

IN THE ILLINOIS INDEPENDENT TAX TRIBUNAL

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PEPSICO, INC. AND AFFILIATES,	)	
	)	Case Nos. 16 TT 82 and 17 TT 16
Petitioner,	)	
	)	
v.	)	
	)	Chief Judge James M. Conway
ILLINOIS DEPARTMENT OF REVENUE,	)	
	)	
Respondent.	)	

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**JOINT STIPULATION OF FACT  
HISTORIC PENALTIES**

Petitioner, PepsiCo, Inc. and Affiliates (“PepsiCo”), and Respondent, the Illinois Department of Revenue (the “Department”) (collectively, the “Parties”) jointly stipulate as follows in the above-captioned matters, subject to the following conditions and reservations:

- (a) The stipulation set forth below supplements the 158 stipulations previously agreed to by the parties on January 17, 2020 (as amended by the Tax Tribunal on January 14, 2021);
- (b) The stipulation set forth below is true and may be accepted as fact but not as a conclusion of law;
- (c) The exhibit attached hereto is incorporated into this stipulation and made a part hereof and such exhibit is authentic and admissible at any hearing or trial in the above-captioned matters;
- (d) Either party may object to any stipulated fact or stipulated exhibit on the grounds of relevance;
- (e) Either party may, in good faith, assert additional facts in support of claims, defenses or a summary judgment motion, provided, however, that such additional facts are not inconsistent with any stipulated fact or facts, and the other party may, in good faith, dispute any such additional facts; and
- (f) This stipulation is solely for the purpose of resolving disputes in the above-captioned matters.

Stipulation

159. The Parties agree **Exhibit 48**, entitled “PepsiCo, Inc.’s Historic Penalty Adjustments (1998

- 2009),” is a true and accurate summary of penalties assessed by the Department and paid by PepsiCo in connection with PepsiCo’s Illinois corporate income tax years 1998 through 2009.

The Parties jointly agree to the above stated fact.

Dated: July 26, 2022

/s/ Theodore R. Bots  
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Dated: July 22, 2022

/s/ Alan V. Lindquist  
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# **EXHIBIT 48**

## PepsiCo, Inc.'s Historic Penalty Adjustments (1998 - 2009)

PepsiCo Inc. and Affiliates  
 13-1584302  
 Illinois DOR Penalty History  
 12/31/1998 - 12/31/2009

	12/31/1998	12/31/1999	12/31/2000	12/31/2001	12/31/2002	12/31/2003	12/31/2004	12/31/2005	12/31/2006	12/31/2007	12/31/2008	12/31/2009	Totals
<b>Statutory Penalties</b>													
Penalty - Fraud - 35 ILCS 735/3-6	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Penalty - Negligence - 35 ILCS 735/3-5	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Penalty - RAR Adjustment	\$47,067	\$69,235	\$46,832	\$68,544	\$3,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$234,758
Penalty - Late ES/Tax Payment/Filing/Misc	\$0	\$250	\$0	\$0	\$0	\$0	\$25,636	\$4,134	\$0	\$0	\$0	\$0	\$30,020
Penalty - IL Audit Adj to Reported Liability	\$0	\$0	\$0	\$2,678	\$0	\$2,426	\$2,882	\$19,344	\$16,063	\$4,132	\$22,368	\$32,493	\$102,388
<b>Totals</b>	\$47,067	\$69,485	\$46,832	\$71,223	\$3,080	\$2,426	\$28,518	\$23,478	\$16,063	\$4,132	\$22,368	\$32,493	\$367,165
Amnesty Penalties	\$47,067	\$69,235	\$46,832	\$0	\$3,080	\$0	\$2,882	\$0	\$0	\$0	\$22,368	\$0	\$191,465
<b>Totals</b>	<b>\$94,134</b>	<b>\$138,720</b>	<b>\$93,664</b>	<b>\$71,223</b>	<b>\$6,160</b>	<b>\$2,426</b>	<b>\$31,401</b>	<b>\$23,478</b>	<b>\$16,063</b>	<b>\$4,132</b>	<b>\$44,737</b>	<b>\$32,493</b>	<b>\$558,630</b>