
**STATE OF ILLINOIS
INDEPENDENT TAX TRIBUNAL
CHICAGO, ILLINOIS**

CHARNPAL GHUMAN)

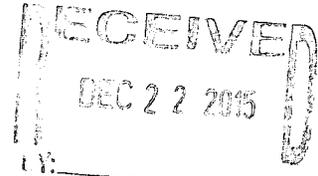
Petitioner)

v.)

ILLINOIS DEPARTMENT OF REVENUE)

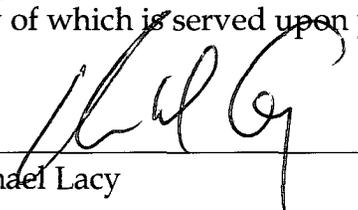
Respondent)

DOCKET NO. *15 TI 263*



NOTICE OF FILING

PLEASE TAKE NOTICE THAT on this 22nd day of December 2015, Michael Lacy, counsel for Petitioner, Charnpal Ghuman, personally served for filing and presentation the accompanying Petition Protesting the Assessment of Tax Liability with the Illinois Independent Tax Tribunal, 160 N. LaSalle Street, Suite N506, Chicago, Illinois 60601, a copy of which is served upon you.



Michael Lacy

Michael Lacy- ARDC #3124551
Two Mid America Plaza - Suite 800
Oakbrook Terrace, Il. 60181
Fax: 630-214-0369
Phone: 630-873-3484
lacy@lacyassociates.com

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE THAT the undersigned attorney on this 22 of December 2015 served a true and correct copy of the foregoing Petitioner, Charnpal Ghuman, Petition Protesting the Assessment of Tax Liability via hand delivery addressed to the parties appearing below.



Michael Lacy

I, Michael Lacy, personally, swear under oath subject to the penalties as provided by law pursuant to 735 ILCS 5/1-1098 that the Statements set forth in the foregoing Certificate of Service are true and correct.

Michael Lacy- ARDC# 3124551
Two Mid America Plaza
Route 83 & 22nd Street, Suite 800
Oakbrook Terrace, Illinois 60181
Phone: 630- 873-3484
Fax: 630-873-3489
lacy@lacyassociates.com

SERVICE LIST

Illinois Department of Revenue
Office of Legal Services
100 W. Randolph St., 7-900 (7th Floor of the Thompson Center)
Chicago, Illinois 60601

2. The time period for which tax, interest and penalties were assessed was from January 1, 2007 until April 30, 2008.
3. The Petitioner, Charnpal Ghuman, resides at 1314 N. Deer Avenue, Palatine, Illinois 60067 and is the responsible party for the corporate taxpayer, Infinite Gas Two, Inc.
4. Mr. Ghuman's phone number is 847-208-3018.
5. Infinite Gas Two, Inc.'s IBT Number is 3650-0666.
6. Infinite Gas Two, Inc. operated a gas station/convenience store at 1950 Plum Grove Road, Rolling Meadows, Illinois 60008.

JURISDICTIONAL STATEMENT

7. The Illinois Department of Revenue has issued an Assessment and Notice of Intent to Petitioner in an amount exceeding \$15,000.00. Therefore, the Illinois Independent Tax Tribunal has jurisdiction of this matter pursuant to 35 ILCS 1010/1-45.

FACTUAL BACKGROUND

8. Infinite Gas Two, Inc. purchased the retail gas station convenience store located at 1950 Plum Grove Road, Rolling Meadows, Illinois (the "location") and operated a convenience store/gas station at the Location under IBT No. 3650-0666.
9. On or before January 1, 2007, Infinite Gas Two, Inc. sold the Location under an Installment Contract ("Contract") and the retail operations at the Location were thereafter conducted by the Purchaser under the Contract.

10. Mir Khan was an officer of the Purchaser at the time, and on information and belief Purchaser is believed to have been, Euclid Oil, Inc.
11. Mr. Ghuman, subsequently, went to India to attend to his business interests there with the understanding that Purchaser obtained an IBT Number in Purchaser's name.
12. Purchaser didn't obtain an IBT Number immediately, in its own name, and conducted retail operations under Infinite Gas Two, Inc.'s IBT Number from January 1, 2007 until April 30, 2008.
13. On November 5, 2011, the Department completed an audit of the Location's sales for the period of January 1, 2007 until April 30, 2008.
14. As a result of the audit, the Department assessed a tax liability of \$91,628.00 as follows: delinquent tax of \$71,434.00, a Late- filing penalty of \$126.00, a Late-payment penalty of \$10, 715.00 and interest on tax of \$9,353.
15. The Purchaser operated the retail operations during the audit period and agreed to pay the tax liability assessed to Infinite Gas Two, Inc. and on November 8, 2010, submitted a CPP-1, Payment Installment Plan Request ("CPP-1") to the Department (Exhibit B).
16. Purchaser did not receive a response to its request and began making monthly payments of \$3,000.00 pending a response from the Department to its CPP-1 request.
17. In February 2011, Ed Staub, the auditor who determined the tax liability due from Infinite Gas, Inc., called Michael Lacy, counsel for Infinite Gas Two, Inc., and

informed Mr. Lacy that Mr. Staub's supervisor instructed him to advise Infinite Gas Two, Inc. to cease making monthly payments until its CPP-1 Request was approved (Exhibit D-Affidavit Michael Lacy).

18. Purchaser's request to pay pursuant to a CPP-1 wasn't approved until January 2013 (Exhibit E) more than two years after the request was made.

**UNDER THE TERMS OF THE ILLINOIS TAX DELIQUENCY AMNESTY ACT
(345 ILCS 745) THE INTEREST AND PEANALTY SHOULD NOT HAVE DOUBLED**

19. The Illinois Tax Delinquency Act (the "Act") provides that if any delinquent taxes accruing during the period from June 30, 2002 until July 1, 2009 ("Subject Period") were paid in full prior to November 8, 2010, any interest or penalty having accrued prior to that time would be waived.
20. The Act further provides that any tax not paid for the Subject Period by the November 8, 2010 date would be subject to an assessment doubling the interest and penalty due.
21. In connection with Act, the Department issued a publication which advised taxpayers of an additional benefit of the Amnesty Program, specifically, it advised that if a Taxpayer had mailed to the Department a CPP-1: Payment Installment Plan Request for liabilities having accrued during the Subject Period prior to November 8, 2010, the interest and penalty would not be doubled. (Exhibit F, Nos. 16 & 18).
22. Petitioner timely filed a CPP-1 on November 8, 2010.

23. Once, the CPP-1 was approved in January of 2013, all payments were timely made on behalf of Infinite Gas Two, Inc. fully satisfying the taxes, penalty and assessed to Infinite Gas Two, Inc. as result of the audit.
24. Infinite Gas Two, Inc. and thereby, the Petitioner, fully complied with the terms of the Act and Payment Installment Plan.
25. Petitioner cannot be held responsible or otherwise penalized because Infinite Gas Two, Inc. followed the direction of the Department to cease making payments prior to the acceptance of the Installment Plan or due to the length of time it took the Department to approve the Plan.
26. The Department was obligated to accept the voluntary monthly payments offered by the Petitioner prior to the approval of the CPP-1.
27. The Department should not have doubled the amount of interest and Penalty owed by Infinite Gas Two, Inc.

PRAYER FOR RELIEF

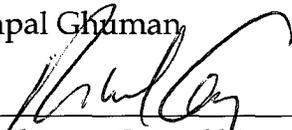
28. WHEREFORE, the Petitioner prays that the Tribunal shall order that the:
 - (i) the doubling of the assessment of Penalty and Interest be vacated.
 - (ii) the assessment of penalty and interest should be modified to reflect the assessment of a late filing penalty of \$126.00, a Late Payment Penalty of 10,715.00, and interest of \$9353. 00 as stated in the audit of November 5, 2010 for total liability of \$91,628.00.
 - (iii) the payments made by Infinite Gas, Inc. in the amount of \$94,609.67 be deemed to have satisfied the Petitioner's obligations to the

Department for the taxes, penalties and interest owed resulting from retail operations conducted at the Location;

- (iv) no further amounts are due the Department from Petitioner as result of the retail operations conducted at the Location under Infinite Gas Two, Inc.'s IBT Number.

Respectfully Submitted,

Charnpal Ghuman

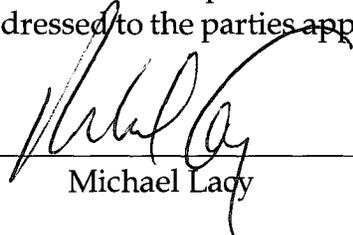


Michael Lacy-One of his attorneys

Michael Lacy- ARDC #3124551/Cook County #40478
Two Mid America Plaza - Suite 800
Oakbrook Terrace, Il. 60181
Fax: 630-214-0369
Phone: 630-873-3484
lacy@lacyassociates.com

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE THAT the undersigned attorney on this 22 of December 2015 served a true and correct copy of the foregoing Petitioner, Charnpal Ghuman's, Protest of the Assessment of Tax Liability via hand delivery addressed to the parties appearing below.



Michael Lacy

I, Michael Lacy, personally, swear under oath subject to the penalties as provided by law pursuant to 735 ILCS 5/1-1098 that the Statements set forth in the foregoing Certificate of Service are true and correct.

Michael Lacy- ARDC# 3124551/ Cook County #40478
Two Mid America Plaza
Route 83 & 22nd Street, Suite 800
Oakbrook Terrace, Illinois 60181
Phone: 630- 873-3484
Fax: 630-873-3489
lacy@lacyassociates.com

SERVICE LIST

Illinois Department of Revenue
Office of Legal Services
100 W. Randolph St., 7-900 (7th Floor of the Thompson Center)
Chicago, Illinois 60601

EXHIBIT A

ASSESSMENT and NOTICE OF INTENT

Exhibit A

Collection Action
Assessment and Notice of Intent



October 23, 2015



Letter ID: L1159624848

CHARNPAL GHUMAN
1314 N DEER AVE
PALATINE IL 60067-1852

Taxpayer ID: XXX-XX-5744
NPL Penalty ID: 3000178



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: 3650-0666

Period	Tax	Penalty	Interest	Other	Payments/Credits	Balance
30-Apr-2008	71,434.00	28,950.00	23,364.62	-	(94,609.67)	29,138.95

IDOR-SP-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: L1159624848
CHARNPAL GHUMAN

Total amount due: \$29,138.95

Write the amount you are paying below.

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

\$ _____
Write your Account ID on your check.

000 006 006156869922 731 123199 8 0000002913895

EXHIBIT B

EDA-105-R
ROT AUDIT REPORT



Account ID 3650-0666
Business name INFINITE GAS TWO INC
Business address 1950 PLUM GROVE RD
ROLLING MDWS, IL 60008-1946

Processing period 01/01/2007 - 04/30/2008
Interest through (issue) date 11/05/2010
Earliest statute date 06/30/2011
Audit period 01/01/2007 - 04/30/2008

Step 1: Taxes due per audit

The line numbers in Step 1 of this report mirror those on Form ST-1.

Sales made from locations inside Illinois

Retailers/service occupation tax
4b General merchandise 4b 72496
5b Food and drug 5b -1062

Sales made from locations outside Illinois

Retailers/service occupation tax
6b General merchandise 6b 0
7b Food and drug 7b 0

Sales at other rates

Retailers/service occupation tax
8b General merchandise 8b 0

Total tax due on receipts

11 Total tax due on receipts (Add Lines 4b through 8b.) 11 71434

Tax on purchases

Use tax on purchases
12b General merchandise 12b 0
13b Food and drug 13b 0
15 Total tax due on purchases (Add Lines 12b through 13b.) 15 0

16 Total tax or credit due on receipts and purchases (Add Lines 11 and 15.) 16 71434
22 Excess tax collected 22 0
23 Total tax due (Add Lines 16 and 22.) 23 71434

Step 2: Penalty and interest due

26 Penalty
a Penalty (prior to 12/93) 26a 0
b Late-filing penalty 26b 126
c Negligence penalty 26c 0
d Fraud penalty 26d 0
e Late-payment penalty (12/03 and after) 26e 10715
27 Interest
a Interest on tax 27a 9353
b Interest on late-filing penalty 27b 0
c Interest on negligence/ fraud penalty 27c 0

Step 3: Amount due or overpaid

28 Total due or overpaid (Add Lines 23 and 27c.) 28 91628

Under penalties of perjury, I state that I have examined this report and, to the best of my knowledge, it is true, correct, and complete. By signing this report, I waive the right to seek review by the Informal Conference Board.

Taxpayer's signature

POA Title

11-5-2010 Date

Auditor's signature

R/A Title

11/5/10 Date

Official use only. Do not write below this line.

Late-payment penalty (prior to 12/03) 0
Late-payment penalty interest 0
Tier 2 late-filing penalty
Tier 2 late-filing penalty interest

Total audit payments
MPC amount
Track number A953880576
Date received
AL EL NF MA AD
Remittance amount



Account ID: 3650-0666

Processing Period: 01/01/2007 through 04/30/2008

Location code: <u>016 0137 7 001</u>	General merchandise	4b <u>72496</u>
Site name: <u>INFINITE GAS TWO INC</u>	Food, drugs, and medical appliances	5b <u>-1062</u>
Address: <u>1950 PLUM GROVE RD</u>	Sales at other rates	8b <u>0</u>
<u>ROLLING MEADOWS, IL 60008-1946</u>	Penalty (prior to 12/93)	26a <u>0</u>
	Late-file penalty	26b <u>126</u>
	Negligence penalty	26c <u>0</u>
	Fraud penalty	26d <u>0</u>
	Late-payment penalty (12/03 and after)	26e <u>10715</u>
	Interest on tax	27a <u>9353</u>
	Interest on late-filing penalty	27b <u>0</u>
	Interest on negligence/ fraud penalty	27c <u>0</u>

Location code: _____	General merchandise	4b _____
Site name: _____	Food, drugs, and medical appliances	5b _____
Address: _____	Sales at other rates	8b _____
_____	Penalty (prior to 12/93)	26a _____
_____	Late-file penalty	26b _____
_____	Negligence penalty	26c _____
_____	Fraud penalty	26d _____
_____	Late-payment penalty (12/03 and after)	26e _____
_____	Interest on tax	27a _____
_____	Interest on late-filing penalty	27b _____
_____	Interest on negligence/ fraud penalty	27c _____

Completed by  Date 11/05/2010 Page 1 of 1

EXHIBIT C

Transmittal Letter

CPP-1-PAYMENT INSTALLMENT PLAN REQUEST

Exhibit C

Lacy & Associates LLC
Attorneys at Law

Two Mid America Plaza
Suite 800
Oakbrook Terrace, Illinois 60181
Phone: 630-873-3484
Facsimile: 630-214-0369

November 8, 2010

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Installment Contract Unit
Illinois Department of Revenue
P.O. Box 19035
Springfield, Illinois 62794-9035

Re. IBT Nos. 3650-0666

To Whom It May Concern,

Enclosed are requisite documents to enter into an Installment Contract with the State of Illinois. Please be advised that in addition to the proposed Payment Plan, the taxpayer has paid the tax assessment for the period ending December 2006 in full.

The period for which the Payment Plan is being proposed is from January 2007 thru April 2008. The audit conducted, a copy of which accompanies the Payment Plan, discloses a tax due of \$71, 434.00. Taxpayer is making a good faith payment of \$20,000.00 toward the audit liability and proposes to make a \$3000.00 per month payment on the 20th of each month until the entire tax due is paid.

Please note that the business was closed in April 2008 and has no assets. Taxpayer, nevertheless, wishes to pay any and all tax amounts due.

Your attention to this matter is appreciated.

Sincerely,

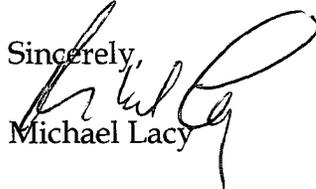

Michael Lacy

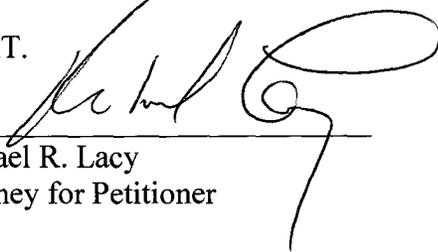
EXHIBIT D

AFFIDAVIT-MICHAEL LACY

7. In February 2011, Ed Staub called me on the phone and informed me that his supervisor had directed him tell me to cease making the monthly payments on behalf of Infinite Gas Two, Inc. until the CPP-1 was accepted.

8. The CPP-1 was accepted in January 2013 and monthly payments of \$3,000.00 were once again made on behalf of Infinite Gas Two, Inc.

FURTHER, AFFIANT SAYETH NAUGHT.



Michael R. Lacy
Attorney for Petitioner

SUBSCRIBED and SWORN to before
me this 22nd day of December 2015.



Notary Public



Michael Lacy #3124551
Two Mid America Plaza
Route 83 & 22nd Street, Suite 800
Oakbrook Terrace, Illinois 60181
Phone: 630- 873-3484
lacy@lacyassociates.com

EXHIBIT E

INSTALLMENT CONTRACT APPROVAL

Collection Notice
Installment Contract Approval

Exhibit E



January 28, 2013



Letter ID: CNXXXX4534864963

#BWNKMGV
#CNXX XX45 3486 4963#
INFINITE GAS TWO INC
ATTN: POA MICHAEL LACY
2 MID AMERICA PLZ STE 800
OAKBROOK TER IL 60181-4727

Taxpayer ID: 47-0959346



Your payment plan has been approved using the ACH (Automated Clearing House) debit option. Your first plan payment will be deducted from your bank account on March 20, 2013.

Payment amount: \$3,000.00
First payment due date: March 20, 2013
Payment frequency: Monthly
Taxes included: Sales/Use Tax & E911 Surcharge

For your payment plan to remain in effect, you must

- pay the required amount until the liability and all accrued interest is paid in full; and
- file all subsequent returns and pay all taxes owed when they are due.

If you do not keep this agreement, your payment plan will no longer be in effect and we will begin collection actions. The collection actions we may take include levy of your wages and sale of your assets.

By entering this agreement, you waive all statutes of limitations that might be placed as a defense to the filing of suit. If we have given any required notice previously, you waive all rights as to such notice before any enforcement action that we might take if you default on this payment installment plan.

Even though you are in a payment agreement, we may file a tax lien against your property for this debt.

If your financial condition improves, we have the right to increase your payments or to demand full payment. You must provide updated financial information when we request.

If you have any questions, please write or call our office at the address and telephone number listed below.

MARCIA NEWBON
INSTALLMENT CONTRACT UNIT
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19035
SPRINGFIELD IL 62794-9035

217 785-8556 ext.31497
217 785-2635 fax

enclosures

Balance 56,111.28

For information about
› collection actions
› bankruptcy



EXHIBIT F

DEPARTMENT OF REVENUE PUBLICATION:

2010 TAX AMNESTY INFORMATION

Exhibit F

Announcements

**Got Questions
get answers here!** ?

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2010 Illinois Tax Amnesty Information

The Illinois Tax Delinquency Amnesty Act provides the opportunity for taxpayers to pay certain outstanding tax liabilities and to have penalties and interest waived for taxes paid in full during the amnesty period.

1. What tax liabilities and periods are eligible for the 2010 Illinois Tax Amnesty program?

Eligible liabilities are taxes due from periods ending after June 30, 2002, and prior to July 1, 2009.

2. How do I participate?

Make full payment of your eligible tax liability **October 1, 2010, through November 8, 2010**. If you failed to file a tax return or incorrectly reported liability due on a previously filed return for these tax periods, now is the time to make corrections and pay the tax. You must file an original return for non-filed periods or file an amended return to make corrections.

3. What if I only owe penalty and interest?

If you only owe penalty and interest, you do not qualify for the amnesty program.

4. What is the benefit of participating in the amnesty program?

If an eligible tax liability is paid in full October 1, 2010, through November 8, 2010, **penalty and interest will be waived!**

5. What are the consequences for not participating in the amnesty program?

The Illinois Tax Delinquency Amnesty Act provides that penalties and interest charges will be **doubled** if you fail to pay your eligible tax obligation during the amnesty period.

6. How may I make my payment for debt that has already been reported or assessed?

You may choose from the following options to pay.

- Pay *electronically* through our web site.
- If you owe individual income tax, you may pay your individual income tax debt using your Visa, MasterCard, Discover, or

2. Attach any supporting documentation. See the return for detailed instructions.

3. Pay the tax balance for each return in full. The eligible tax liability reported on each return should be paid with a separate check or guaranteed remittance.

4. Your tax return and full payment are due **October 1, 2010, through November 8, 2010**, to qualify for the 2010 Tax Amnesty program. You may bring the return, any required supporting documentation, and payment to any Illinois Department of Revenue office **or mail it to us at the address on the return**. Make your payment payable to the "Illinois Department of Revenue." The postmark must be from the period of October 1, 2010, through November 8, 2010.

9. What if an eligible period was recently audited, is currently under audit, or may be subject to a future audit?

If an audit has recently been completed, or will be completed, prior to the close of amnesty on November 8, 2010, you must pay the full amount of audit tax liability during the amnesty period.

If an audit is currently in process and cannot be completed prior to the close of amnesty on November 8, 2010, estimate the tax liability due, file the appropriate return, and pay the tax balance in full. Contact your Illinois Department of Revenue auditor for additional information. Please note that if the final audit tax liability exceeds the paid estimate, we will bill you for the additional tax plus double penalties and interest.

If you are not under an audit, please review your accounts and file original or amended returns and pay any unpaid tax liability in full. If you are audited in the future, we will bill you for the additional tax plus double penalties and interest.

10. What if I am in court?

You may not participate in amnesty if you are party to a criminal investigation or have a civil or criminal litigation pending for any tax collected by the Illinois Department of Revenue. You may participate in amnesty if your civil litigation is dismissed before the end of the amnesty period. Contact the State's lawyer for more instructions.

11. What if I am in Administrative Hearings?

You may participate in amnesty if you are in administrative hearings. Contact the Illinois Department of Revenue's attorney for more instructions.

12. Are there any exclusions to the amnesty program?

Lien filing and lien release fees are not waived by amnesty.

The following taxes do not qualify for amnesty:

- taxes not collected by the department such as property, estate, franchise, and insurance taxes, and local taxes paid directly to the local government;
- any balance due on returns for periods ending on or before June 30, 2002, or on or after July 1, 2009; and
- International Fuel Tax Agreement (IFTA) liabilities.

13. Can I receive a refund of a payment I make under amnesty?

In cases where the department has not made a final determination of tax due: If you estimate and pay your tax due during the amnesty period, we will refund an overpayment.

In cases where the department has made a final determination of tax due prior to October 1, 2010: If you pay that amount during the amnesty period, you cannot receive a refund unless you prove that the refund results from an issue that is unrelated to your amnesty payment.

We will not pay interest on refunded amnesty overpayments.

14. Can I use a credit memorandum or a pending income tax refund to pay an amnesty liability?

The law requires that payments be made by check, guaranteed remittance, or by electronic means. We will consider credit memoranda payments to be payments by guaranteed remittance. Approved but unpaid income tax refunds as of October 1, 2010, (refunds held up by the underfunding of the Refund Fund during the state's fiscal crisis) cannot be used to make amnesty payments.

15. I received the 2010 Tax Amnesty Program Notice of Eligibility of Certain Debt letter and cannot pay the entire amount during the amnesty period. Can I be set up on a payment plan?

Yes - Pay plans may be set up for taxpayers who received the amnesty letters.

16. Will I still be charged penalty and interest if I establish a payment plan during the amnesty period?

Yes – taxpayers who establish a payment plan during the 2010 amnesty period will still be assessed penalty and interest. However, if you make all your required payments and do not default on your payment plan agreement you will not be subject to

the doubling of penalty and interest.

17. What happens if I enter into a payment plan agreement and then miss a payment or have a check that is not honored by the bank?

Taxpayers who enter into a payment plan and make all payments as agreed will not have the penalty and interest assessed doubled. If you enter into a payment agreement and later default on the agreement, all penalty and interest assessed on your account will be doubled.

18. How do I establish a payment plan agreement with the Illinois Department of Revenue?

All taxpayers requesting a payment plan must have the completed CPP-1 postmarked before November 8, 2010. In order to qualify for a payment plan you must have filed all required returns.

19. I entered into a payment plan prior to October 1, 2010 will the penalty and interest be doubled if I am unable to pay all the tax due before the November 8, 2010 deadline?

No – if you have an established payment plan prior to the start of the 2010 amnesty program and you make all payments as agreed upon the penalty and interest will not be doubled. However, if you default on your payment agreement at any time the penalty and interest will be doubled.