

#21868

ILLINOIS INDEPENDENT  
TAX TRIBUNAL

SUSHMA KHOSLA, )  
 )  
 Petitioner, )  
 )  
 vs )  
 )  
 ILLINOIS DEPARTMENT OF REVENUE, )  
 Respondent. )

Case No.

Calendar

RECEIVED  
JUL 11 2016  
BY: [Signature]  
167728

**PETITION**

NOW COMES Petitioner, SUSHMA KHOSLA, by and through her attorney Saul R. Wexler, and petitions the Illinois Independent Tax Tribunal to review and reverse and/or modify the Notice of Personal Tax Liability issued by the Illinois Department of Revenue (“Department”), for the reasons stated below:

**INTRODUCTION**

1. Petitioner SUSHMA KHOSLA resides at 828 Red Stable Way, Oak Brook, IL 60523. Notices were issued under taxpayer identification number 26-3512640, which is the tax number for Khosla Corporation. Sushma Khosla’s Social Security number is XXX-XX-3933. Petitioner can be contacted at (630) 272-3777. The unpaid sale taxes alleged to be due are for the period of July 31, 2013 to May 31, 2015.

2. On or about September 22, 2015, Petitioner received a Notice of Collection Action / Notice of Intent identifying her as “responsible officer, partner or individual of Khosla Corporation”. A copy of said Notice to the Petitioner is attached hereto and incorporated herein

by this reference as Petitioner's Exhibit 1.

3. Counsel for Petitioner challenged that finding by letters addressed to the Department dated November 23, 2015, December 7, 2015 and again January 20, 2016. Copies of the correspondence are attached hereto and incorporated herein by this reference as Petitioner's Group Exhibit 2.

4. Despite the foregoing, on or about October 23, 2015, Petitioner received an additional Notice of Intent directed to her. A copy of the Notice to the Petitioner is attached hereto and incorporated herein by this reference as Petitioner's Exhibit 3.

5. At that time, Petitioner was under the impression that the matter was set for administrative hearing with regard to these Notices of Intent - Personal Tax Liability. In fact, the matter was set for an administrative hearing regarding the denial of an ROT number for a corporation, not Khosla Corporation, in which her husband, Prem Khosla, was the principal, a matter which has subsequently been resolved in his favor.

6. On January 14, 2016, Petitioner received a notice of collection action called "Assessment and Notice of Intent" being recorded against her homestead property in DuPage County. A copy of the Notice to the Petitioner is attached hereto and incorporated herein by this reference as Petitioner's Exhibit 4.

7. The Notice of Collection arises out of the tax liability alleged against Khosla Corporation, a company set up by her son, Vishal, who is and was the sole shareholder thereof.

8. Petitioner did not sign the Illinois Secretary of State annual reports for the corporation, nor was she a corporate officer except briefly at the inception of the corporation and was never a signatory on any corporate bank accounts.

9. Petitioner was not involved in the payment of any bills or deciding what bills or taxes would or would not be paid and had no knowledge during the tax periods as to any non-payment of taxes.

10. Petitioner was, briefly, President of Khosla Corporation, but only a nominal shareholder; she was not the party responsible for the day-to-day operations, payment of bills or taxes. Moreover, Petitioner resigned in January, 2011 as President and her resignation was accepted at that time; a copy of her Resignation is attached hereto and incorporated herein by this reference as Petitioner's Exhibit 5 and 5A. The instant tax liability which the Department is seeking to claim began in July, 2013, more than two and half years after her resignation was tendered and accepted.

11. Pursuant to 35 ILCS 735/3-7 under the Revenue Act, Personal Liability Penalty: *"(a) any officer or employee of any taxpayer subject to the provisions of a tax act administered by the 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 willfully fails to file the return or make the payment to the Department, or willfully attempts in any other manner to evade or defeat the tax, shall be personally liable for a penalty equal to the total amount of tax unpaid by the taxpayer, including interest and penalties thereon."*

12. Since Petitioner was not a responsible party, officer, director or shareholder or an employee at any time relevant to the proceedings who had control, supervision or responsibility for the filing of returns and making payment thereof and, therefore, the Notices of personal liability, the finding of personal liability, and the imposition of a tax lien as to the individual Petitioner is in error.

13. Petitioner previously filed a Joint Petition for relief to the Illinois Independent Tax Tribunal, which was granted as to her husband, but not as to her for her failure to request a late discretionary hearing. The dismissal was without prejudice; a copy of the Tribunal's Order is attached hereto and incorporated herein by this reference as Petitioner's Exhibit 6.

14. Petitioner subsequently filed a request for a Late Discretionary Hearing on May 16, 2016, which was granted by Chief Administrative Law Judge, Terry D. Charleton on June 15, 2016. A copy of that request and the Order granting same are attached hereto and incorporated herein as Petitioner's Group Exhibit 7.

15. Thereafter, on June 21, 2016, Petitioner received a Notice of Levy from the Department, notwithstanding the foregoing Order by Judge Charleton. A copy of the Notice is attached hereto and incorporated herein by this reference as Petitioner's Exhibit 8.

WHEREFORE, Petitioner SUSHMA KHOSLA prays as follows:

- A. That this Tribunal stay all attempts by the Department of Revenue to enforce collection pursuant to the Notices issued to Petitioner and direct the Department to release the freeze placed upon Petitioner's bank account.
- B. That the Notices of Personal Liability, and the determination thereof by the Department, be vacated and held for naught;
- C. That the lien recorded against Petitioner's property be released of record;
- D. That the Department issue a determination that Petitioner is not nor shall be personally liable for the unpaid sales taxes of Khosla Corporation;

E. For such other and different relief as the Tribunal finds appropriate and just.

Respectfully submitted,



---

Saul R. Wexler

Saul R. Wexler  
Attorney for Petitioner  
Three First National Plaza, #2100  
Chicago, Illinois 60602  
312/558-9191

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK        )

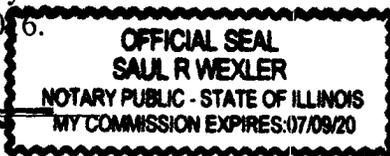
CERTIFICATION

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 she verily believes same to be true.

*S. Khosla*  
SUSHMA KHOSLA

SUBSCRIBED and SWORN to  
before me this 14<sup>th</sup> day  
of July, 2016.

*[Signature]*  
Notary Public



**Collection Action**  
**Notice of Intent**



September 22, 2015



Letter ID: L2094473744

SUSHMA KHOSLA  
828 RED STABLE WAY  
OAK BROOK IL 60523-2672

Taxpayer ID: 26-3512640



KHOSLA CORPORATION  
734 LAKE ST  
OAK PARK IL 60301-1407

**You have been identified as a responsible officer, partner, or individual of KHOSLA CORPORATION.**

Illinois law provides that we may hold you personally liable for a penalty equal to the total tax, penalty, and interest due from KHOSLA CORPORATION.

The following pages detail the current amount of debt we are pursuing against KHOSLA CORPORATION. This debt must be paid immediately. 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 this debt is not paid, we intend to issue a penalty against you for the full amount of the debt. Once the penalty becomes final, we can take further collection action against you personally which may include the seizure and sale of your assets and levy of your wages and bank accounts.

If you believe you are not personally responsible for this debt, send us written proof within 10 days. If the information you submit is insufficient, we may continue to issue the penalty.

If you have any questions, please write or call our office weekdays from 8:30 a.m. to 4:30 p.m.

AQUANETTE THOMAS  
ILLINOIS DEPARTMENT OF REVENUE  
100 WEST RANDOLPH #7-400  
CHICAGO IL 60601

312 814-3390  
312 814-3408 fax

- For information about
- > how to pay
  - > submitting proof
  - > what you owe
  - > collection actions

Turn page



# Taxpayer Statement



September 22, 2015



Letter ID: L1494582418

SUSHMA KHOSLA  
828 RED STABLE WAY  
OAK BROOK IL 60523-2872

Taxpayer ID: 28-3512640

Total amount due: \$51,107.26



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: 3946-1246

Period	Tax	Penalty	Interest	Other	Payments/Credits	Balance
31-Jul-2013	1,916.00	391.50	85.07	-	(500.00)	1,891.57
31-Aug-2013	2,358.00	335.80	121.76	-	-	2,815.56
30-Sep-2013	2,005.00	300.50	103.19	-	-	2,408.69
31-Oct-2013	2,287.00	328.70	118.63	-	-	2,734.33
30-Nov-2013	2,039.00	303.90	106.87	-	-	2,448.77
31-Dec-2013	2,098.00	351.76	104.73	-	-	2,554.49
31-Jan-2014	1,792.00	279.20	85.45	-	-	2,156.65
28-Feb-2014	1,810.00	281.00	82.25	-	-	2,173.25
31-Mar-2014	2,188.00	318.80	93.41	-	-	2,600.21
30-Apr-2014	1,997.00	299.70	80.05	-	-	2,376.75
31-May-2014	1,972.00	297.20	74.20	-	-	2,343.40
30-Jun-2014	2,046.00	304.60	72.08	-	-	2,422.68
31-Jul-2014	1,842.00	284.20	60.06	-	-	2,186.26
31-Aug-2014	1,955.00	295.50	58.52	-	-	2,309.02
30-Sep-2014	1,956.00	295.60	54.05	-	-	2,305.65

SOC

Statement continues on the following page(s).

Retain this portion for your records.

P-000819

Fold and detach on perforation. Return bottom portion with your payment.

## Taxpayer Statement (R-12/08) (138)



Letter ID: L1494582418  
SUSHMA KHOSLA

Total amount due: \$51,107.26

Write the amount you are paying below.

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

\$ \_\_\_\_\_  
Write your Taxpayer ID on your check.

**SAUL R. WEXLER**  
ATTORNEY AND COUNSELOR AT LAW  
Three First National Plaza, Suite 2100  
Chicago, IL 60602  
Phone: 312/558-9191  
Fax: 312/558-1962

November 23, 2015

**VIA FACSIMILE @ 312.814.3408**

Illinois Department of Revenue  
ATTN: Aquanette Thomas  
100 West Randolph Street  
Suite 7-400  
Chicago, IL 60601

RE: Khosla Corporation, Taxpayer ID 26-3512640

Dear Ms. Thomas:

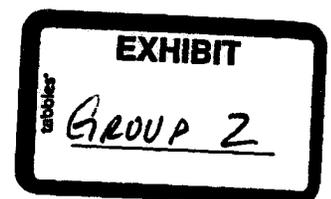
Per your request, enclosed please find Powers of Attorney signed by Prem Khosla and Sushma Khosla authorizing me to represent them in the Department's claim against them.

Please contact me in this regard at your earliest convenience.

Very truly yours,

Saul R. Wexler

SRW:md  
Enclosure





Illinois Department of Revenue

Docket no. \_\_\_\_\_

# IL-2848-AH Power of Attorney For Administrative Hearing Proceedings

### Read this information first

If you do not have a Form IL-2848, Power of Attorney, on file, you must file this original form, in person or by mail, with the Office of Administrative Hearings. This form allows you to become the official representative of record for the identified protested tax matter and to establish your authority to act on behalf of this taxpayer, receive notices, and file documents for the identified proceeding. You must be an attorney to represent a taxpayer at an administrative hearing or other preliminary proceedings, including status calls and pretrial conferences. Please type or print when completing this form and mail to one of our offices below.

OFFICE OF ADMINISTRATIVE HEARINGS (7-800)  
ILLINOIS DEPARTMENT OF REVENUE  
100 W RANDOLPH ST  
CHICAGO IL 60601-3274

OFFICE OF ADMINISTRATIVE HEARINGS (5-500)  
ILLINOIS DEPARTMENT OF REVENUE  
101 W JEFFERSON ST  
SPRINGFIELD IL 62794-9044

### Step 1: Complete the following taxpayer information

1 PREM KHOSLA  
Taxpayer's name  
2 828 RED STABLE WAY  
Mailing address  
3 OAK BROOK, IL 60523  
City State ZIP

4 Write all applicable taxpayer identification numbers.  
IBT number \_\_\_\_\_  
FEIN \_\_\_\_\_  
SSN X X X X X 9 7 2 2  
Account number 3 9 4 6 - 1 2 4 6  
License number \_\_\_\_\_

### Step 2: Complete the following representative information

5 SAUL R. WEXLER  
Representative's name  
6 LAW OFFICE OF SAUL R. WEXLER  
Firm name, if applicable  
7 70 W MADISON ST STE 2100  
Mailing address  
8 CHICAGO, IL 60602  
City State ZIP  
9 (312) 558-9191  
Phone number Fax number

11 Identify the type of protested item. (Check all that apply.)  
\_\_\_\_\_ Assessment \_\_\_\_\_ Deficiency  
\_\_\_\_\_ Revocation  Penalty \_\_\_\_\_ Claim  
\_\_\_\_\_ Other \_\_\_\_\_  
Type of protested item

a Issue date of protested items \_\_\_\_\_

b Periods covered \_\_\_\_\_

c Assessment or notice numbers, if any \_\_\_\_\_ NPL ID: 3020186

(If needed, attach additional sheets to identify items a, b, and c.)

### Step 3: Taxpayer's signature

I, the undersigned taxpayer, authorize the party identified in Step 2 to represent me with full power and authority at the identified proceeding. I authorize all further notices and written communications, including confidential information, pertinent to this proceeding to be sent to the representative's address listed in Step 2. If signing as a corporate officer, partner, or fiduciary on behalf of the taxpayer, I certify that I have the authority to execute this power of attorney on behalf of the taxpayer identified in Step 1.

Taxpayer's signature \_\_\_\_\_ Title, if applicable \_\_\_\_\_

Date 1/24/16

### Step 4: Representative's signature

I, the undersigned, affirm that the taxpayer identified in Step 1 has authorized me as representative for the identified proceeding and that I am an attorney, either

- in good standing of the Illinois Bar or
- admitted (or am seeking admission) pro hac vice for this Illinois proceeding.

Printed name of representative SAUL R. WEXLER

Jurisdiction or states \_\_\_\_\_

Representative's signature \_\_\_\_\_

Date 1/25/16



Illinois Department of Revenue

Docket no. \_\_\_\_\_

**IL-2848-AH Power of Attorney For Administrative Hearing Proceedings**

**Read this information first**

If you do not have a Form IL-2848, Power of Attorney, on file, you must file this original form, in person or by mail, with the Office of Administrative Hearings. This form allows you to become the official representative of record for the identified protested tax matter and to establish your authority to act on behalf of this taxpayer, receive notices, and file documents for the identified proceeding. You must be an attorney to represent a taxpayer at an administrative hearing or other preliminary proceedings, including status calls and pretrial conferences. Please type or print when completing this form and mail to one of our offices below.

OFFICE OF ADMINISTRATIVE HEARINGS (7-800)  
ILLINOIS DEPARTMENT OF REVENUE  
100 W RANDOLPH ST  
CHICAGO IL 60601-3274

OFFICE OF ADMINISTRATIVE HEARINGS (5-500)  
ILLINOIS DEPARTMENT OF REVENUE  
101 W JEFFERSON ST  
SPRINGFIELD IL 62784-8044

**Step 1: Complete the following taxpayer information**

1 SUSHMA KHOSLA  
Taxpayer's name  
2 828 RED STABLE WAY  
Mailing address  
3 OAK BROOK, IL 60523  
City State ZIP

4 Write all applicable taxpayer identification numbers.  
IBT number \_\_\_\_\_  
FEIN \_\_\_\_\_  
SSN X X X - X X - 3 9 3 3  
Account number 3 9 4 6 - 1 2 4 6  
License number \_\_\_\_\_

**Step 2: Complete the following representative information**

5 SAUL R. WEXLER  
Representative's name  
6 LAW OFFICE OF SAUL R. WEXLER  
Firm name, if applicable  
7 70 W. MADISON ST STE 2100  
Mailing address  
8 CHICAGO, IL 60602  
City State ZIP  
9 (312) 558-9191  
Phone number Fax number

11 Identify the type of protested item. (Check all that apply.)  
\_\_\_\_ Assessment \_\_\_\_ Deficiency  
\_\_\_\_ Revocation X Penalty \_\_\_\_ Claim  
\_\_\_\_ Other  
Type of protested item

10 Identify the type of proceeding. (Check all that apply.)  
\_\_\_\_ Informal review \_\_\_\_ Hearing

a Issue date of protested items \_\_\_\_\_  
b Periods covered \_\_\_\_\_  
c Assessment or notice numbers, if any NPL ID: 2980184  
(If needed, attach additional sheets to identify parts a, b, and c.)

**Step 3: Taxpayer's signature**

I, the undersigned taxpayer, authorize the party identified in Step 2 to represent me with full power and authority at the identified proceeding. I authorize all further notices and written documents, including confidential information, pertinent to this proceeding to be sent to the representative's address listed in Step 2. If signing as a corporate officer, partner, or fiduciary on behalf of the taxpayer, I certify that I have the authority to execute this power of attorney on behalf of the taxpayer identified in Step 1.

S. Khosla Taxpayer's signature Title, if applicable Date 1/14/16

**Step 4: Representative's signature**

I, the undersigned, affirm that the taxpayer identified in Step 1 has authorized me as representative for the identified proceeding and that I am an attorney, either

- In good standing of the Illinois Bar; or
- admitted (or am seeking admission) pro hac vice for this Illinois proceeding.

Printed name of representative Jurisdiction of state Representative's signature Date

IL-2848-AH (7-12-05) This form is authorized by the Illinois Tax Act. Disclosure of this information is prohibited. Failure to provide information could result in a penalty. This form has been approved by the Forms Management Center. IL-28-3271

SAUL R. WEXLER  
ATTORNEY AND COUNSELOR AT LAW  
Three First National Plaza, Suite 2100  
Chicago, IL 60602  
Phone: 312/558-9191  
Fax: 312/558-1962

December 7, 2015

**VIA FACSIMILE @ 312.814.3408**

Illinois Department of Revenue  
ATTN: Aquanette Thomas  
100 West Randolph Street  
Suite 7-400  
Chicago, IL 60601

RE: Khosla Corporation, Taxpayer ID 26-3512640

Dear Ms. Thomas:

On November 23, 2015, I forwarded to you Powers of Attorney signed by Prem Khosla and Sushma Khosla authorizing me to represent them in the Department's claim against them and requested that you contact me. As of this date, I have not received the courtesy of a response and would appreciate hearing from you upon your receipt hereof.

Very truly yours,

Saul R. Wexler

SRW:md  
Enclosure

**SAUL R. WEXLER**  
**ATTORNEY AND COUNSELOR AT LAW**  
**Three First National Plaza, Suite 2100**  
**Chicago, Illinois 60602**  
**312/558-9191**  
**312/558-1962 - Fax**

January 20, 2016

**VIA FACSIMILE @ 217.785.2635**

Dmitri Cornellier  
100% Penalty Unit  
Illinois Department of Revenue  
P.O. Box 19035  
Springfield, IL 62794-9035

RE: Taxpayer ID: XXX-XX-3933 / NPL Penalty ID: 3030213

Dear Mr. Cornellier:

I have received from you Notices of Personal Liability Penalty directed to Sushma Khosla and to Prem Khosla in connection with Khosla Corporation, as well as a similar notice directed to Vishal Khosla. With regard to same, please be advised as follows:

1. Vishal Khosla is represented by counsel who is currently before the Board of Appeals of the Department of Revenue concerning his and the corporation's liability.
2. Prem Khosla is represented by me and the matter is currently before the Department for administrative hearing with a status set for February 17, 2016.
3. In behalf of Sushma Khosla, we deny any responsibility for her individually in connection with this corporation, as previously stated in my letter to the Department on October 6, 2015 (*a further copy of which is enclosed*), and I am authorized to act in her behalf. In connection therewith, enclosed please find a Power of Attorney executed by her designating me as her representative.

Very truly yours,

Saul R. Wexler

SRW:md  
Enclosure

Cc: Prem and Sushma Khosla



**Collection Action**  
**Assessment and Notice of Intent**



October 23, 2015



Letter ID: L0261882848

SUSHMA KHOSLA  
 828 RED STABLE WAY  
 OAK BROOK IL 60523-2672

Taxpayer ID: XXX-XX-3933  
 NPL Penalty ID: 3030213



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: 3946-1246**

Period	Tax	Penalty	Interest	Other	Payments/Credits	Balance
31-Jul-2013	1,915.00	391.50	88.75	-	(500.00)	1,895.25
31-Aug-2013	2,358.00	335.80	127.70	-	-	2,821.50
30-Sep-2013	2,005.00	300.50	108.20	-	-	2,413.70
31-Oct-2013	2,287.00	328.70	124.48	-	-	2,740.18
30-Nov-2013	2,039.00	303.90	111.10	-	-	2,454.00
31-Dec-2013	2,098.00	351.76	110.04	-	-	2,559.80
31-Jan-2014	1,792.00	279.20	90.06	-	-	2,161.26
28-Feb-2014	1,810.00	281.00	86.90	-	-	2,177.90
31-Mar-2014	2,188.00	318.80	98.99	-	-	2,605.79
30-Apr-2014	1,997.00	299.70	85.06	-	-	2,381.76
31-May-2014	1,972.00	297.20	79.20	-	-	2,348.40
30-Jun-2014	2,048.00	304.80	77.31	-	-	2,427.91
31-Jul-2014	1,842.00	284.20	64.72	-	-	2,190.92
31-Aug-2014	1,955.00	295.50	63.48	-	-	2,313.98
30-Sep-2014	1,958.00	295.60	59.01	-	-	2,310.61

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: L0261882848  
 SUSHMA KHOSLA

**Total amount due: \$51,216.28**

Write the amount you are paying below.

**Mall 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 008167646888 731 123199 5 0000005121628

**Collection Action**  
**Assessment and Notice of Intent**



January 14, 2016



Letter ID: CNXXXX2798528167

#BWNKMGV  
#CNXX XX27 9852 8167#  
SUSHMA KHOSLA  
828 RED STABLE WAY  
OAK BROOK IL 60523-2672

Taxpayer ID: XXX-XX-3933  
NPL Penalty ID: 3030213



KHOSLA CORPORATION  
734 LAKE ST  
OAK PARK IL 60301-1407

**You now owe a personal liability penalty.**

By January 28, 2016, pay us \$51,508.07, which is unpaid liability of KHOSLA CORPORATION. We have determined that you are personally liable for this amount due to your status as a responsible officer, partner, or individual of KHOSLA CORPORATION.

The enclosed statement details the items you owe.

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.

If we do not receive this payment, we intend to take collection 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.

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.

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

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

**For information about**

- › payments
- › bankruptcy
- › collection actions



# Collection Action

## Assessment and Notice of Intent



January 14, 2016



Letter ID: CNXXX2798528167

#BWNKMGV  
 #CNXX XX27 9852 8167#  
 SUSHMA KHOSLA  
 828 RED STABLE WAY  
 OAK BROOK IL 60523-2672

Taxpayer ID: XXX-XX-3933  
 NPL Penalty ID: 3030213



This statement lists our most recent information about your unpaid balance, available credits, or returns you have not filed.

Sales/Use Tax & E911 Surcharge						Account ID: 3946-1246
Period	Tax	Penalty	Interest	Other	Payments/Credits	Balance
31-Jul-2013	1,915.00	391.50	98.58	0.00	(500.00)	1,905.06
31-Aug-2013	2,358.00	338.80	143.63	0.00	0.00	2,837.43
30-Sep-2013	2,005.00	300.50	121.64	0.00	0.00	2,427.14
31-Oct-2013	2,287.00	328.70	140.13	0.00	0.00	2,755.83
30-Nov-2013	2,039.00	303.90	125.09	0.00	0.00	2,467.99
31-Dec-2013	2,098.00	351.76	124.27	0.00	0.00	2,574.03
31-Jan-2014	1,792.00	279.20	102.37	0.00	0.00	2,173.57
28-Feb-2014	1,810.00	281.00	99.34	0.00	0.00	2,190.34
31-Mar-2014	2,188.00	318.80	113.93	0.00	0.00	2,620.73
30-Apr-2014	1,997.00	299.70	98.50	0.00	0.00	2,395.20
31-May-2014	1,972.00	297.20	92.60	0.00	0.00	2,361.80
30-Jun-2014	2,046.00	304.60	91.30	0.00	0.00	2,441.90
31-Jul-2014	1,842.00	284.20	77.19	0.00	0.00	2,203.39
31-Aug-2014	1,955.00	295.50	76.76	0.00	0.00	2,327.26
30-Sep-2014	1,956.00	295.60	72.29	0.00	0.00	2,323.89
31-Oct-2014	1,924.00	292.40	66.59	0.00	0.00	2,282.99
30-Nov-2014	1,717.00	271.70	54.46	0.00	0.00	2,043.16
31-Dec-2014	1,572.00	257.20	46.81	0.00	0.00	1,875.81
31-Jan-2015	1,602.00	260.20	43.07	0.00	0.00	1,905.27
28-Feb-2015	1,402.00	268.24	35.26	0.00	0.00	1,705.50
31-Mar-2015	1,793.00	279.30	39.87	0.00	0.00	2,112.17
30-Apr-2015	1,651.00	298.12	32.93	0.00	0.00	1,982.05
31-May-2015	1,399.00	233.90	22.86	0.00	0.00	1,595.56
<b>Total Balance:</b>						<b>51,508.07</b>

**RESIGNATION OF PRESIDENT  
OF KHOSLA CORPORATION**

The undersigned, SUSHMA KHOSLA, does hereby resign the Office of President of KHOSLA CORPORATION, an Illinois corporation, effective immediately.

S Khosla  
Sushma Khosla

Dated: January 3, 2011

C-C-ISAUL WEXLER

1. HIMANSHU JAIN (H-JAIN & CO - CPA)

2. VISHAL KHOSLA



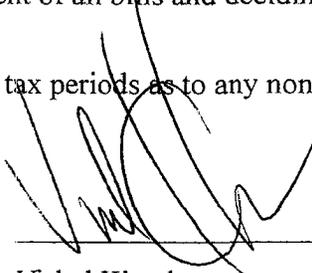
STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

AFFIDAVIT

VISHAL KHOSLA, being duly sworn on oath, deposes and states that if called as a witness, he could testify competently to the following facts:

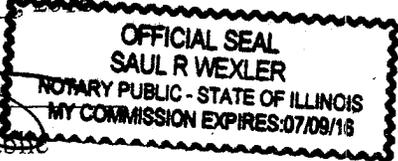
1. I am, at all times relevant hereto was, a resident of Oak Brook, DuPage County, Illinois.
2. That my mother, Sushma Khosla, and I were the principal shareholders and officers of Khosla Corporation until she resigned in January, 2011.
3. That at all times, I was the operating officer of the corporation known as "Khosla Corporation", which was formed to operate a restaurant in Oak Park, Illinois.
4. I had sole check writing responsibility for said corporation, as well as all responsibility for the day-to-day operations and collecting data and filing tax returns, ordering product and paying bills.
5. At the beginning, in order to ensure a smooth start with the corporation, I would forward funds on a monthly basis to my father for payment of the sales taxes due as a result of the restaurant's operation. My father did this as a favor since he was experienced in the operation of a restaurant business although he had no official role in the company, nor was he an officer or director thereof
6. I signed and do sign the Illinois Secretary of State annual reports for the corporation as the corporate officer.
7. I am the sole signatory on all corporate bank accounts.
8. I was involved in the payment of all bills and deciding what bills or taxes would or would not be paid.
9. I had knowledge during the tax periods as to any non-payment of taxes.

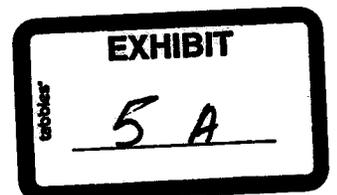
Further, Affiant sayeth naught.

  
\_\_\_\_\_  
Vishal Khosla

SUBSCRIBED and SWORN  
to before me, this 19<sup>th</sup> day  
of June, 2016

  
\_\_\_\_\_  
Notary Public

  
OFFICIAL SEAL  
SAUL R WEXLER  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 07/09/18

  
EXHIBIT  
5 A

**ILLINOIS INDEPENDENT  
TAX TRIBUNAL**

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PREM AND SUSHMA KHOSLA,	)	
Petitioners,	)	
	)	
	)	
v.	)	16 TT 94
	)	Judge Brian F. Barov
ILLINOIS DEPARTMENT	)	
OF REVENUE,	)	
Respondent.	)	

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**ORDER**

The petition in this matter is accepted in part and is dismissed in part.

The Petitioners are husband and wife challenging Notices of Penalty Liability issued against each in their capacity as an individual corporate officer and separately responsible party of a corporation. The Notices were not issued against the Petitioners as married persons.

The two separate taxpayers must file separate petitions with the Tribunal. A single petitioner can aggregate Notices for the same tax year or audit period, 35 ILCS 1010 1/45(a), and married persons challenging a single Notice against both as joint filers may file a single petition, but multiple petitioners cannot aggregate their petitions from separate Notices into one pleading.

Further, the only matter over which the Tribunal can exercise jurisdiction at this time is over the October 23, 2015 Notice Penalty Liability issued to Prem Khosla, by virtue of the April 7, 2016, notice of late discretionary hearing granted by Chief Administrative Law Judge Terry Charlton. The Tribunal has no jurisdiction over the October 23, 2015, Notice of Penalty Liability issued to Sushma Khosla, as more than 60 days have elapsed since that notice was issued and no late discretionary hearing has been granted. In the event that a notice of late discretionary hearing is granted on behalf of Sushma Khosla, she will have to file a separate petition and tender a separate filing fee.



It is thus ORDERED:

1. The petition in this case No. 16 TT 94 is accepted as correctly filed for Prem Khosla, and the Department's answer is due on or before June 20, 2016.
2. The petition of Sushma Khosla is dismissed.
3. A status conference is set for July 7, 2016, at 10:00 a.m., by telephone. The Tribunal will initiate the telephone call.
4. At the initial status conference, the parties should be prepared to discuss: 1) the nature of the case; 2) factual and legal issues; 3) settlement potential and discussions to date; 4) anticipated discovery; and 5) potential motions to be filed.

s/ *Brian Barov*  
BRIAN F. BAROV  
Administrative Law Judge

Date: May 13, 2016

**SAUL R. WEXLER**  
ATTORNEY AND COUNSELOR AT LAW  
Three First National Plaza, Suite 2100  
Chicago, IL 60602  
Phone: 312/558-9191  
Fax: 312/558-1962

May 16, 2016

VIA EMAIL @ [terry\\_charlton@illinois.gov](mailto:terry_charlton@illinois.gov)

Illinois Department of Revenue  
ATTN: Honorable Terry Charlton, Chief Administrative Law Judge  
100 West Randolph Street  
Suite 7-400  
Chicago, IL 60601

RE: Taxpayer ID XXX-XX-3933  
NPL PENALTY ID: 3030213  
KHOSLA CORPORATION, 734 LAKE ST, OAK PARK, IL 60301

Dear Judge Charlton:

I am writing to request a late discretionary hearing for Sushma Khosla who has only recently learned of a lien placed against her, and subsequently a Notice of Personal Tax Liability; copies of which are attached.

I had previously sent letters to the Department of Revenue challenging any collection against her husband, Prem Khosla, since he was never an officer or shareholder of the corporation, Khosla Corporation, for which liability is now imposed. Mrs. Khosla was under the impression that this request would pertain to her as well since she was never the responsible party for the corporation, which was owned by her son. While she had been the nominally-named "President", she resigned that office approximately 2-1/2 years before the period for which the taxes have been assessed as delinquent. Corporate records will reflect that her resignation was accepted in January, 2011. A copy of her Resignation is attached. I had previously filed Powers of Attorney with the Department in Mrs. Khosla's behalf.

We previously requested a late discretionary hearing in behalf of Prem Khosla, her husband, which has been allowed, but I inadvertently neglected to include her in that request, although their situations are nearly identical and the facts and issues substantially the same. By this letter, I respectfully request a late discretionary hearing before the Department. Thank you for your attention to this matter.

Very truly yours,

Saul R. Wexler

SRW:md  
Enclosure





**Illinois Department of Revenue**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
Willard Ice Building  
101 West Jefferson Street – Level 5SW  
Springfield, IL 62702  
(217)782-6995

June 15, 2016

Saul R. Wexler  
Law Office of Saul R. Wexler  
70 W. Madison Street, Suite 2100  
Chicago, IL 60602

Re: **Late Discretionary Hearing Granted – Tribunal Jurisdiction**  
Sushma Khosla  
NPL Penalty ID: 3030213  
Letter ID: L0261882848, dated October 23, 2015

Dear Mr. Wexler:

The Office of Administrative Hearings of the Illinois Department of Revenue received your request for a late discretionary hearing for Sushma Khosla regarding the above NPL. I believe that it is appropriate to grant your request for a late discretionary hearing for Sushma Khosla regarding the above NPL.

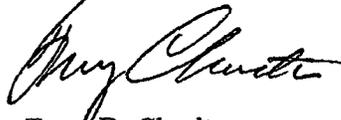
The amount of liability at issue for this protest exceeds the statutory amount (\$15,000, exclusive of penalties and interest) or (\$15,000 for notices that involve only penalties and interest) for which the Department has jurisdiction for late discretionary hearings that are granted on or after January 1, 2014. For late discretionary hearings that are granted on or after January 1, 2014 and that exceed the statutory amount, jurisdiction is vested solely in the Illinois Independent Tax Tribunal (Tax Tribunal). See 35 ILCS 1010/1-1 *et seq.*

The Tax Tribunal's website ([www.illinois.gov/taxtribunal](http://www.illinois.gov/taxtribunal)) contains rules that include guidance on filing requirements and contact information for the Tax Tribunal. **The Tax Tribunal's rules provide that, when a late discretionary hearing is granted and the protest meets the statutory amount, the taxpayer shall file a petition with the Tax Tribunal within 60 days and shall attach a copy of the letter granting the late discretionary hearing.** See Subsection (a)(5) of Section 5000.310 of the Tax Tribunal's rules. Please note that the Tax Tribunal has different requirements than the Department for

filing protests, including the payment of filing fees and the filing of a petition in the form required by the Tax Tribunal.

I recommend that you review the information provided on the Tax Tribunal's website and contact them if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Charlton", written in a cursive style.

Terry D. Charlton  
Chief Administrative Law Judge  
Illinois Department of Revenue

TDC

# Collection Action

## Levy



June 21, 2016



Letter ID L0711691920

JP MORGAN CHASE  
ATTN COURT ORDERS AND LEVIES  
PO BOX 183164  
COLUMBUS OH 43218-3164

Taxpayer ID [REDACTED]  
NPL Penalty ID 3030213



### Levy

Our records indicate that you have assets of

SUSHMA KHOSLA

347-68-3933

who owes us \$51,386.32, plus accruing interest.

The levy requires you to hold for 20 days these assets limited to the amount identified above, including any

- money,
- bank deposits,
- certificates of deposit, including all principal and interest amounts for negotiable certificates of deposit,
- contractual payments (reported on Form 1099),
- interest or dividends from an insurance policy,
- royalties,
- dividends,
- payments on accounts,
- notes receivable,
- interest on bonds,
- rental monies due this debtor,
- credit, and
- other accounts, obligations, and compensation

If you do not receive a release of levy from us before the 20-day period expires and you

- owe this debtor funds, send us your payment of these assets in the enclosed envelope along with the levy payment coupon on Page 3 of this notice. We will apply the levy payment you send us to the debt. Make your payment payable to the Illinois Department of Revenue and write the Taxpayer ID on it.
- do not owe this debtor funds, you must complete and send us the response to levy form on the back of this page.

The levy is authorized by Illinois law. This levy has priority over any future levy, except for any levy for the support of a spouse or dependent children.

If you have any questions about this notice, you may contact us at the address and phone number listed below.

DOMINIC PO  
FIELD COMPLIANCE  
ILLINOIS DEPARTMENT OF REVENUE  
100 W RANDOLPH  
M/S 7-400  
CHICAGO IL 60601

312 833-0593  
312 814-3408 fax

Page 1  
IDOR-6-NLBK (R-08/13)

### For information about

- › how to pay
- › bankruptcy
- › legal authority
- › response to levy form



OPERATOR 26



## Important information

### Pay

Make your payment payable to the Illinois Department of Revenue.

Mail us your payment in the enclosed envelope with the levy payment coupon from Page 3.

Note: If you do not make a payment, complete and return the form below.

### Federal Bankruptcy Court

If the debtor is currently under the protection of the Federal Bankruptcy Court, please contact us immediately to stop collection action. The debtor must provide the bankruptcy number and the bankruptcy court.

## Legal information about the levy

This levy is authorized by the following Illinois laws:  
35 ILCS 5/1109 of the Income Tax Act and  
35 ILCS 120/5f of the Retailers' Occupation Tax Act.

You may access the full text of the Illinois laws at  
<http://www.lga.gov/legislation/ilcs/ilcs.asp>.

Page 2  
IDOR-6-NLBK (R-08/13)

Complete and return the following form if no payment is due



Illinois Department of Revenue  
Response to Levy

IDOR-6-NLBK

Debtor: SUSHMA KHOSLA



Levy issued to: JP MORGAN CHASE

Mail completed form to:

DOMINIC PO  
FIELD COMPLIANCE  
ILLINOIS DEPARTMENT OF REVENUE  
100 W RANDOLPH  
M/S 7-400  
CHICAGO IL 60601

### Step 1: Complete any of the following that applies

- No accounts or other assets found.
- There are active accounts, but no funds are available.
- This levy is preempted by another lien or levy.
- Debtor is currently under bankruptcy protection. Write bankruptcy number and court: \_\_\_\_\_

- Please reissue the levy to the following address (if different than above):  
Name or Attention \_\_\_\_\_

Street City State ZIP

- Other (Explain) \_\_\_\_\_

### Step 2: Contact information

\_\_\_\_\_  
Name of representative

\_\_\_\_/\_\_\_\_/\_\_\_\_ (\_\_\_\_) \_\_\_\_\_  
Date completed (MM/DD/YYYY) Phone number

