



## NOTICE OF TAXPAYER APPEAL RIGHTS

The Virginia General Assembly has instituted provisions that provide taxpayers with an option for problem resolution, without incurring the costly time and expense that can be associated with legal proceedings. In order to be entitled to the provisions, however, an appeal must first be submitted in accordance with the administrative appeals process outlined below. You retain the right to seek correction through the Circuit Court at all times as prescribed by law.

### ADMINISTRATIVE APPEALS

Pursuant to the Code of Virginia, you have the right to request a review by an Albemarle County Assessing Official of all *local license tax* assessments resulting from an appealable event within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later; or of any *local business tax* or *local mobile property tax* assessment within one year from the last day of the tax year for which such assessment is made or within one year of the date of the assessment, whichever is later. An "appealable event" means an increase in the assessment of a '*local license tax*' payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the local assessing official's (i) examination of records, financial statements, books of account, or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

The Administrative Appeal must be filed in good faith and contain the name and address of the taxpayer, federal tax identification number, local tax account number(s); power of attorney or Letter of Representation (if applicant different from taxpayer; a copy of the Assessment; a detailed explanation of the taxpayer's position and a statement of the relief the taxpayer requests. Once a timely and complete administrative appeal is filed, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the Assessing Official, unless it determines that collection would be jeopardized by delay; (ii) is advised by Assessing Official that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the Assessing Official that the appeal is frivolous. Interest shall accrue, but no further penalty shall be imposed while collection action is suspended.

The Administrative Appeal requires the taxpayer to submit a written application for review to Department of Finance & Budget, Attn: Revenue Administration - Compliance Unit, 401 McIntire Road, Room 133, Charlottesville, VA 22902. Upon receipt, the Assessing Official will conduct a full review of the facts and assertions. The Assessing Official may hold a conference if requested, require submission of additional information and documents, conduct an audit (or further audit), as well as gather any other evidence deemed necessary for a proper and equitable determination of the application.

### STATE TAX COMMISSIONER APPEAL

The taxpayer has 90 days from the date of the local assessing officer's Final Local Determination to file an Appeal to the Tax Commissioner. The appeal shall be in such form as the Tax Commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the Albemarle County Assessing Official. Collection activity may begin or resume at any time after the date of the Final Local Determination and will not be suspended until a written Notice of Intent to Appeal or an Appeal to the Tax Commissioner is timely filed and the Albemarle County Assessing Official receives a copy. If you intend to appeal, you should immediately provide a written Notice of Intent to Appeal to the Albemarle County Assessing Official and to the Tax Commissioner so that collection activities are not reinstated or do not begin, interest will continue to accrue.

The Appeal to the Tax Commissioner should contain a copy of the complete Administrative Appeal as submitted to the Albemarle County Assessing Official, a copy of the Final Local Determination and a statement explaining why the Assessing Official is in error. The statement should include analysis of the facts, issues and authority which the taxpayer believes the Assessing Official failed to consider. The Tax Commissioner will issue a Final Written Determination within 90 days, unless the Tax Commissioner notifies you that a longer period will be required.

### BYPASS ADMINISTRATIVE APPEAL PROCESS

You are not required to follow the administrative appeal process outlined above and may file an Application for Correction of Assessment for either local license taxes or local business taxes under Code of Virginia §58.1-3984. This application must be filed with the Clerk of the Circuit Court within three years of the last day of the tax year for which any such assessment is made, within one year of the assessment date, or within one year from the Tax Commissioner's Final Determination, whichever is later. Collection activity with respect to the disputed portion of the assessment is suspended upon written notice of appeal to the court.

### CODE OF VIRGINIA

Available through Virginia's Legislative Information System at <http://law.lis.virginia.gov/vacode>.