

\$16,554.38.

3. The Department has determined “the penalty is equal to the amount of unpaid liability of G.R.M. LUBEPROS INC, due to your status as a responsible officer, partner, or individual of G.R.M. LUBEPROS INC.”

4. Petitioner disputes the findings of the Department that he was “a responsible officer, partner, or individual of G.R.M. LUBEPROS INC.

5. The Department has determined G.R.M. LUBEPROS INC. has an unpaid balance totaling \$16,554.38 for sales/use tax and E911 surcharge for the following periods:

Period	Tax	Penalty	Interest	Credit	Balance
31 Aug. 2013	4,011.00	581.32	68.88	(2,960.42)	1,700.58
30 Sep. 2013	3,106.00	472.72	138.03		3,716.75
31 Jan 2014	3,356.00	502.72	134.86		3,993.58
28 Feb 2014	3,377.00	461.70	127.75		3,966.45
31 Mar 2014	2,711.00	371.10	94.92		3,177.02

6. Petitioner also disputes the findings of the Department that G.R.M. LUBEPROS INC. has an unpaid balance of \$16,554.38.

7. G.R.M LUBEPROS INC. Illinois account ID is: 2503-1181 and Federal employer identification number is: 36-3925051.

BACKGROUND

8. Petitioner is an individual or stated by the Department to be a Responsible Officer of G.R.M. LUBEPROS INC. doing business at 145 E. Boughton Road, Bollingbrook, Illinois with a mailing address of P.O. Box 8286 Romeoville, IL 60446.

9. G.R.M. LUBEPROS INC. was incorporated in the State of Illinois approximately 1991. G.R.M issued 150 shares of stock which were distributed in equal sums (50) to: Michael Marsek, David Richmond and Matthew Galbraith.

10. From 1991 until approximately 1998 Matthew Galbraith was the responsible

person for all day to day operations (manager), accounting and reporting of all tax related information to the Department.

11. In approximately 1998 Matthew Galbraith's 50 shares of G.R.M stock were distributed in equal shares to Michael Marsek and David Richmond.

12. From approximately 1998 until the summer of 2012 Michael Marsek was the responsible party to the Department. Michael Marsek controlled all the "financial books" which included the checking account, merchant (credit/debit) account and reported monthly with the Department.

13. In approximately the summer of 2012 Michael Marsek transferred his shares of G.R.M to Brian Deutsch.

14. Brian Deutsch ("Deutsch") assumed the duties that had been performed by Michal Marsek. Deutsch was the day to day manager of G.R.M. and received a monthly salary from G.R.M. Deutsch hired employees, dismissed employees, controlled the accounting which included the accounts receivable, accounts payable, checkbook, accounting, collecting Illinois sales tax, paying Illinois sales tax and all corresponding with the Department.

15. On October 11, 2013 the Department sent G.R.M. a "Notice of Administrative Hearing" regarding the revocation of G.R.M.'s certificate of registration before an administrative law judge on November 14, 2013. The location was at the Illinois Department of Revenue office in Springfield Illinois.

16. Deutsch being the responsible person attended the November 14, 2013 meeting and represented G.R.M. Deutsch prepared an "income and expense" report for the Department in November 2013.

17. All phone calls and correspondents from G.R.M. to the Department were carried out by Deutsch. The Department and Deutsch had several phone calls and a repayment plan was submitted by Deutsch and accepted by the Department.

18. Deutsch collected the Illinois sales tax. Deutsch prepared the Departments monthly sales tax reports. Deutsch submitted to the Department the monthly sales tax reports. Deutsch arraigned the payments to the Department by electronic means or signed check by Deutsch.

19. Deutsch was the one and only responsible person for G.R.M. with any and all dealings with the Department.

20. The Department corresponded with G.R.M. by U.S. mail. All mail was delivered to G.R.M.'s P.O. Box 8286 in Romeoville, IL. Deutsch was the only authorized person by the U.S. Postal Service to access the P.O. Box. Deutsch had the only access to the P.O. Box and the Petitioner has never accessed the G.R.M. P.O. Box.

21. Deutsch was in complete control of all G.R.M. documentation located at his home or the business in Bollingbrook.

22. Petitioner never went to Deutsch's home and reviewed any documentation. Many times the Petitioner would not go to the business for many months.

23. Petitioner was not responsible for the accounts payable, accounts receivable or any G.R.M. business dealings with the Department. Petitioner did not sign checks or arrange for electronic funds transfers from G.R.M. checking accounts for the Department or accounts payable to G.R.M. vendors and employees.

24. Petitioner did not have any dealings in person, by correspondent or phone with the Department.

25. The Department has not provided any documentation showing the Petitioner had knowledge of, or responsibility to the Department as a responsibility party by G.R.M.

26. Petitioner is not aware of any documents prepared by G.R.M. showing liability for sales/use taxes for the disputed periods of 31 Aug 2013, 30 Sep 2013, 31 Jan 2014, 28 Feb 2014 and 31 Mar. 2014.

27. The Department has not provided Petitioner with any documentation showing G.R.M. liability for the disputed periods.

28. Petitioner never had access to G.R.M. electronic reporting web-site to the Department.

29. Petitioner believes G.R.M. electronically prepared (by Deutsch) monthly sales and tax statements that were based on G.R.M. monthly accounting that was also

prepared by Deutsch and transmitted to the Department by Deutsch.

30. Petitioner was never authorized or issued a password to access the G.R.M. account with the Department and did not access the Departments G.R.M. account.

31. All records, receipts, accounting, correspondents with the Department were conducted and in the control of Deutsch.

32. Petitioner was a stock holder of G.R.M. Petitioner was listed as "President" in G.R.M.'s yearly filing. The term "President" given to the Petitioner was ceremonial and did not authorize the Petitioner to conduct business for G.R.M. Petitioner received no compensation for being "President" of G.R.M. For all practical purposes the Petitioner was a stock holder and received equity payments from G.R.M. Petitioner did not have any authority in the daily operations and dealings with the Department.

33. In approximately 2005 the Petitioner and previous stock holder Marsek hired Deutsch as G.R.M.'s manager. In the summer of 2012 Marsek sold his G.R.M. stock to Deutsch.

34. Deutsch continued as G.R.M.'s manager in the summer of 2012 and assumed the duties of being the Responsible person to the Department.

35. Deutsch was G.R.M.'s manager, accountant, responsible person to the Department and stock holder.

ERRORS

36. The Department determined the Petitioners status as a responsible officer, partner, or individual of G.R.M. LUBEPROS INC. made the Petitioner responsible of the amount of unpaid liability of G.R.M. LUBEPROS INC. and that is the Departments error. 35 ILCS 735/3-7(a) Any officer or employee of any taxpayer subject to the provisions of a tax Act administered by Department who has the control, supervision or responsibility of filing returns and making payment of the amount of any trust tax imposed in accordance with that Act and who wilfully fails to file the return or make the payment to the Department or wilfully attempts in any other manner to evade or defeat the tax shall be personally liable... The Petitioner never had control, supervision or responsibility of filing returns or making payments for G.R.M and therefore is not a responsible person to the

liability of G.R.M. The Department has provided no proof the Petitioner had control, supervision or responsibility of filing returns and making payments for G.R.M. LUBEPROS INC. and the Department has the burden to prove the Petitioner is a responsible person of G.R.M.

37. 35 ILCS 735/3-7(a) states in part “Proof of that determination by the Department shall be made at any hearing before it or in any legal proceeding thereto in the name of the Department under the certificate of the Director of Revenue.” The Department has provided no “proof” of their determination G.R.M. LUBEPROS has a unpaid liability of \$16,453,10. The Department has provided a “summary letter” of G.R.M.’s liability but that is insufficient to meet the requirements of 35 ILCS 735/3-7.

RELIEF REQUESTED

38. For the reasons stated above, Petitioner requests that the June 22, 2015 “Assessment and Notice of Intent” “Collection Action” Letter ID: L1876534240 be dismissed as the Petitioner is found not to be a responsible party.

39. Petitioner also requests the G.R.M. LUBEPROS INC. Liability be reduced to \$0 or an amount the Department can prove is owed.

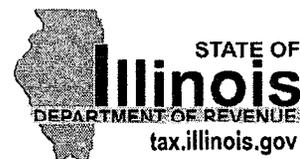
Petitioner:
David C. Richmond



22. E. Downer Place
Aurora, Illinois 60505
consulardave@yahoo.com

Collection Action

Assessment and Notice of Intent



June 22, 2015



Letter ID: L1876534240

DAVID C. RICHMOND
22 E DOWNER PL
AURORA IL 60505-3302

Taxpayer ID: XXX-XX-8475

NPL Penalty ID: 3570043



G R M LUBEPROS INC
PO BOX 8286
ROMEOVILLE IL 60446-8286

We have determined you are personally liable for a penalty of \$16,554.38.

The penalty is equal to the amount of unpaid liability of G R M LUBEPROS INC, due to your status as a responsible officer, partner, or individual of G R M LUBEPROS INC.

Illinois law (35 ILCS 735/3-7) provides that any person who has control, supervision, or responsibility of filing returns or making payments for a taxpayer, and who willfully fails to do so, shall be personally liable for a penalty equal to the amount of tax due including penalty and interest.

Pay us \$16,554.38. Your payment must be guaranteed (i.e., cashier's check, money order) and made payable to the Illinois Department of Revenue. Send or bring it to us at the address below.

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

- **If the amount of this liability 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, and request an administrative hearing within 60 days of the date of this notice, which is **August 21, 2015**. Your request must be in writing, clearly indicate that you want to protest, and explain in detail why you do not agree with our actions. If you do not file a protest within the time allowed, you will waive your right to a hearing, and this liability will become final. An administrative hearing is a formal legal proceeding conducted pursuant to the rules adopted by the Department and is presided over by an administrative law judge. A protest of this notice does not preserve your rights under any other notice.
- **Instead of filing a petition with the Illinois Independent Tax Tribunal or a protest with us, the Illinois Department of Revenue**, you may instead, under Sections 2a and 2a.1 of the State Officers and Employees Money Disposition Act (30 ILCS 230/2a, 230/ 2a.1), pay the total liability under protest using Form RR-374, Notice of Payment Under Protest (available on our website at tax.illinois.gov), and file a complaint with the circuit court for a review of our determination.

If the debt remains unpaid and this penalty becomes final, we intend to take collection enforcement action against you personally to collect this debt. Collection action can include the seizure and sale of your assets, and levy of your wages and bank accounts.

DMITRI CORNELIER
100% PENALTY UNIT
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19035
SPRINGFIELD IL 62794-9035

For information about
› how to pay
› submitting proof
› collection actions



217 782-9904 ext. 31613
217 785-2635 fax

Collection Action

Assessment and Notice of Intent



June 22, 2015



Letter ID: L1876534240

DAVID C. RICHMOND
22 E DOWNER PL
AURORA IL 60505-3302

Taxpayer ID: XXX-XX-8475

NPL Penalty ID: 3570043



This statement lists our most recent information about your unpaid balance, available credits, or returns you have not filed. A payment voucher is included so you may pay the balance due.

Sales/Use Tax & E911 Surcharge

Account ID: 2503-1181

Period	Tax	Penalty	Interest	Other	Payments/Credits	Balance
31-Aug-2013	4,011.00	581.32	68.68	-	(2,960.42)	1,700.58
30-Sep-2013	3,106.00	472.72	138.03	-	-	3,716.75
31-Jan-2014	3,356.00	502.72	134.86	-	-	3,993.58
28-Feb-2014	3,377.00	461.70	127.75	-	-	3,966.45
31-Mar-2014	2,711.00	371.10	94.92	-	-	3,177.02

IDOR-5P-NPL (N-03/07)

Retain this portion for your records.
Fold and detach on perforation. Return bottom portion with your payment.

Collection Action

(R-12/08) (136)



Letter ID: L1876534240
DAVID C. RICHMOND

Total amount due: \$16,554.38

Write the amount you are paying below.

\$ _____

Write your Account ID on your check.

Mail this voucher and your payment to:
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19035
SPRINGFIELD IL 62794-9035

000 006 019908086563 731 123199 7 0000001655438