255, and Total Tax Due.

Taxpayer: RONALD BENDERSON

SSN: 075-34-4824

APE: 12/31/2003

	As Filed	Net Change	As Corrected
Total Tax Due (from EDA24 front)	\$0		\$43,779
Payments and Credits			
17 Illinois Income Taxes Withheld (W-2)	0	0	0
18 Estimated Payments (IL-1040-ES, IL-505-I) and Prior Year Overpayment Credits	15,000	0	15,000
Payment Made With Original Return	0	0	0
Other Payments	0	0	0
19 Foreign Tax Credit From Schedule CR	0	0	0
20 Illinois Property Tax Paid:	0	0	0
Property Tax Credit for This Year	0	0	0
Qualifying Education Expenses:	0	0	0
Education Expense Credit	0	0	0
Federal Earned Income Credit:	0	0	0
Illinois Earned Income Credit	0	0	0
21 Tax Credits From Schedule 1299-C	0	0	0
22 Total Payments and Credits	15,000	0	15,000
Donations to Voluntary Contributions Funds	0	0	0
24 Credit Carryforward to Next APE	0	0	0
Amount(s) Refunded	15,000	0	15,000
Refund/Credit Used in Other APE	0	0	0
Payments Applied to Penalty/Interest	0	0	0
Net Payments and Credits	0	0	0
Net Tax Due	0	43,779	43,779
Interest Due on Tax	0	4,871	4,871
Penalty:			
Late Filing Penalty	0	0	0
Negligence Penalty	0	0	0
Late Payment Penalty for Underpayment of Est. Tax	0	0	0
Late Payment Penalty for Unpaid Tax	0	5,758	5,758
Less: Penalty Paid	0	0	0
Total Penalty Due	0	0	5,758
28 Total Tax, Penalty and Interest Due	\$0	\$54,408	\$54,408

Date of Report	Region Number	Auditor
10/13/2006	1	DALE VIRGIL BLANCHARD
Discussed with	Title	Date
PAUL SPEAKER	ACCOUNTANT	04/17/2006

ILLINOIS INDEPENDENT TAX TRIBUNAL

RONALD BENDERSON & SUSAN JUSTINGER,)
v.) No. 14-TT-127
ILLINOIS DEPARTMENT OF REVENUE,)

AFFIDAVIT OF CARRIE LEININGER

STATE OF ILLINOIS

COUNTY OF SANGAMON

Under penalties as provided by Section 1-109 of the Code of Civil Procedure, 735 ILCS §5/1-109, I, Carrie Leininger, being first duly sworn on oath, depose, and state as follows:

1. I am currently employed by the Illinois Department of Revenue.
2. My current title is Manager, Individual Processing Division.
3. I reviewed Petitioners'/Taxpayer's Illinois individual income tax account for the tax years ending December 31, 2000 through December 31, 2012.
4. Department audited Petitioner, Ronald Benderson, for the tax years ending December 31, 2000, December 31, 2001, December 31, 2002, and December 31, 2003.
5. On October 13, 2006, Department issued a Notice of Deficiency to Petitioner, Ronald Benderson, for the tax years ending December 31, 2000, 2001, 2002, and 2003. A copy of that Notice is attached hereto as Exhibit 5A.
6. Ronald Benderson did not file a Form EAR-14 or otherwise protest the Notice of Deficiency for 2000, 2001, 2002 and 2003 within 60 days of October 13, 2006.
7. Petitioners/Taxpayer reported an overpayment of individual income tax for the tax year ending December 31, 2010.
8. On or about August 6, 2012, Petitioners/Taxpayer filed a Form IL-1040-X for the tax year ending December 31, 2010, claiming a tax overpayment of \$ 40,934.00, a credit carry forward of \$12,250, and a refund of \$28,684.00.
9. Department denied Petitioners'/Taxpayer's refund claim on Form IL-1040-X in a Notice of Claim Denial issued February 21, 2013. A copy of that Notice is attached hereto as Exhibit 5B.
10. Petitioners/Taxpayer did not file a protest within 60 days of the Notice of Claim Denial issued February 21, 2013.
11. On October 16, 2012, Petitioners/Taxpayer filed an IL-1040 Individual Income Tax Return for the tax year ending December 31, 2011, reporting a tax overpayment of \$47,469.

12. On December 6, 2012, the Department issued a Return Correction Notice to Petitioners/Taxpayer showing \$8,500 of estimated payments received for tax year 2011 and a tax overpayment of \$34,896. A copy of that Notice is attached hereto as Exhibit 5C.
13. On December 6, 2012, the Department issued a Notice of Overpayment Adjustment to Petitioners/Taxpayer showing that Taxpayer's 2011 overpayment of \$34,896 was applied to Taxpayer's unpaid final liabilities for the tax years ending December 31, 2001 and December 31, 2002. A copy of that Notice is attached hereto as Exhibit 5D.
14. On or about January 28, 2013, Petitioners/Taxpayer filed an IL-1040-X for the tax year ending December 31, 2011 claiming a refund in the amount of \$47,469.
15. On May 13, 2014, the Department issued a Notice of Claim Denial to Taxpayer denying Petitioners'/Taxpayer's refund claim for the tax year ending December 31, 2011. A copy of that Notice is attached hereto as Exhibit 5E.
16. On October 15, 2013, Petitioners filed an IL-1040 (Individual Income Tax Return) for the tax year ending December 31, 2012, reporting a tax overpayment of \$62,688.
17. On October 26, 2013, the Department issued a Notice of Overpayment Adjustment to Petitioners showing that Taxpayer's 2012 tax overpayment of \$62,688 was applied to unpaid liabilities for the 2002 and 2003 tax years. A copy of that Notice is attached hereto as Exhibit 5F.
18. On or about February 6, 2014, Petitioners/Taxpayer filed an IL-1040-X (Amended Individual Income Tax Return) for the tax year ending December 31, 2012, claiming a refund in the amount of \$62,688.
19. On May 19, 2014, the Department issued a Notice of Claim Denial to Taxpayer denying Petitioners'/Taxpayer's refund claim for the tax year ending December 31, 2012. A copy of that Notice is attached hereto as Exhibit 5G.
20. I am an adult resident of the State of Illinois and can truthfully and competently testify to the matters contained herein based upon my own personal knowledge.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

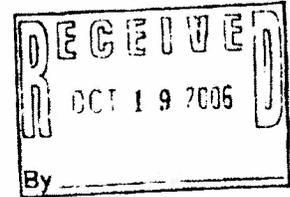

Carrie Leininger
Manager, Individual Processing Division
Illinois Department of Revenue

Date: 9/11/14



Illinois Department of Revenue

101 W. Jefferson St.
Springfield, IL 62702



October 13, 2006

NOTICE OF DEFICIENCY

FORM: IL-1040

SSN: 075-34-4824

Ronald Benderson
570 Delaware Avenue
Buffalo, NY 14202-1207

TAXABLE YEARS ENDING:
12/31/2000, 12/31/2001, 12/31/2002,
12/31/2003

STATUTORY DEFICIENCY:
\$ 124,183.00

INTEREST TO DATE:
\$ 36,869.00

TOTAL AMOUNT DUE:
\$ 161,052.00

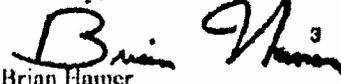
Pursuant to Section 904(c) of the Illinois Income Tax Act, notice is hereby given that the determination of your income tax liability for the above-noted taxable year discloses a deficiency in the amount shown above. The attached statement contains explanations of the adjustments and shows the computation of the deficiency.

IF YOU AGREE to this determination and pay the Total Amount Due shown above within thirty (30) days of the date of this notice, no additional interest will accrue. The payment should be forwarded to the address shown below.

IF YOU DO NOT AGREE, Section 908(a) of the Act provides that the Department shall reconsider the proposed assessment if within 60 days of the date of this notice, the taxpayer or his authorized representative files a written protest setting forth the grounds upon which the protest is based and, if requested, shall grant the taxpayer or his authorized representative a hearing (under Section 914). Thus, if you disagree with the assessment proposed, you may file a protest and, if desired, request a hearing. A protest, if filed, should be forwarded to the address shown below.

IF AN ADEQUATE AND TIMELY PROTEST is not received, the total amount of the deficiency shown will be deemed assessed as of the expiration of the aforementioned 60-day period pursuant to Section 903(a)(2) and 904(d). If no protest is filed and if the tax liability is not paid within 60 days of the date of this notice, a 15% penalty will be assessed under Section 3-3(b)(2) of the Uniform Penalty and Interest Act for liabilities which became due on or after January 1, 1994. (The penalty rate is 20% for liabilities due on or after January 1, 1998.) If the tax remains unpaid after a demand for payment, the Act permits, in addition to other remedies, the seizure and sale of real and personal property to enforce collection.

Sincerely,


Brian Hamer
Director

Enclosures: EAR-14, IDR-867
Return Envelope

NOTICE SECTION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19012
SPRINGFIELD, IL 62794-9012
PHONE: 217-785-9375
ATTENTION: LF 30072B

Page 2
075-34-4824
Ronald Benderson
570 Delaware Avenue
Buffalo, NY 14202-1207

STATEMENT

We determined that, as a nonresident, for the taxable years ended December 31, 2000, December 31, 2001, December 31, 2002, and December 31, 2003, you received income allocable to Illinois from your distributive share of S-Corporation income from Delta Sonic Car Wash Systems, Inc., Benderson Development Company, Inc., Har-Wal Associates, Inc., Blend-All Hotel Development, Inc., Tram-K Holdings, Inc., and Walden Avenue Blend-All Hotel Development, Inc. that was not reported.
[35 ILCS 5/502(a)(1)]

We are imposing a late-payment penalty for underpayment of estimated tax for the taxable year ended December 31, 2003 because you did not pay the required amount of estimated tax payments by the payment due date. This penalty is based on the amount shown due on your return, minus any timely payments and timely credits. This penalty is figured at increasing rates based on the number of days your payment is late. The penalty rates are

- 2 percent of any amount that is paid no later than 30 days after the due date;
- 10 percent of any amount that is paid later than 30 days but no later than 90 days after the due date;
- 15 percent of any amount that is paid later than 90 days but no later than 180 days after the due date;
- 20 percent of any amount that is paid later than 180 days after the due date.

[35 ILCS 735/3-3(b-15)(1)]

If this liability qualified for amnesty, and you did not pay that liability during the amnesty period held October 1, 2003, through November 17, 2003, your penalty and interest amounts may be doubled.
[35 ILCS 521/101(b)]



Illinois Department of Revenue

EDA-24 (Ver. 7.30)

IL-1040 AUDITOR'S REPORT

Oct/13/2006 AM

Taxpayer Name: RONALD BENDERSON
Spouse's Name:

SSN: 075-34-4824
SSN:

Mailing Address: 570 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-1207

Tax Year Start Date: 01/01/2000
Tax Year Ending: 12/31/2000
Statute Expires: 10/15/2006
Track #: 30072B

Audit Period: YE: 12/00,12/01,12/02,12/03,12/04

Table with 4 columns: Description, As Filed, Net Change, As Corrected. Rows include Filing Status, Residency Code, Adjusted Gross Income, Additions (Federally Tax-Exempt Interest, Other Additions), Subtractions (Retirement and Social Security, Military Pay, Illinois Income Tax Refund, U.S. Government Obligations Interest, Other Subtractions), Total Subtractions, Illinois Base Income, Number of Exemptions, Total Exemption Amount, Net Income from Schedule NR, Net Taxable Income, Tax @ 3%, Recapture From Schedule 4255, and Total Tax Due.

Taxpayer: RONALD BENDERSON

SSN: 075-34-4824

APE: 12/31/2000

	As Filed	Net Change	As Corrected
Total Tax Due (from EDA24 front)	\$0		\$24,283
Payments and Credits			
17 Illinois Income Taxes Withheld (W-2)	0	0	0
18 Estimated Payments (IL-1040-ES, IL-505-I) and Prior Year Overpayment Credits	0	0	0
Payment Made With Original Return	0	0	0
Other Payments	0	0	0
19 Foreign Tax Credit From Schedule CR	0	0	0
20 Illinois Property Tax Paid:			
Property Tax Credit for This Year	0	0	0
Qualifying Education Expenses:			
Education Expense Credit	0	0	0
Federal Earned Income Credit:			
Illinois Earned Income Credit	0	0	0
21 Tax Credits From Schedule 1299-C	0	0	0
22 Total Payments and Credits	0	0	0
Donations to Voluntary Contributions Funds	0	0	0
24 Credit Carryforward to Next APE	0	0	0
Amount(s) Refunded	0	0	0
Refund/Credit Used in Other APE	0	0	0
Payments Applied to Penalty/Interest	0	0	0
Net Payments and Credits	0	0	0
Net Tax Due	0	24,283	24,283
Interest Due on Tax	0	15,368	15,368
Penalty:			
Late Filing Penalty	0	0	0
Negligence Penalty	0	0	0
Late Payment Penalty for Underpayment of Est. Tax	0	0	0
Late Payment Penalty for Unpaid Tax	0	0	0
Less: Penalty Paid	0	0	0
Total Penalty Due	0	0	0
28 Total Tax, Penalty and Interest Due	\$0	\$39,629	\$39,629

Date of Report	Region Number	Auditor
10/13/2008	1	DALE VIRGIL BLANCHARD
Discussed with	Title	Date
PAUL SPEAKER	ACCOUNTANT	04/17/2008



Illinois Department of Revenue

EDA-24 (Ver. 7.30)

IL-1040 AUDITOR'S REPORT

Oct/13/2006 AM

Taxpayer Name: RONALD BENDERSON
Spouse's Name:

SSN: 075-34-4824
SSN:

Mailing Address: 570 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-1207

Tax Year Start Date: 01/01/2001
Tax Year Ending: 12/31/2001
Statute Expires: 10/15/2008
Track #: 30072B

Audit Period: YE: 12/00,12/01,12/02,12/03,12/04

	As Filed	Net Change	As Corrected
Filing Status	1 Single/H of H		1 Single/H of H
Residency Code	2 Non-Resident		2 Non-Resident
1 Adjusted Gross Income	(13,114,180)	0	(13,114,180)
Additions:			
2 Federally Tax-Exempt Interest	1,239,694	0	1,239,694
3 Other Additions	222,821	0	222,821
4 Total Income	(11,651,665)	0	(11,651,665)
Subtractions:			
5 Retirement and Social Security	0	0	0
6 Military Pay	0	0	0
7 Illinois Income Tax Refund	0	0	0
8 U.S. Government Obligations Interest	0	0	0
9 Other Subtractions	11,493	0	11,493
10 Total Subtractions	11,493	0	11,493
11 Illinois Base Income	(11,663,158)	0	(11,663,158)
Number of Federal Exemptions			
	1		1
Number of Dependent Exemptions			
	0		0
Number of 65 or Older and Blind Exemptions			
	0		0
12 Total Exemption Amount	2,000	0	2,000
13 Net Income from Schedule NR	0	810,369	810,369
Net Taxable Income			
	0	810,369	810,369
Tax @ 3%			
	0	24,311	24,311
Recapture From Schedule 4255			
	0	0	0
14 Total Tax Due	\$0	\$24,311	\$24,311

Taxpayer: RONALD BENDERSON

SSN: 075-34-4824

APE: 12/31/2001

	As Filed	Net Change	As Corrected
Total Tax Due (from EDA24 front)	\$0		\$24,311
Payments and Credits			
17 Illinois Income Taxes Withheld (W-2)	0	0	0
18 Estimated Payments (IL-1040-ES, IL-505-I) and Prior Year Overpayment Credits	0	0	0
Payment Made With Original Return	0	0	0
Other Payments	0	0	0
19 Foreign Tax Credit From Schedule CR	0	0	0
20 Illinois Property Tax Paid:	0	0	0
Property Tax Credit for This Year	0	0	0
Qualifying Education Expenses:	0	0	0
Education Expense Credit	0	0	0
Federal Earned Income Credit:	0	0	0
Illinois Earned Income Credit	0	0	0
21 Tax Credits From Schedule 1299-C	0	0	0
22 Total Payments and Credits	0	0	0
Donations to Voluntary Contributions Funds	0	0	0
24 Credit Carryforward to Next APE	0	0	0
Amount(s) Refunded	0	0	0
Refund/Credit Used in Other APE	0	0	0
Payments Applied to Penalty/Interest	0	0	0
Net Payments and Credits	0	0	0
Net Tax Due	0	24,311	24,311
Interest Due on Tax	0	11,942	11,942
Penalty:			
Late Filing Penalty	0	0	0
Negligence Penalty	0	0	0
Late Payment Penalty for Underpayment of Est. Tax	0	0	0
Late Payment Penalty for Unpaid Tax	0	0	0
Less: Penalty Paid	0	0	0
Total Penalty Due	0	0	0
28 Total Tax, Penalty and Interest Due	\$0	\$36,253	\$36,253

Date of Report	Region Number	Auditor
10/13/2008	1	DALE VIRGIL BLANCHARD
Discussed with	Title	Date
PAUL SPEAKER	ACCOUNTANT	04/17/2008



Illinois Department of Revenue

EDA-24 (Ver. 7.30)

IL-1040 AUDITOR'S REPORT

Oct/13/2006 AM

Taxpayer Name: RONALD BENDERSON
Spouse's Name:

SSN: 075-34-4824
SSN:

Mailing Address: 570 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-1207

Tax Year Start Date: 01/01/2002
Tax Year Ending: 12/31/2002
Statute Expires: 10/15/2006
Track #: 30072B

Audit Period: YE: 12/00,12/01,12/02,12/03,12/04

	As Filed	Net Change	As Corrected
Filing Status	1 Single/H of H		1 Single/H of H
Residency Code	2 Non-Resident		2 Non-Resident
1 Adjusted Gross Income	(31,448,773)	0	(31,448,773)
Additions:			
2 Federally Tax-Exempt Interest	867,889	0	867,889
3 Other Additions	271,202	0	271,202
4 Total Income	(30,309,682)	0	(30,309,682)
Subtractions:			
5 Retirement and Social Security	0	0	0
6 Military Pay	0	0	0
7 Illinois Income Tax Refund	0	0	0
8 U.S. Government Obligations Interest	0	0	0
9 Other Subtractions	8,312	0	8,312
10 Total Subtractions	8,312	0	8,312
11 Illinois Base Income	(30,317,994)	0	(30,317,994)
Number of Federal Exemptions	1		1
Number of Dependent Exemptions	0		0
Number of 65 or Older and Blind Exemptions	0		0
12 Total Exemption Amount	2,000	0	2,000
13 Net Income from Schedule NR	0	869,124	869,124
Net Taxable Income	0	869,124	869,124
Tax @ 3%	0	26,074	26,074
Recapture From Schedule 4255	0	0	0
14 Total Tax Due	\$0	\$26,074	\$26,074

Taxpayer: RONALD BENDERSON

SSN: 075-34-4824

APE: 12/31/2002

	As Filed	Net Change	As Corrected
Total Tax Due (from EDA24 front)	\$0		\$28,074
Payments and Credits			
17 Illinois Income Taxes Withheld (W-2)	0	0	0
18 Estimated Payments (IL-1040-ES, IL-505-I) and Prior Year Overpayment Credits	0	0	0
Payment Made With Original Return	0	0	0
Other Payments	0	0	0
19 Foreign Tax Credit From Schedule CR	0	0	0
20 Illinois Property Tax Paid:	0		
Property Tax Credit for This Year	0	0	0
Qualifying Education Expenses:	0		
Education Expense Credit	0	0	0
Federal Earned Income Credit:	0		
Illinois Earned Income Credit	0	0	0
21 Tax Credits From Schedule 1299-C	0	0	0
22 Total Payments and Credits	0	0	0
Donations to Voluntary Contributions Funds	0	0	0
24 Credit Carryforward to Next APE	0	0	0
Amount(s) Refunded	0	0	0
Refund/Credit Used in Other APE	0	0	0
Payments Applied to Penalty/Interest	0	0	0
Net Payments and Credits	0	0	0
Net Tax Due	0	28,074	26,074
Interest Due on Tax	0	4,690	4,690
Penalty:			
Late Filing Penalty	0	0	0
Negligence Penalty	0	0	0
Late Payment Penalty for Underpayment of Est. Tax	0	0	0
Late Payment Penalty for Unpaid Tax	0	0	0
Less: Penalty Paid	0	0	0
Total Penalty Due	0	0	0
28 Total Tax, Penalty and Interest Due	\$0	\$30,764	\$30,764

Date of Report	Region Number	Auditor
10/13/2008	1	DALE VIRGIL BLANCHARD
Discussed with	Title	Date
PAUL SPEAKER	ACCOUNTANT	04/17/2008



Illinois Department of Revenue

EDA-24 (Ver. 7.30)

IL-1040 AUDITOR'S REPORT

Oct/13/2006 AM

Taxpayer Name: RONALD BENDERSON
Spouse's Name:

SSN: 075-34-4824
SSN:

Mailing Address: 570 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-1207

Tax Year Start Date: 01/01/2003
Tax Year Ending: 12/31/2003
Statute Expires: 10/15/2006
Track #: 30072B

Audit Period: YE: 12/00,12/01,12/02,12/03,12/04

Table with 4 columns: Description, As Filed, Net Change, As Corrected. Rows include Filing Status, Residency Code, Adjusted Gross Income, Additions (Federally Tax-Exempt Interest, Other Additions), Subtractions (Retirement and Social Security, Military Pay, Illinois Income Tax Refund, U.S. Government Obligations Interest, Other Subtractions), Total Exemption Amount, Net Income from Schedule NR, Net Taxable Income, Tax @ 3%, Recapture From Schedule 4255, and Total Tax Due.

Taxpayer: RONALD BENDERSON

SSN: 075-34-4824

APE: 12/31/2003

	As Filed	Net Change	As Corrected
Total Tax Due (from EDA24 front)	\$0		\$43,779
Payments and Credits			
17 Illinois Income Taxes Withheld (W-2)	0	0	0
18 Estimated Payments (IL-1040-ES, IL-505-I) and Prior Year Overpayment Credits	15,000	0	15,000
Payment Made With Original Return	0	0	0
Other Payments	0	0	0
19 Foreign Tax Credit From Schedule CR	0	0	0
20 Illinois Property Tax Paid:	0	0	0
Property Tax Credit for This Year	0	0	0
Qualifying Education Expenses:	0	0	0
Education Expense Credit	0	0	0
Federal Earned Income Credit:	0	0	0
Illinois Earned Income Credit	0	0	0
21 Tax Credits From Schedule 1299-C	0	0	0
22 Total Payments and Credits	15,000	0	15,000
Donations to Voluntary Contributions Funds	0	0	0
24 Credit Carryforward to Next APE	0	0	0
Amount(s) Refunded	15,000	0	15,000
Refund/Credit Used in Other APE	0	0	0
Payments Applied to Penalty/Interest	0	0	0
Net Payments and Credits	0	0	0
Net Tax Due	0	43,779	43,779
Interest Due on Tax	0	4,871	4,871
Penalty:			
Late Filing Penalty	0	0	0
Negligence Penalty	0	0	0
Late Payment Penalty for Underpayment of Est. Tax	0	0	0
Late Payment Penalty for Unpaid Tax	0	5,758	5,758
Less: Penalty Paid	0	0	0
Total Penalty Due	0	0	5,758
28 Total Tax, Penalty and Interest Due	\$0	\$54,408	\$54,408

Date of Report	Region Number	Auditor
10/13/2006	1	DALE VIRGIL BLANCHARD
Discussed with	Title	Date
PAUL SPEAKER	ACCOUNTANT	04/17/2006

Notice of Claim Denial
Form IL-1040-X, Amended Individual Income Tax Return



February 21, 2013



Letter ID: CNXXX2X3769X2722

Account ID: P07891585
Reporting Period: December 2010

#BWNKMGV
#CNXX X2X3 769X 2722#
RONALD BENDERSON
570 DELAWARE AVENUE
BUFFALO NY 14202



Dear Taxpayer:

We are writing regarding your 2010 Form IL-1040-X, Amended Individual Income Tax Return.

Based on our review, we denied your claim for refund of overpayment of income tax. This review is not the result of an audit.

We changed Line 22 from \$0.00 to \$38,409.95.

Your Form IL-1040-X Line 22 did not match the total amount of

- previous overpayments, refunds, or credit carryforward,
- your original voluntary contributions on Form IL-1040, and
- the use tax you reported on Form IL-1040.

We changed the amount of previous overpayments on Line 22 of your IL-1040-X to the amount shown in our records.

We changed Line 25 from \$44,800.00 to \$42,500.00.

The amount of estimated payments you claimed does not agree with our records.

If you do not agree with our determination, you may file a written protest against our denial, and, if you desire, you may request a hearing. You must do so within 60 days of the date of this notice. Your protest may be filed by completing and sending us the enclosed Form EAR-14, Format for Filing a Protest for Income Tax, or by sending us a letter that states that it is a protest and contains all of the information requested in the Form EAR-14. Please enclose a copy of this letter with your protest.

If you file an acceptable protest on time, we must reconsider our denial. We will grant you or your authorized representative a hearing, if you request one. If you do not file a written protest on time, this denial shall become your final assessment.

If you agree with the amount you owe on the "Form IL-1040-X Financial Details" page, send your payment to "Illinois Department of Revenue." Write your Account ID on your check and mail it to the address at the bottom of this letter. You must pay the total balance due within 30 days of the date of this notice to avoid additional penalty and interest.

If you are currently under the protection of the Federal Bankruptcy Court, please contact us and provide the bankruptcy number and the bankruptcy court. The bankruptcy "automatic stay" does not relieve your obligation to file tax returns. Please return a copy of this letter with any further correspondence.

Notice of Claim Denial

RONALD BENDERSON



Summary

Letter ID: CNXXX2X3769X2722

Account ID: P07891585

Reporting Period: December 2010

Form IL-1040-X Financial Details

<i>Line Description</i>	<i>Amount</i>
Income	
1 Federal adjusted gross income (AGI)	1,771,421.00
2 Federally tax-exempt interest income	222,876.00
3 Other additions to your income	635,785.00
4 Total income	2,630,082.00
Subtractions	
5 Social Security and retirement income	0.00
6 Illinois refund included in US1040	0.00
7 Other subtractions to your income	69,639.00
8 Total subtractions	69,639.00
9 Illinois base income	2,560,443.00
Exemptions	
10 Exemption allowance	5,000.00
Net Income	
12 Net income (part-year & non-resident)	691,128.00
Total tax	
13 Tax	20,693.00
14 Recapture of investment tax credits	0.00
16 Total tax	20,693.00
Nonrefundable Credits	
17 Tax paid to another state	0.00
18 Schedule ICR credits	0.00
19 Schedule 1299-C credit	0.00
20 Total nonrefundable credits	0.00
21 Tax after nonrefundable credits	20,693.00
Previous Overpayments	
22 Previous overpayments, refunds, or credit carryforward, and original contributions	38,409.95
23 Tax after previous overpayments	59,102.95
Payments and Refundable Credit	
24 Illinois Income Tax withheld	0.00
25 Estimated payments (IL-1040-ES, IL-505-I, and prior year credit)	42,500.00
26 Pass-through entity payments	16,827.00
27 Earned Income Credit	0.00
28 Amount previously paid	0.00
29 Total payments and refundable credit	59,327.00
Refund or Balance Due	
30 Overpayment	224.05
Penalty	224.05
Interest	0.00
32 Total penalty and interest	224.05
34 Amount you owe	0.00
Payment with IL-1040-X	0.00
Total amount you owe	0.00

Return Correction Notice

for Form IL-1040, Individual Income Tax Return



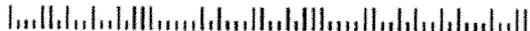
#BWNKMGV
#CNXX XX64 8635 8X86#
RONALD BENDERSON
570 DELAWARE AVENUE
BUFFALO NY 14202

December 6, 2012 TDD 1 800 544-5304



Letter ID: CNXXXX6486358X86

Account ID: P07891585
Reporting Period: December 2011



We are writing you regarding your Form IL-1040.



Review Pages 2 and 3 for financial details and an explanation of our changes.

If you

- *agree with our changes, send any amount due with the enclosed Taxpayer Statement. You must pay within 30 days, or by the original due date of your return, whichever is later, to avoid additional interest.*
- *disagree, send us Page 2, within 30 days, along with information to correct your return. Mail this information to the address listed below. See the "Explanation of IL-1040 Changes" starting on page 3 for details.*

If Page 2 shows an overpayment or no amount due and you agree, you do not need to respond. We will send you any refund due.

If you made payment within the past six weeks or have scheduled an electronic payment, that payment may not be reflected on this notice.

For questions, visit our web site or call one of the numbers above.

ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19084
SPRINGFIELD, IL 62794-9084

Return Correction Notice

RONALD BENDERSON



Please return this page with any requested information

Letter ID: CNXXXX6486358X86
Account ID: P07891585
Reporting Period: December 2011**IL-1040 Financial Details**

<i>Line Description</i>	<i>As Corrected</i>	<i>Brief Explanation of Our Changes</i>
Income		
1 Federal adjusted gross income (AGI)	10,210,002.00	
2 Federally tax-exempt interest income	201,358.00	
3 Other additions to your income	1,291,373.00	
4 Total income	11,702,733.00	
Base Income		
5 Social Security and retirement income	0.00	
6 Illinois refund included in US1040	0.00	
7 Other subtractions to your income	2,422,259.00	
8 Total subtractions	2,422,259.00	
9 Illinois base income	9,280,474.00	
Exemptions		
10 Exemption allowance	5,000.00	
Net income		
12 Net income (part-year & non-resident)	0.00	
Tax		
13 Tax	0.00	
14 Recapture of investment tax credits	0.00	
15 Total tax	0.00	
Nonrefundable Credits and Use Tax		
16 Tax paid to another state	0.00	
17 Schedule ICR credits	0.00	
18 Schedule 1299-C credit	0.00	
19 Total nonrefundable credits	0.00	
20 Tax after nonrefundable credits	0.00	
22 Household Employment Tax	0.00	
23 Use Tax	0.00	
24 Total Tax	0.00	
Payments and Refundable Credits		
25 Illinois income tax withheld	0.00	
26 Estimated payments	8,500.00	>> Estimated payments changed
27 Pass-through entity payments	26,396.00	>> Need Schedule for pass-through payments
28 Earned Income Credit	0.00	
29 Total payments and refundable credit	34,896.00	
Overpayment or Tax Due		
30 Overpayment	34,896.00	
Underpayment of Estimated Tax Penalty and Donations		
32 Estimated tax penalty	0.00	
33 Donations from Schedule G	0.00	
34 Total penalty and donations	0.00	
Refund or Amount You Owe		
35 Remaining overpayment	34,896.00	
36 Amount to be refunded	34,896.00	
Additional Penalty and Interest		
Penalty	0.00	
Interest	0.00	
Overpayment	34,896.00	>> Do not pay this amount

Return Correction Notice

RONALD BENDERSON

Explanation

Letter ID: CNXXXX6486358X86
 Account ID: P07891585
 Reporting Period: December 2011

Please make sure that

- *your name and address are correct on Page 1. If this information is incorrect, cross through it, write the correct information, and return it to us.*
- *you include Page 2 when returning any requested attachments.*

Explanation of IL-1040 Changes**Estimated payments changed**

We changed your estimated payments on Line 26 because our records and your return do not agree. The payments we have on file are listed below. If you disagree, please send us a copy of the front and back of each cancelled check or money order used to make your payments.

DATE RECEIVED	DOCUMENT NUMBER	REPORTING PERIOD	AMOUNT
06/23/2011	11175-104-05-043	12/2011	8,500.00

Need Schedule for pass-through payments

We changed your pass-through entity payments on Line 27 because

- we did not receive your Schedules K-1-P or K-1-T,
- your Schedules K-1-P or K-1-T were missing the tax year, company name and Federal Employer's Identification Number, or shareholder name and Social Security number.
- the payments were not made for the tax year in which you are claiming them, or
- the payments do not match the amount reported on the Schedules K-1-P or K-1-T attached to your return.

If you disagree with our changes, please send us any Schedules K-1-P or K-1-T showing these payments.

Do not pay this amount

Do not pay this amount. Your account is overpaid and you currently do not owe for this reporting period. We will send you a refund of any amount we owe you if no other liabilities or problems exist.

Notice of Overpayment Adjustment



December 6, 2012



Letter ID: L1722377632

Account ID: P07891585
Reporting Period: December 2011

RONALD BENDERSON
570 DELAWARE AVENUE
BUFFALO NY 14202



We applied your 2011 Illinois Individual Income Tax overpayment to the unpaid liabilities listed below.

If you have any questions about the application of your overpayment, please call the phone number listed below for the location your overpayment was applied.

Note: If you are currently under the protection of the Federal Bankruptcy Court, please contact us and provide the bankruptcy number and the bankruptcy court. The bankruptcy "automatic stay" does not relieve your obligation to file tax returns.

Overpayment from: IL Individual Income Tax: P07891585	
Overpayment amount	\$34,896.00
Total overpayment available	\$34,896.00

Overpayment applied to the following	Phone Number	Offset Amount
IL Individual Income Tax: P07891585		
December 2001	217-785-2698	\$13,782.33
December 2002	217-785-2698	\$21,113.67
Remaining refund balance		\$0.00

Notice of Claim Denial

Form IL-1040-X, Amended Individual Income Tax Return



May 13, 2014



Letter ID: CNXXXX6331631X42

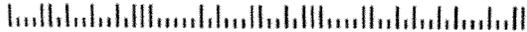
Account ID: P07891585

Reporting Period: December 2011

#BWNKMGV
#CNXX XX63 3163 1X42#
RONALD BENDERSON

570 DELAWARE AVENUE

BUFFALO NY 14202



Dear Taxpayer:

We are writing regarding your 2011 Form IL-1040-X, Amended Individual Income Tax Return, dated January 29, 2013.

Based on our review, we denied your claim for refund of overpayment of income tax. This review is not the result of an audit.

We found a computation error on your return. This error has been corrected. Please compare the amounts shown on your return with the "IL-1040-X Financial Details" that follows.

We changed Line 24 from \$47,469.00 to \$34,896.00.

Your Form IL-1040-X Line 24 did not match the total amount of

- previous overpayments, refunds, or credit carryforward,
- your original voluntary contributions on Form IL-1040, and
- the use tax you reported on Form IL-1040.

We determined that Line 27 remains \$8,500.00.

We applied your 2010 overpayment of \$38,409.45 to your 2001 balance due. Therefore, we cannot credit this amount to your 2011 estimated payments.

We determined that Line 28 remains \$26,396.00.

The amount of pass-through entity payments or composite return payments must match the amount shown on your Schedules K-1-P or K-1-T.

If you disagree with our changes, please send us a copy of any Schedule K-1-P or K-1-T showing your pass-through entity payments.

If you do not agree with our determination, you may contest this notice by following the instructions listed below.

If the amount of tax at issue, exclusive of penalty and interest, is more than \$15,000, or if you are not claiming an overpayment of tax but the total penalties and interest is more than \$15,000, file a petition with the Illinois Independent Tax Tribunal within 60 days of this notice. Your petition must be in accordance with the rules of practice and procedure provided by the Tribunal (35 ILCS 1010/1-1, et seq.).

In all other cases that do not fall within the jurisdiction of the Illinois Independent Tax Tribunal, file a protest with us, the Illinois Department of Revenue. If you file a protest on time, we must reconsider our denial, and if requested, grant you or your authorized representative an administrative hearing. Your protest must be filed by sending us a completed Form EAR-14, Format for Filing a Protest for Income Tax. You should include with your protest all documentation supporting your refund claim, especially any documents requested in this letter. If we do not receive your protest within 60 days, this denial shall become final. A protest of this notice does not preserve your rights under any other notice.

If you do not protest this notice, the denial of your claim shall become final.

If you agree with the amount you owe on the "Form IL-1040-X Financial Details" page, send your payment to "Illinois Department of Revenue." Write your Account ID on your check and mail it to the address at the bottom of this letter. You must pay the total balance due within 30 days of the date of this notice to avoid additional penalty and interest.

If you are currently under the protection of the Federal Bankruptcy Court, please contact us and provide the bankruptcy number and the bankruptcy court. The bankruptcy "automatic stay" does not relieve your obligation to file tax returns. Please return a copy of this letter with any further correspondence.

If you have questions, please write us or call our Springfield office weekdays between 8:00 a.m. and 4:00 p.m., or visit our web site at tax.illinois.gov. Our address and telephone number are below.

Jason Huber
Revenue Tax Specialist II

INDIVIDUAL PROCESSING DIVISION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19023
SPRINGFIELD IL 62794-9023

217 557-3563
217 557-5353 fax

Enclosures: EAR-14, Format for Filing a Protest for Income Tax

Notice of Claim Denial

RONALD BENDERSON

Summary



Letter ID: CNXXXX6331631X42
 Account ID: P07891585
 Reporting Period: December 2011

Form IL-1040-X Financial Details

<i>Line Description</i>	<i>Amount</i>
Income	
1 Federal adjusted gross income (AGI)	10,210,002.00
2 Federally tax-exempt interest income	201,358.00
3 Other additions to your income	1,291,373.00
4 Total income	11,702,733.00
Subtractions	
5 Social Security and retirement income	0.00
6 Illinois refund included in US1040	0.00
7 Other subtractions to your income	2,422,259.00
8 Total subtractions	2,422,259.00
9 Illinois base income	9,280,474.00
Exemptions	
10 Exemption allowance	5,000.00
Net Income	
12 Net income (part-year & non-resident)	0.00
Total tax	
13 Tax	0.00
14 Recapture of investment tax credits	0.00
16 Total tax	0.00
Nonrefundable Credits	
17 Tax paid to another state	0.00
18 Schedule ICR credits	0.00
19 Schedule 1299-C credit	0.00
20 Total nonrefundable credits	0.00
21 Tax after nonrefundable credits	0.00
22 Household employment tax	0.00
23 Total tax	0.00
Previous Overpayments	
24 Previous overpayments, refunds, or credit carryforward, and original contributions	34,896.00
25 Tax after previous overpayments	34,896.00
Payments and Refundable Credit	
26 Illinois Income Tax withheld	0.00
27 Estimated payments (IL-1040-ES, IL-505-I, and prior year credit)	8,500.00
28 Pass-through entity payments	26,396.00
29 Earned Income Credit	0.00
30 Amount previously paid	0.00
31 Total payments and refundable credit	34,896.00
Refund or Balance Due	
33 Underpayment	0.00
Penalty	0.00
Interest	0.00
34 Total penalty and interest	0.00
36 Amount you owe	0.00
Payment with IL-1040-X	0.00
Total amount you owe	0.00

Taxpayer Bill of Rights

- You have the right to call the Department of Revenue for help in resolving tax problems.
- You have the right to privacy and confidentiality under most tax laws.
- You have the right to respond, within specified time periods, to department notices by asking questions, paying the amount due, or providing proof to refute the department's findings.
- You have the right to appeal department decisions, in many instances, within specified time periods, by asking for department review, or by taking the issue to court.
- If you have overpaid your taxes, you have the right to a credit (or, in some cases, a refund) of that overpayment.
- For more information about these rights and other department procedures, you may contact us. Our contact information is on the front of this notice.

Notice of Overpayment Adjustment



RONALD BENDERSON
570 DELAWARE AVENUE
BUFFALO NY 14202

October 29, 2013



Letter ID: L0125694176

Account ID: P07891585
Reporting Period: December 2012



We applied your 2012 Illinois Individual Income Tax overpayment to the unpaid liabilities listed below.

If you have any questions about the application of your overpayment, please call the phone number listed below for the location your overpayment was applied.

Note: If you are currently under the protection of the Federal Bankruptcy Court, please contact us and provide the bankruptcy number and the bankruptcy court. The bankruptcy "automatic stay" does not relieve your obligation to file tax returns.

Overpayment from: IL Individual Income Tax: P07891585		
Overpayment amount		\$62,688.00
Total overpayment available		\$62,688.00
Overpayment applied to the following	Phone Number	Offset Amount
IL Individual Income Tax: P07891585		
December 2002	217-785-2698	\$38,353.55
December 2003	217-785-2698	\$24,334.45
Remaining refund balance		\$0.00

Notice of Claim Denial

Form IL-1040-X, Amended Individual Income Tax Return



May 19, 2014

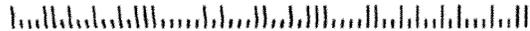


Letter ID: CNXXX14674695364

Account ID: P07891585

Reporting Period: December 2012

#BWNKMGV
#CNXX X146 7469 5364#
RONALD BENDERSON
570 DELAWARE AVENUE
BUFFALO NY 14202



Dear Taxpayer:

We are writing regarding your 2012 Form IL-1040-X, Amended Individual Income Tax Return, dated February 14, 2014.

Based on our review, we denied your claim for refund of overpayment of income tax. This review is not the result of an audit.

We found a computation error on your return. This error has been corrected. Please compare the amounts shown on your return with the "IL-1040-X Financial Details" that follows.

If you do not agree with our determination, you may contest this notice by following the instructions listed below.

If the amount of tax at issue, exclusive of penalty and interest, is more than \$15,000, or if you are not claiming an overpayment of tax but the total penalties and interest is more than \$15,000, file a petition with the Illinois Independent Tax Tribunal within 60 days of this notice. Your petition must be in accordance with the rules of practice and procedure provided by the Tribunal (35 ILCS 1010/1-1, et seq.).

In all other cases that do not fall within the jurisdiction of the Illinois Independent Tax Tribunal, file a protest with us, the Illinois Department of Revenue. If you file a protest on time, we must reconsider our denial, and if requested, grant you or your authorized representative an administrative hearing. Your protest must be filed by sending us a completed Form EAR-14, Format for Filing a Protest for Income Tax. You should include with your protest all documentation supporting your refund claim, especially any documents requested in this letter. If we do not receive your protest within 60 days, this denial shall become final. A protest of this notice does not preserve your rights under any other notice.

If you do not protest this notice, the denial of your claim shall become final.

If you agree with the amount you owe on the "Form IL-1040-X Financial Details" page, send your payment to "Illinois Department of Revenue." Write your Account ID on your check and mail it to the address at the bottom of this letter. You must pay the total balance due within 30 days of the date of this notice to avoid additional penalty and interest.

If you are currently under the protection of the Federal Bankruptcy Court, please contact us and provide the bankruptcy number and the bankruptcy court. The bankruptcy "automatic stay" does not relieve your obligation to file tax returns. Please return a copy of this letter with any further correspondence.

If you have questions, please write us or call our Springfield office weekdays between 8:00 a.m. and 4:00 p.m., or visit our web site at tax.Illinois.gov. Our address and telephone number are below.

Wenqian Xu

INDIVIDUAL PROCESSING DIVISION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19023
SPRINGFIELD IL 62794-9023

217 785-6673
217 557-5353 fax

Enclosures: EAR-14, Format for Filing a Protest for Income Tax

Notice of Claim Denial

RONALD BENDERSON



Letter ID: CNXXX14674695364
 Account ID: P07891585
 Reporting Period: December 2012

Summary

Form IL-1040-X Financial Details

<i>Line Description</i>	<i>Amount</i>
Income	
1 Federal adjusted gross income (AGI)	37,985,541.00
2 Federally tax-exempt interest income	181,857.00
3 Other additions to your income	1,190,417.00
4 Total income	39,357,815.00
Subtractions	
5 Social Security and retirement income	0.00
6 Illinois refund included in US1040	0.00
7 Other subtractions to your income	230,464.00
8 Total subtractions	230,464.00
9 Illinois base income	39,127,351.00
Exemptions	
10 Exemption allowance	5,100.00
Net Income	
12 Net income (part-year & non-resident)	0.00
Total tax	
13 Tax	0.00
14 Recapture of investment tax credits	0.00
16 Total tax	0.00
Nonrefundable Credits	
17 Tax paid to another state	0.00
18 Schedule ICR credits	0.00
19 Schedule 1299-C credit	0.00
20 Total nonrefundable credits	0.00
21 Tax after nonrefundable credits	0.00
22 Household employment tax	0.00
23 Total tax	0.00
Previous Overpayments	
24 Previous overpayments, refunds, or credit carryforward, and original contributions	62,688.00
25 Tax after previous overpayments	62,688.00
Payments and Refundable Credit	
26 Illinois Income Tax withheld	0.00
27 Estimated payments (IL-1040-ES, IL-505-I, and prior year credit)	0.00
28 Pass-through entity payments	62,688.00
29 Earned Income Credit	0.00
30 Amount previously paid	0.00
31 Total payments and refundable credit	62,688.00
Refund or Balance Due	
33 Underpayment	0.00
Penalty	0.00
Interest	0.00
34 Total penalty and interest	0.00
36 Amount you owe	0.00
Payment with IL-1040-X	0.00
Total amount you owe	0.00

Taxpayer Bill of Rights

- You have the right to call the Department of Revenue for help in resolving tax problems.
- You have the right to privacy and confidentiality under most tax laws.
- You have the right to respond, within specified time periods, to department notices by asking questions, paying the amount due, or providing proof to refute the department's findings.
- You have the right to appeal department decisions, in many instances, within specified time periods, by asking for department review, or by taking the issue to court.
- If you have overpaid your taxes, you have the right to a credit (or, in some cases, a refund) of that overpayment.
- For more information about these rights and other department procedures, you may contact us. Our contact information is on the front of this notice.

Notice of Claim Denial

Form IL-1040-X, Amended Individual Income Tax Return



February 21, 2013



Letter ID: CNXXX2X3769X2722

Account ID: P07891585

Reporting Period: December 2010

#BWNKMGV
#CNXX X2X3 769X 2722#
RONALD BENDERSON
570 DELAWARE AVENUE
BUFFALO NY 14202



Dear Taxpayer:

We are writing regarding your 2010 Form IL-1040-X, Amended Individual Income Tax Return.

Based on our review, we denied your claim for refund of overpayment of income tax. This review is not the result of an audit.

We changed Line 22 from \$0.00 to \$38,409.95.

Your Form IL-1040-X Line 22 did not match the total amount of

- previous overpayments, refunds, or credit carryforward,
- your original voluntary contributions on Form IL-1040, and
- the use tax you reported on Form IL-1040.

We changed the amount of previous overpayments on Line 22 of your IL-1040-X to the amount shown in our records.

We changed Line 25 from \$44,800.00 to \$42,500.00.

The amount of estimated payments you claimed does not agree with our records.

If you do not agree with our determination, you may file a written protest against our denial, and, if you desire, you may request a hearing. You must do so within 60 days of the date of this notice. Your protest may be filed by completing and sending us the enclosed Form EAR-14, Format for Filing a Protest for Income Tax, or by sending us a letter that states that it is a protest and contains all of the information requested in the Form EAR-14. Please enclose a copy of this letter with your protest.

If you file an acceptable protest on time, we must reconsider our denial. We will grant you or your authorized representative a hearing, if you request one. If you do not file a written protest on time, this denial shall become your final assessment.

If you agree with the amount you owe on the "Form IL-1040-X Financial Details" page, send your payment to "Illinois Department of Revenue." Write your Account ID on your check and mail it to the address at the bottom of this letter. You must pay the total balance due within 30 days of the date of this notice to avoid additional penalty and interest.

If you are currently under the protection of the Federal Bankruptcy Court, please contact us and provide the bankruptcy number and the bankruptcy court. The bankruptcy "automatic stay" does not relieve your obligation to file tax returns. Please return a copy of this letter with any further correspondence.

If you have questions, please write us or call our Springfield office weekdays between 8:00 a.m. and 4:00 p.m., or visit our web site at tax.illinois.gov. Our address and telephone number are below.

Steve Bermingham
Revenue Tax Specialist II

INDIVIDUAL PROCESSING DIVISION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19023
SPRINGFIELD IL 62794-9023

217 785-1393
217 557-5353 fax

Enclosures: EAR-14, Format for Filing a Protest for Income Tax

Notice of Claim Denial



Letter ID: CNXXX2X3769X2722

Account ID: P07891585

Reporting Period: December 2010

RONALD BENDERSON

Summary

Form IL-1040-X Financial Details

<i>Line Description</i>	<i>Amount</i>
Income	
1 Federal adjusted gross income (AGI)	1,771,421.00
2 Federally tax-exempt interest income	222,876.00
3 Other additions to your income	635,785.00
4 Total income	2,630,082.00
Subtractions	
5 Social Security and retirement income	0.00
6 Illinois refund included in US1040	0.00
7 Other subtractions to your income	69,639.00
8 Total subtractions	69,639.00
9 Illinois base income	2,560,443.00
Exemptions	
10 Exemption allowance	5,000.00
Net Income	
12 Net income (part-year & non-resident)	691,128.00
Total tax	
13 Tax	20,693.00
14 Recapture of investment tax credits	0.00
16 Total tax	20,693.00
Nonrefundable Credits	
17 Tax paid to another state	0.00
18 Schedule ICR credits	0.00
19 Schedule 1299-C credit	0.00
20 Total nonrefundable credits	0.00
21 Tax after nonrefundable credits	20,693.00
Previous Overpayments	
22 Previous overpayments, refunds, or credit carryforward, and original contributions	38,409.95
23 Tax after previous overpayments	59,102.95
Payments and Refundable Credit	
24 Illinois Income Tax withheld	0.00
25 Estimated payments (IL-1040-ES, IL-505-I, and prior year credit)	42,500.00
26 Pass-through entity payments	16,827.00
27 Earned Income Credit	0.00
28 Amount previously paid	0.00
29 Total payments and refundable credit	59,327.00
Refund or Balance Due	
30 Overpayment	224.05
Penalty	224.05
Interest	0.00
32 Total penalty and interest	224.05
34 Amount you owe	0.00
Payment with IL-1040-X	0.00
Total amount you owe	0.00

Taxpayer Bill of Rights

- You have the right to call the Department of Revenue for help in resolving tax problems.
- You have the right to privacy and confidentiality under most tax laws.
- You have the right to respond, within specified time periods, to department notices by asking questions, paying the amount due, or providing proof to refute the department's findings.
- You have the right to appeal department decisions, in many instances, within specified time periods, by asking for department review, or by taking the issue to court.
- If you have overpaid your taxes, you have the right to a credit (or, in some cases, a refund) of that overpayment.
- For more information about these rights and other department procedures, you may contact us. Our contact information is on the front of this notice.