APPENDIX A


Alabama (Dep’t of Revenue Rule 810-6-2-.90.03); Connecticut (see Connecticut DRS Media Release, “Connecticut Pursues Sales Taxes Not Paid by On-line Retailers,” (Mar. 28, 2017)); Indiana (Ind. Code 6-2.5-9-9(e)); Maine (36 M.R.S.A. § 1951-B(3)); Massachusetts (830 C.M.R. 64H.1.7); Mississippi (Miss. Code Ann. § 35.4.03.09); and Ohio (Ohio Rev. Code § 5741.01(I)(2)(h) & (i); and Ohio Dep’t of Taxation Information Release ST 2017-02 (Oct. 2017)).

States With Existing Laws That, But For Quill, Authorize Imposition Of Sales Tax Collection Obligations Against Retailers Without A Physical Presence, And Thus Would Permit Retroactive Liability (19):


¹ Some of these states also have laws adopted prior to their “economic presence” statutes that would permit the state to assert retroactive liability for earlier periods. E.g., Ohio Rev. Code § 5741.01(I)(1) (1987).

State Laws That Do Not Clearly Prohibit Retroactive Imposition Of Sales Tax Collection Requirements Against Retailers Without A Physical Presence (4):


State Laws That May Prohibit Retroactive Imposition Of Sales Tax Collection Requirements Against Retailers Without A Physical Presence (8):

Statutes Expressly Prohibiting Retroactive Liability (2):

- **South Dakota** (SDCL 10-64-6); and **Wyoming** (Wyo. Stat. Ann. 39-15-501(d)).

State Laws That Have Language Preventing Imposition Of Sales Tax Collection Requirements Against Retailers Without A Physical Presence, Thus Preventing Imposition Of Retroactive Liability (6):


States That Have No Statewide Sales Tax (5):

- Alaska, Delaware, Montana, New Hampshire, Oregon.
APPENDIX B

STATE STATUTES OF LIMITATION
WHEN NO TAX RETURN WAS FILED
(for states with potential retroactive liability)

No Limitation Period (25):


Assessment Must Be Issued Within Ten Years After Return Was Due (1):

Assessment Must Be Issued Within Eight Years After The End Of Month Following Relevant Calendar Quarter (2):

California (Cal. Rev. & Tax Code § 6487(a); and Nevada (Nev. Rev. Stat. § 360.355.2).

Assessment Must Be Issued Within Seven Years After Return was Due (1):

Idaho (Idaho Code § 63-3633(c)).

Assessment Must Be Issued Within Six Years After Return was Due (1):

The Swiss Colony, LLC recently received a letter from the Connecticut Department of Revenue Services (DRS) requiring electronic submission of Connecticut destination sales records in accordance with Conn. Gen. Stats. § 12-426(4) and (5) for the years 2014, 2015 and 2016, or in lieu of providing these sales records, entering into a voluntary agreement to register and prospectively collect Sales Tax in Connecticut. As of the date of this letter, The Swiss Colony, LLC, unlike many others, has not responded to that request or otherwise complied.

The Swiss Colony, LLC, is not properly registered and has failed to collect and remit Sales Tax on Connecticut destination sales transactions in accordance with state law. Pursuant to § 12-407(a)(15)(A)(v) of the Connecticut General Statutes, The Swiss Colony, LLC, has substantial nexus due to being “engaged in business” in the regular and systematic solicitation of sales of tangible personal property into Connecticut, provided the solicitations have generated over 100 sales transactions in a 12 month period from Connecticut.
customers, which is the statutory threshold for being engaged in business. (Note that, at this time, DRS is focusing on companies believed to have $300,000 or more in such annual Connecticut destination sales.)

DRS is requesting that The Swiss Colony, LLC, voluntarily register, by 12/1/2017 to prospectively collect Sales Tax in Connecticut. A REG-7 registration application is enclosed for your convenience. Failure to register for Connecticut Sales Tax by The Swiss Colony, LLC, will result in the DRS pursuing The Swiss Colony, LLC, for Connecticut Sales Tax liabilities for the years 2014, 2015, and 2016 and a $500 per day civil penalty for not complying with DRS's required submission of reports on destination sales into the state of Connecticut.

If you have questions about this request or about registering The Swiss Colony, LLC, please contact Richard Tomaszewski at (860) 541-3279 or richard.tomaszewski@po.state.ct.us by email.

I cannot emphasize enough the seriousness of this communication and the consequences of further non-responsiveness.

Yours truly,

/s/ John / RDT
John H. Kutsukos
Director of Audit and Compliance

cc: Marilee Clark, Tax Legal Director
APPENDIX D

EXAMPLES OF TAXCLOUD LOOKUP ERRORS FOR SOUTH DAKOTA
(last reviewed March 19, 2018)

200 W. 5th Avenue
Mitchell, SD 57301-7701
  TaxCloud Lookup: 4.5%
  Department Website: 6.5%

500 E. Capitol Avenue
Pierre, SD 57501-5007
  TaxCloud Lookup: 4.5%
  Department Website: 6.5%

710 W. Dakota Avenue
Pierre, SD 57501-1826
  TaxCloud Lookup: 4.5%
  Department Website: 6.5%

221 River View Drive
Pierre, SD 57501-4614
  TaxCloud Lookup: 4.5%
  Department Website: 6.5%

633 Cherry Avenue
Rapid City, SD 57701
  TaxCloud Lookup: 4.5%
  Department Website: 6.5%

22855 Moon Street
Rapid City, SD 57703-9005
  TaxCloud Lookup: 4.5%
  Department Website: 6.5%
5424 Timberline Trail  
Rapid City, SD 57702-1806  
   TaxCloud Lookup: 4.5%  
   Department Website: 6.5%  

1724 S. Katie Avenue  
Sioux Falls, SD 57106-4927  
   TaxCloud Lookup: 4.5%  
   Department Website: 6.5%  

5225 Turtle Lane  
Spearfish, SD 57783-6331  
   TaxCloud Lookup: 4.5%  
   Department Website: 6.5%  

510 Main Street  
Wall, SD 57790  
   TaxCloud Lookup: 4.5%  
   Department Website: 6.5%