



State of New Jersey

DEPARTMENT OF THE TREASURY

DIVISION OF TAXATION

Responsible Person Acknowledgement and Judgment Authorization

Name: _____

Title: _____

Tax ID: _____

Business Name: _____

Address: _____

Effective Date: _____

What is a Responsible Person?

A responsible person may be any officer or employee of any entity other than a sole proprietorship who is under the duty to collect and remit trust fund taxes (listed on page 2) and personal liability taxes to the State of New Jersey on behalf of the entity. A responsible person may be held personally liable for any of these taxes due from the entity.

How is it determined that an officer or employee is responsible? In 1993, the Tax Court of New Jersey addressed the issues of responsible persons in a case, *Cooperstein v. Director, Division of Taxation, 13 NJ Tax 68*. The Court analyzed the following nine factors in their determination. Please check the factors that apply to you:

1. The contents of the corporate by-laws authorize you to act on behalf of the business.
2. Status as an officer and/or stockholder.
3. Authority to sign checks and exercise of this authority.
4. Authority to hire and fire and exercise of this authority.
5. Responsibility to prepare and/or sign tax returns.
6. Day-to-day involvement in the business or responsibility for management.
7. Power to control payment of corporate creditors and taxes.
8. Knowledge of failure to remit taxes when due.
9. Derivation of substantial income or benefits from the corporation.

I understand there is no set number, which qualifies me as a responsible person. I have checked all appropriate boxes on the prior page. By signing my name below, I am acknowledging I am in fact a **responsible person** for the business shown for the tax periods designated. By initialing each page where indicated, I am also acknowledging that I have received and understand the terms of this authorization.

Signatories of this form also acknowledge responsibility for filing of returns and payment of trust fund and personal liability taxes owing to the State of New Jersey, Division of Taxation for the activities of the business indicated. This includes all the following trust fund and personal liability taxes as applicable: Sales & Use Tax, Gross Income Withholding Tax, Motor Fuels Tax, 9-1-1 Emergency Response Fee, Atlantic City Luxury Tax, Cape May Tourism Tax, Hotels/Motels State Occupancy Fee and Municipal Occupancy Fee, Motor Vehicle Tire Fee, Cosmetic Medical Procedures Gross Receipts Tax, Tobacco Products Wholesale Sales and Use Tax.

Tax Types

Tax: _____ From: _____ To: _____

I hereby acknowledge the debt of \$_____ per the attached Scheduled of Liabilities and request the proposed Deferred Payment Plan be accepted and expedited.

Your Deferred Payment Plan may not necessitate the Division issuing a Demand for Payment letter or the filing of a Certificate of Debt. Please check the Division’s Deferred Payment Plan parameters at: <http://www.state.nj.us/treasury/taxation/questions/deferred1.shtml>

I acknowledge receipt of the Demand for Payment letter for my business dated _____ (subsequently referred to as the Notice), and the enclosed or attached copy of the Taxpayer Rights and Protest to Conference and Appeals Branch. In addition, I affirmatively request that the New Jersey Division of Taxation forgo the 90 day demand period and file judgment against me for the non-judgmented portion of my trust tax liability.

I further understand that Certificates of Debt may be entered against me personally as well as my business in order to protect the State and secure payment of the debt.

I declare this Responsible Person Acknowledgement, which examined to the best of my knowledge and belief is true and correct.

Signature: (Responsible Person) Date

Social Security Number

Approved by Date

TAXPAYER RIGHTS

If you disagree with this notice, you may either (1) submit a written protest and request for an informal hearing with the Conference and Appeals Branch within 90 days of the date of this notice, or (2) file a complaint (with the required fee) with the Tax Court of New Jersey. In addition, if the notice involves an assessment of additional tax and you paid the entire assessment within one year after the time to protest or appeal has expired and you did not file a protest or appeal, you may file a refund claim on Form A-1730 within 450 days after the time to protest or appeal has expired. Please see "Refund Claim" below for more information regarding this option.

If you request an informal hearing, you may have an attorney, accountant, and/or a representative with you.

If you initially submit a timely protest and/or submit additional information, or if you timely file a refund claim, you may file a complaint with the Tax Court if you disagree with the resulting decision.

Interest continues to accrue on all outstanding liabilities until paid in full, even if you submit additional information, submit a protest, or file a complaint with the Tax Court.

If you do not remit payment and you do not submit a protest or file a complaint with the Tax Court within the prescribed time period, the Division will begin collection proceedings and will assess costs of collection. In addition, we may refer your debt to an outside collection agency for collection. If that occurs, we will add a Referral Cost Recovery Fee of 10.7% to your liability in accordance with *N.J.S.A 54:49-12.3* and *N.J.A.C. 18:2-2.5 (d)*.

PROTEST TO CONFERENCE AND APPEALS BRANCH

If, after you review this notice you disagree with the Division, you may submit a written protest and request for a hearing (if a hearing is desired) within 90 days from the date of this notice. Your written protest must satisfy the requirements of *N.J.A.C. 18:32-1.1 et seq.* by including:

1. The signature of the taxpayer, the taxpayer's duly authorized officer, or duly authorized representative.
2. Your name, address, phone number, and social security number and/or tax identification number.
3. The name, address, and phone number of your representative for the purpose of the protest, if any. If you have a representative, you must include a properly completed power of attorney (Form-M-5008-R) with your protest.
4. The type of tax and the period(s) under protest.
5. A copy of the notice at issue.
6. The specific amount of tax, penalty, and/or interest under protest and the specific amount not contested, if any.
7. A statement of the grounds on which the protest is based.
8. The specific facts supporting each ground asserted and a summary of evidence or documentation to be presented in support of your position.
9. Payment of the entire amount of the uncontested amount of the tax, late filing penalty, and interest, if any. Failure to submit payment will not invalidate the protest but the Division may, in accordance with applicable law, proceed to collect outstanding amounts that are due.

Mail your written protest to:

**Chief
Conference and Appeals Branch
N.J. Division of Taxation
P O Box 198
Trenton, NJ 08695-0198**

APPEAL TO TAX COURT

Because most matters can be resolved through the protest and hearing process the Division requests that you make use of this informal process. Should you choose not to use the informal process, you may file a complaint with the Tax Court of New Jersey. The Tax Court must receive the complaint, along with the required fee relative to this determination, within 90 days from the date of this notice in accordance with the provisions of N.J.S.A. 54:51A-13 et seq. Send your complaint to:

**Tax Court of New Jersey
Tax Court Management Office
P O Box 972
Trenton, NJ 08625-0972**

Should you require assistance, the phone number of the Tax Court Clerk's Office is (609) 292-5082.

NOTE: An appeal to the Tax Court of New Jersey does not necessarily stop the collection of the tax due or its enforcement by entry of a judgment. The Director of the Division of Taxation may require you to furnish security under certain conditions. N.J.S.A. 54:49-18.

REFUND CLAIM

As an alternative to protesting or appealing an audit assessment, if you don't timely protest or appeal the assessment, you may pay the assessment in full and then file for a refund of the payment. The grounds for your claim for refund are limited to the issues raised by the deficiency assessment and the amount of the refund claimed cannot exceed the amount of the assessment paid. In order for the Division to consider your refund claim you must (1) pay the entire assessment within one year after the time for filing the protest expired, and (2) file the refund claim on Form A-1730 with all supporting documentation within 450 days after the time for filing the protest has expired. We cannot accept Form A-1730 for the following assessments because they are not additional tax assessments and therefore, are not eligible for a refund under the provisions of N.J.S.A. 54:49-14b and N.J.A.C. 18:2-5.5(c)5:

1. Jeopardy assessments
2. Delinquency assessments
3. Estimated or arbitrary assessments
4. Penalty and interest assessments
5. Self-assessed taxes
6. Costs of collection