

Compliance Process From Billing to the BTA

David Peck, Administrator, Compliance Division
Dara Greene, Attorney, Tax Appeals Division



Department of
Taxation

Compliance Division

- Background
 - Taxes and Programs in Compliance
 - Personal Income Tax
 - Personal School District Income Tax
 - Sales Tax
 - Use Tax
 - Employer Withholding Tax
 - School District Withholding Tax
 - Corporate Franchise Tax
 - Commercial Activity Tax (CAT)
 - Title Transfer Review Program
 - Habitual Offender's Program
 - Tax Discovery



Registration

- Ohio Business Gateway (OBG)
 - business.ohio.gov
- Ohio Department of Taxation
 - tax.ohio.gov
 - 888.405.4089
- Ohio Secretary of State
 - sos.state.oh.us
- Tutorials available online

Self Help Library

Self Help eLibrary

The **Self Help eLibrary** contains various tools to help you better understand the taxes we administer; the tax forms used to fulfill your filing obligations; and the computer systems and software applications that are available to assist you. This information may provide the answers to your questions while saving you time. The eLibrary contains the following:

- Tutorials (contains both audio and visual)
- Interactive notices (which include links to information for a better understanding of your tax notice)
- FAQ's

If additional assistance is needed after reviewing the self help content, you can [e-mail](#) us or [contact us](#) by phone.

Below you will see the categories that are available for your review. Under each category, you will find individually related topics. If you don't find what you were looking for today, stop back at a later date since we will continue to add content to the eLibrary as it becomes available.



Filing Requirements

- Active Account = Must File
- Frequency
 - Part Weekly
 - Monthly
 - Quarterly
 - Semi-Annual
 - Annual

The screenshot shows the Ohio Business Gateway login page. At the top, there is a red banner with the Ohio.gov logo and the text 'WELCOME TO THE STATE OF OHIO'. Below the banner, the page title is 'Ohio Business Gateway' with the subtitle 'Electronic Filing Services Login'. A maintenance notice states: 'OBG Electronic Filing Services will be unavailable from 6:30-7:30 AM on Wednesday, February 25th for maintenance.' The page is divided into two main sections: 'Existing Users' and 'New Users'. The 'Existing Users' section has a 'Username:' field, a 'Password:' field, and a 'Login' button. Below these fields is a checkbox for 'By logging in, I agree to the terms of service'. The 'New Users' section has a 'Create an OBG Username' link. At the bottom, there are links for 'Forgot your username or password?', 'Create a new login?', and 'Review System Requirements'. There is also a link for 'For additional topics, please visit our Help and Support Page.' and a logo for 'Ohio Business Gateway Electronic Filing'.

Filing Options

- Ohio Business Gateway (OBG)
- TeleFile 1-888-405-4039



just for CAT
TeleFile
(800)697-0440

just for sales
TeleFile
(800)697-0440

Payment Options

- ACH Debit and Credit
- Credit Card
 - Official Payments
 - officialpayments.com
 - 1-888-2PAYTAX
- Electronic Funds Transfer (EFT)
 - eft.tos.ohio.gov
- Paper Check



Failure to File and Pay

- Penalties and Interest
- Lose Sales Tax Discount
- Criminal Charges
- Habitual Offender's Program
- Non-renewal of Liquor Permits
- Collections
- Liens
- Offsets



Life Cycle

- Bill
- Assessment
 - Corrected Assessment
 - Appeals
- Certification-Collections
 - Ohio Attorney General (AGO)



Bills

- Types
 - Delinquent
 - Estimated Tax Liability
 - Non-remittance
 - Variance
- Sent Regular Mail
 - Email Pilot Program



Assessments

- Legal Billing Notice of Outstanding Tax Liability
- Certified Mail
 - Deemed Delivery Process
- Sixty (60) Days to Pay or Appeal
- Payment Plans are Not Permitted

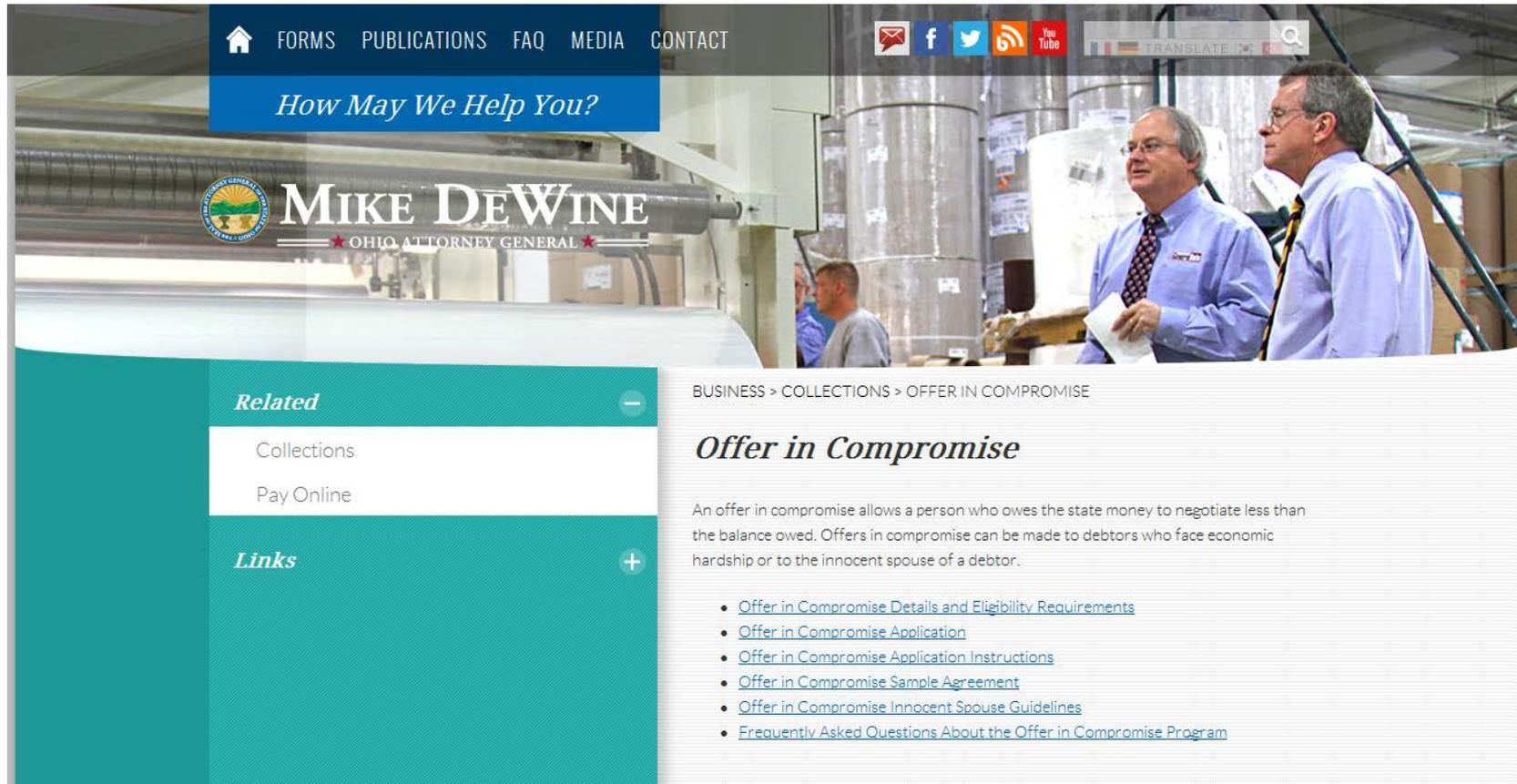


Certification

- Final Debt
- Certified to the AGO
- Collection Process
 - Three (3) Letters and Phone Calls
 - Payment Plans
 - Liens
 - Offsets
 - Offer in Compromise (OIC)



Offer in Compromise (OIC)



The screenshot shows the Ohio Department of Taxation website. At the top, there is a navigation bar with links for HOME, FORMS, PUBLICATIONS, FAQ, MEDIA, and CONTACT. Social media icons for Facebook, Twitter, RSS, and YouTube are also present. A search bar and a language translator are visible in the top right. The main header features the Ohio Attorney General's seal and the name MIKE DEWINE, OHIO ATTORNEY GENERAL. Below this is a teal sidebar with a 'Related' section containing 'Collections' and 'Pay Online', and a 'Links' section with a plus sign. The main content area displays the breadcrumb 'BUSINESS > COLLECTIONS > OFFER IN COMPROMISE' and the title 'Offer in Compromise'. A paragraph explains that an offer in compromise allows a person to negotiate less than the full amount owed. A list of links provides further resources on the topic.

HOME FORMS PUBLICATIONS FAQ MEDIA CONTACT

How May We Help You?

 **MIKE DEWINE**
OHIO ATTORNEY GENERAL

BUSINESS > COLLECTIONS > OFFER IN COMPROMISE

Offer in Compromise

An offer in compromise allows a person who owes the state money to negotiate less than the balance owed. Offers in compromise can be made to debtors who face economic hardship or to the innocent spouse of a debtor.

- [Offer in Compromise Details and Eligibility Requirements](#)
- [Offer in Compromise Application](#)
- [Offer in Compromise Application Instructions](#)
- [Offer in Compromise Sample Agreement](#)
- [Offer in Compromise Innocent Spouse Guidelines](#)
- [Frequently Asked Questions About the Offer in Compromise Program](#)

Offer in Compromise (OIC)

- Allows the AGO, with the consent of the state agency, to compromise a claim for less than the tax, premium or principal liability, without reference to penalties or interest, contingent upon one or more of the following conditions:

Offer in Compromise (OIC)

1. Economic Hardship
2. Doubt of Collectability, or
3. In limited instances, a substantial probability that the claim, would be subject to refund under the respective agencies' statutes, rules, or regulations.

Offer in Compromise (OIC)

- Application must be submitted to the AGO
- Agreement must be signed
- Applicant must comply with all Ohio filing and payment obligations for 5 years or reinstatement of full amount may occur
- Rejected offers cannot be appealed

Contact Information for AGO

Ohio Attorney General
150 E. Gay St., 21st Floor
Columbus, OH 43215



Personal/SD Taxes – 1.888.301.8885

Business Taxes – 1.888.246.0488

Tax Offset Line – 1.877.607.6400

Responsible Party Assessments

- Personal Liability for Tax
 - If any corporation, limited liability company, or business trust required to file returns and to remit tax due to the state fails for any reason to make the filing or payment, any of its employees having control or supervision of or charged with the responsibility of filing returns and making payments, or any of its officers, members, managers, or trustees who are responsible for the execution of the corporation's, limited liability company's, or business trust's fiscal responsibilities, shall be personally liable for the failure.

Responsible Party Assessments

- The dissolution, termination, or bankruptcy of a corporation, limited liability company, or business trust shall not discharge a responsible officer's, member's, manager's, employee's, or trustee's liability for a failure of the corporation, limited liability company, or business trust to file returns or remit tax due.



What Can You Do?

- Register
- File and Pay Timely
- Respond to Notices
- Keep Contact Information Current
 - Addresses
 - Phone Numbers
 - Email Address
- Sign up for Tax Alerts
- Visit tax.ohio.gov





Please click here if you have been requested to confirm your identification

Individuals	Business	Tax Professional
		
<ul style="list-style-type: none">Online ServicesID Confirmation QuizFiling Season CentralFile Online: Income TaxesPay On-LineGet a FormCheck Refund StatusSchool District FinderMilitaryHow Do I...	<ul style="list-style-type: none">Small Business Tax DeductionFile Online: Ohio Business GatewayPay On-LineGet a FormAbout Business FilingTax Rate LookupView Ohio TaxesFind Mailing AddressHow Do I...	<ul style="list-style-type: none">Electronic Filing For Tax PreparersTaxpayer Representative Form (TBOR1)Software DevelopersView Ohio TaxesLaws/Rules/RulingTax Professional AssistanceNews ReleasesHow Do I...



News



- Small Business Tax Cut
- Fighting ID Theft / ID Quiz
- Ohio's New Tax Cut and Reform
- Online Registration Reset Needed
- Withholding Requirement Change
- Small Business Tax Cut
- New Tax Refund Law
- Ohio Tax Is Now Mobile

Helpful Resources

<ul style="list-style-type: none">Due DatesOhio Revised CodeVehicle Taxes	<ul style="list-style-type: none">Voluntary Disclosure ProgramsTax DistributionsIRS Tax Forum / Seminars	<ul style="list-style-type: none">Report Tax FraudInterest RatesOhio Tax Mobile App	<ul style="list-style-type: none">Ohio TaxesStudent Tax Education Program
---	--	---	--



FAQs



Online Services



Self Help eLibrary



Information Releases



Interest Calculator



Tax Alerts



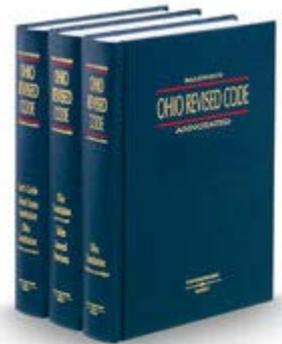
The Finder



Ohio Means Jobs

R.C. 5703.60

- Procedure upon Petition for Reassessment
 1. Issue Corrected Assessment
 2. Cancel the Assessment
 3. Hold a Hearing & Issue Final Determination



R.C. 5703.60

- Issue a Corrected Assessment
 - Initiated by the Tax Commissioner
 - Cancels the original assessment
 - Nullifies the petition for reassessment on the original assessment
 - New petition for reassessment must be filed within 60 days of the mailing of the corrected assessment
 - Taxpayer may opt out of the process in writing

R.C. 5703.60

- Cancel the Assessment
 - By a Corrected Assessment
 - By Final Determination



R.C. 5703.60

- Hold a Hearing - Issue Final Determination
 - Hearings must be requested with petition, otherwise a determination will be made based upon the information in the file
 - All hearings are held at a location, date, and time determined by the Tax Commissioner

The Petition for Reassessment

R.C. 5739.13, R.C. 5751.09, & R.C. 5747.13

- Written petition must be filed within 60 days of service

- Must indicate objections to the assessment

- Additional objections may be raised in writing



The Petition for Reassessment

- Objections to the assessment must be made with specificity
 - Specify the Commissioner's act that is questioned
 - Cite the statute for the objection
 - Assert the treatment the Commissioner should have applied

WCI Steel Inc. v. Testa, 129 Ohio St.3d 256, 2011-Ohio-3280, 951 N.E. 2d 421 ¶28; *Gen. Motors Corp. v. Wilkins*, 102 Ohio St.3d, 2004-Ohio-1869, 806 N.E.2d 517 ¶ 75, citing *Goodyear Tire & Rubber Co. v. Limbach* (1991), 61 Ohio St.3d 381, 383, 575 N.E.2d 146

The Petition for Reassessment

- Include a copy of the notice of assessment with the petition
- Include a TBOR-1 if needed



The Petition for Reassessment

Petition for Reassessment

Complete all applicable blanks and type or print in ink. See instructions for completing this form.

A. General information

Taxpayer name(s) _____	Assessment serial # _____
_____	Date of assessment _____
Address _____	Account # _____
_____	Tax period(s) _____
City _____ State _____ ZIP _____	Disputed amount(s) _____
Tax type (e.g., personal income, sales) _____	Federal emp. I.D.# (FEIN) _____
Daytime phone # _____	
E-mail address _____	If personal income tax, include Social Security number(s) (SSN).
Fax # _____	SSN – Self _____ Spouse _____

B. Please note: The tax commissioner may correct the assessment by issuing a “corrected assessment” pursuant to Ohio Revised Code 5703.60. This process is not available for property tax and some public utility tax matters. This streamlined procedure may result in a more timely resolution of this matter.

<p>C. <input type="checkbox"/> Check this box if you do NOT want the “corrected assessment” procedure used.</p>	<p>D. Select one of the following boxes:</p> <p><input type="checkbox"/> Please decide this matter based upon the information submitted. No hearing is requested.</p> <p><input type="checkbox"/> I request a hearing by telephone.</p> <p><input type="checkbox"/> I request a personal appearance hearing.</p> <p>(Hearings are held in Columbus, Ohio.)</p>	<p>E. <input type="checkbox"/> Check this box if this petition is in response to a “corrected assessment.”</p>
--	---	---

F. Basis for filing this petition for reassessment (petition must list specific issues/objections):

The Hearing

- Informal process
 - Evidentiary rules are not followed
- Representatives are permitted
 - TBOR-1
- Timing of the hearing
 - Currently 12 hearing officers
 - Dates are flexible
 - Additional information can be presented after the hearing if needed or requested by the hearing officer



The Hearing

- Personal Appearance v. Telephone Hearings
 - All personal appearance
Hearings are held in Columbus
 - Documentation may be sent before the hearing,
but may be difficult to explain over the telephone

The Hearing

- The Hearing v. The Audit
 - Audit does not participate in the hearing
 - Information submitted at audit may not be available to your hearing officer
 - Not in the field – you must bring the field to the hearing room



The Hearing

- Burden of Proof
 - Taxpayer must show that the Tax Commissioner erred in issuing the assessment
 - Merely raising doubt is not sufficient
 - The hearing officer is there to hear your case, not make it for you

The Hearing

- Evidence

- Specify transactions within the assessment

- Electronic versions of original information

- Sample invoices and spreadsheets



The Final Determination

- The final determination may reduce, affirm, or increase the assessment or corrected assessment
- A copy of the final determination is served on the petitioner per R.C. 5703.37
 - Personal service
 - Certified mail
 - Authorized delivery service



The Final Determination

- Sets forth the basis for the Tax Commissioner's decision
- Addresses the arguments raised in the petition for reassessment
- Appeal to the Board of Tax Appeals

The Board of Tax Appeals

- A “quasi-judicial” administrative agency that is separate from the Department of Taxation
- Formal appeal procedures and evidentiary rules
- A person may act on his or her own behalf or be represented by an attorney at law



R.C. 5717.02

- Appeals from final determinations: procedure
 - An appeal may be taken by filling a notice of appeal with the Board of Tax Appeals and the Tax Commissioner
 - 60 days after service of final determination
 - The final determination should be attached to and incorporated into the notice of appeal

The Notice of Appeal

- Shall contain a short and plain statement of the claimed errors in the final determination
- Must show that the appellant is entitled to relief and include a demand for the relief
- Appellant may amend the notice of appeal once within 60 days after certification of the transcript

The Notice of Appeal

- The Board of Tax Appeals does not have jurisdiction to consider issues that were not raised in the petition for reassessment
- The Tax Commissioner's findings are presumptively valid unless clearly unreasonable or unlawful



Certification

- Upon exhaustion of appeal rights, the liability will be certified to the Attorney General's office for collection

- Attorney General may file a tax lien with the county clerk of courts



- The liability may include additional penalties, interest, and collection costs

Installment Payment Plans

- The Attorney General may set up an installment payment plan for Ohio tax liabilities. This cannot be done with the Department of Taxation
- Contract must be signed after meeting with Attorney General and agreeing to terms
- Payment plans up to one year

Questions



Contact Information

- David Peck
 - 614.752.9909
 - David.Peck@tax.state.oh.us
- Dara Greene
 - 614.466.6750
 - Dara.Greene@tax.state.oh.us