

ALABAMA TAX TRIBUNAL

E&Z, INC., §
§
Taxpayer, § DOCKET NO. S. 19-989-LP
v. §
§
STATE OF ALABAMA §
DEPARTMENT OF REVENUE. §

FINAL ORDER ON APPLICATION FOR REHEARING

This appeal involves final assessments of State and local sales tax for December 1, 2016, through October 31, 2018. A Final Order was entered on December 28, 2021, affirming the final assessment.

The Revenue Department has timely applied for a rehearing. On Page 4 of the Final Order, the Tax Tribunal stated:

The Taxpayer argued that a confidential audit should have been performed. Testimony proved that such an audit would have been onerous and extremely time-consuming since it requires the auditor to determine the actual cost and sales price of every item sold in the store. Additionally, the cost of every item was not made available to the auditor. The Revenue Department is required to use a reasonable method to determine a taxpayer’s liability. Performing a confidential audit in this case is not reasonable.

The Revenue Department has requested that the word “confidential,” used twice in the above paragraph, be replaced by the word “classified.” The Taxpayer agrees with the change. The Final Order is amended accordingly.

This Final Order on Application for Rehearing may be appealed to circuit court within 30 days, pursuant to Ala. Code § 40-2B-2(m).

Entered January 6, 2022.

/s/ Leslie H. Pitman
LESLIE H. PITMAN
Associate Tax Tribunal Judge

lhp:dr

cc: Dwight W. Pridgen, Esq.
David E. Avery, III, Esq.