

**New Brighton Borough, Daugherty Township, Pulaski Township,
New Brighton Area School District**

TAXPAYER BILL OF RIGHTS

Disclosure Statement

12/16/98; 09/1/99; 10/31/02

On September 1, 1999, the New Brighton Area Tax Office was closed and the Central Tax Bureau of Pennsylvania, Inc. (CENTAX), was appointed as Tax Administrator and Hearing Officer for the collection of Earned Income Tax, Business Privilege Tax and Occupational Privilege Tax. The terms Tax Administrator and Hearing Officer as used in this document now refer to CENTAX. The address of the local Ellwood City office is: CENTAX, 438 Line Avenue, Suite 2 Ellwood City, PA 16117, phone 724-752-3350,

It is the obligation of all taxpayers in the New Brighton Area School District, Borough of New Brighton, Daugherty Township, Pulaski Township, and Fallston Borough to file all tax returns and pay all taxes to which they are subject. However, when the Tax Administrator determines that a required return has not been filed, or a liability has not been paid, it has certain rights granted by law that describe how it may enforce a taxpayer's obligations. In conjunction with the Tax Administrator's rights, the Commonwealth of Pennsylvania now has a Local Taxpayer's Bill of Rights which provides legal rights on behalf of the taxpayer, and creates obligations for the Tax Administrator, so that equity and fairness control how these requirements are enforced.

A taxpayer may request an Administrative Hearing on an assessment of tax or denial of a refund claim by submitting a Petition For Appeal with all pertinent facts in writing to the Hearing Officer.

Local Taxpayers Bill of Rights provides for and sets forth: (1) taxpayer rights and the obligation of the Tax Administrator during an audit or an administrative review of the records of the taxpayer; (2) the administrative and judicial procedures by which a taxpayer may appeal or seek review of an adverse decision of the Tax Administrator; (3) the procedure for filing and processing refund claims and complaints; (4) the enforcement procedures.

Tax Administrator requests requirements:

1. Taxpayers have 30 days from the mailing date to respond to requests for information. Additional extension of time must be granted upon application for good cause. Good cause to be determined by Tax Administrator.
2. The Tax Administrator must inform the taxpayer how to obtain an extension in its initial requests.
3. The Tax Administrator shall take no lawful action against a taxpayer for the tax year in question until the expiration of the applicable response period and granted extensions.

Tax Administrator requests for prior year returns:

1. Initial inquiries by the Tax Administrator regarding taxpayer's compliance is limited to no more than 3 years prior to the notice mailing date.
2. Subsequent requests are permitted if, after the initial request, it is determined that the taxpayer failed to file a tax return or underreported income or failed to pay a tax for one or more of the tax periods covered by the initial request.
3. If the Tax Administrator has sufficient information, which indicates a taxpayer failed to file a return or pay an eligible tax that was due more than 3 years prior to the date of the notice, the requirements above do not apply.
4. The Tax Administrator may require a taxpayer to provide copies of the taxpayer's federal tax returns if the office can demonstrate that the federal tax information is reasonably necessary and the information is not available elsewhere (e.g. PA Department of Revenue).

Refunds:

1. If a taxpayer determines that they have paid a tax to the Tax Administrator to which the taxpayer is not subject, a request for refund of overpaid tax must be filed on a tax return form approved by the Tax Administrator.
2. Requests for refunds of tax paid must be filed in writing within 3 years of the due date or 1 year after actual payment of the eligible local tax, whichever is later. If no tax return was due, the request must be made within 3 years after the due date for payment of the eligible tax or within 1 year after actual payment of the tax, whichever is later.
3. A local tax return filed, and showing an overpayment, shall be deemed to be a written request for a cash refund unless otherwise indicated on the tax return. The prior administrative practice of refunding only when overpayment

exceeds \$10 or the taxpayer retires or moves from the area shall continue. Any and all refund requests must be accompanied by a self-addressed stamped envelope to be used for mailing the refund.

4. A refund request shall not be considered as an administrative appeal and shall not preclude a taxpayer from submitting a petition with the local tax Hearing Officer.
5. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written refund request must be filed within 1 year with the Tax Administrator.

Interest on overpayment:

1. Interest on overpayments shall be allowed and paid at the same rate as the Commonwealth is required to pay pursuant to section 806.1 of the Fiscal Code (P.L. 343, Act 176) 1929, 72 P.S. 806.1.
2. All tax overpayments due the Tax Administrator on behalf of a local taxing authority shall bear simple interest from the date of overpayment until the date of resolution.

Interest on overpayments – exceptions:

1. No interest is allowed if an overpayment is refunded or applied against any other tax, interest, or penalty due the Tax Administrator on behalf of a local taxing authority within 75 days after the last date for filing a return or within 75 days after the report of liability due is filed.
2. Interest and penalty overpayments shall not bear any interest.
3. A taxpayer's acceptance of a refund check shall not prejudice the taxpayer's right to claim any additional overpayment, plus interest. Tender of a refund check by the Tax Administrator shall be deemed to be acceptance of the check by the taxpayer.
4. Tax actually deducted and withheld at the source shall be deemed to have been overpaid on the last day for filing the report for the tax period, without regard to any extension of time for filing.
5. Estimated tax overpaid, shall be deemed to have been paid on the last day for filing for the tax period without regard for an extension.
6. Overpayment made before the prescribed due date shall be deemed to have been paid on the due date.
7. Any amount claimed to be overpaid with respect to an administrative review or appellate procedure being initiated, shall be deemed to have been overpaid 60 days following the date of initiation of the review or procedure.
8. Any amount shown not to be due on an amended earned income/net profits tax return, shall be deemed to have been overpaid 60 days after filing the amended return.

9. The date of resolution for overpayment refunds or credits is as follows:
- a) For a cash refund, a date preceding the date of the Tax Administrator's refund check by not more than 30 days.
 - b) For a credit of an overpayment, the date of the Tax Administrator's notice to the taxpayer of the credit determination, or;
 - c) The due date for payment of the tax against which the credit is applied, whichever occurs first.
 - d) For a cash refund of a previously determined credit, interest shall be paid on the credit amount from a date 90 days after filing the request to convert the credit to a cash refund, to a date preceding the date of the refund check by not more than 30 days whether or not the refund check is accepted by the taxpayer after tender.

Tax Administrator notice of basis of underpayment:

When the Tax Administrator notifies a taxpayer in writing of the basis for an underpayment, the notice must contain:

1. Applicable tax periods.
2. Tax underpayment amount detailed by tax period.
3. The legal basis upon which the Tax Administrator has relied to determine that an underpayment exists.
4. An itemization of revisions made to a return by the Tax Administrator.

Abatement of interest and penalty:

In the case of any underpayment, the local taxing authority or the Tax Administrator may abate all or part of interest for the following:

1. Any underpayment or tax due attributed to error or delay by the Tax Administrator, but only if no significant aspect of the error or delay can be attributed to the taxpayer, after notification to the taxpayer in writing.
2. Any payment of a tax due to error or delay attributed to a ministerial act of an officer, employee or agent of the local taxing authority or the Tax Administrator, which shall determine what constitutes timely performance.

Abatement due to erroneous written advice by Tax Administrator personnel. The Tax Administrator shall abate any portion of any penalty or excess interest attributed to erroneous advice to the taxpayer in writing by an officer, employee or agent of the Tax Administrator acting in any official capacity:

1. If the written advice was reasonably relied upon by the taxpayer, and
2. If any portion of interest, tax or penalty did not result from failure by taxpayer to provide adequate or accurate information.

3. The local taxing authority and the Tax Administrator are not required to provide written advice to taxpayers.

Voluntary payment application priority required as follows:

1. Tax
2. Interest
3. Penalty
4. Any other fees or charges

Installment Agreements:

1. Are authorized, if the agreement will facilitate collection.
2. Agreements remain in effect for the full term.
3. Of course, the prepayment of tax is also permitted when an agreement has been made.
4. The Tax Administrator can terminate the agreement, if:
 - a) Taxpayer provided inaccurate or incomplete data.
 - b) Tax Administrator believes collection of tax is in jeopardy.
 - c) If taxpayer's financial condition significantly changes, the agreement can be modified, altered, or terminated if the notice of the Tax Administrator's finding is provided at least 30 days prior to the date of action and notice contains the reasons.
 - d) If taxpayer fails to pay any installment when due, or fails to pay any other tax when due, or provide a financial condition update as requested by the Tax Administrator.

Administrative appeals:

The Tax Administrator has established and provides for an administrative process to receive and produce a determination on petitions from taxpayers pertaining to the assessment, determination, or refund of an eligible tax. Appeal forms may be obtained from the Tax Administrator. The Tax Administrator's administrative process consists of the filing of a "Petition for Appeal of Local Tax" with review and decision by a Hearing Officer. The local taxing authority shall determine the qualifications and compensation of the hearing officer. Petitions for appeals should be forwarded to:

Tax Appeal Hearing Officer
% William H. Kunkel, Jr.
Central Tax Bureau of Pennsylvania, Inc,
20 Emerson Place, Suite 905
Bridgeville, PA 15017
412-221-1701

Petitions:

Timely petition filing is determined by the postmark by the U S Postal Service on or before the deadline for filing a petition. Petitions hand delivered to the Tax Administrator will be receipted by Tax Administrator personnel on the day received and a copy returned to the filer of the petition. Deadlines are as follows:

1. Refund petitions within 3 years after due date for filing the report as extended or 1 year after actual payment of tax, whichever is later.
2. Petitions for reassessment of an eligible tax shall be filed within 90 days of the assessment notice date, and the Tax Administrator shall adopt regulations specifying the form and content of petitions, including the process and deadlines. These regulations shall not be governed by 2 PA C.S. Chapter 5 Subch. B (relating to judicial review of local agencies) as the Joint Committee has adopted regulations governing practice and procedure under Act 50 of 1998.

Decisions:

Decisions on petitions submitted under Act 50 of 1998 shall be issued within 60 days of the date a complete petition is received. Failure to act within 60 days shall result in the petition being deemed approved.

Appeals:

Appeals of decisions by any person who has a direct interest in the decision may be filed with the court vested with jurisdiction of local tax appeals pursuant to 42 PA C.S. (relating to judiciary and judicial procedure).

Taxpayer rights if you are audited:

Upon examining a taxpayer's records at the Tax Administrator's Office, the applicable Tax Administrator employee or representative will:

1. Provide the taxpayer with a written explanation of the Tax Administrator's audit process as it relates to that taxpayer, and his or her rights during the audit process.
2. Prepare a written explanation of the assessment of any tax liability determined during the audit.

3. Explain the taxpayer's right to appeal the assessment of any tax liability determined during the audit.
4. Conduct a post audit conference at which the Tax Administrator or representative will explain the audit findings and make recommendations on how to correct areas of noncompliance.
5. Process the audit timely upon receipt of all the applicable information.

The Tax Administrator may require a taxpayer to provide exact copies or certified copies of the person's federal tax returns if the Tax Administrator can demonstrate that the federal tax information is reasonably necessary and the information is not available elsewhere, or from the PA Department of Revenue.

The taxpayer is solely responsible for obtaining the information and for any costs associated with obtaining the records or information.

What the Tax Administrator may do to enforce collection of taxes:

If a taxpayer or business entity or employer has not filed a timely and properly completed tax return form and/or paid a tax liability determined to be due and the taxpayer has not filed a timely appeal of the liability, the Tax Administrator may take the following actions:

1. The Tax Administrator may contact a taxpayer or delinquent taxpayer and attempt to resolve the liability through payment in full, payment plan, or compromises. The Tax Administrator may utilize outside legal counsel or private collection agency to assist in collecting taxes deemed to be delinquent.
2. If a taxpayer owes delinquent taxes or has not filed a properly completed tax return form, the Tax Administrator may deny the issuance of any applicable license for any tax the Tax Administrator collects on behalf of a taxing authority.
3. The Tax Administrator may file a civil law suit against the person responsible for filing the tax return form and/or for payment of the tax or delinquent tax, employer withholding, etc., and obtain a judgment which would be the basis of a levy to seize the property of the taxpayer.
4. The Tax Administrator may file a criminal complaint or action against a taxpayer, or employer, business owner, etc., when a properly prepared tax return form has not been received by the Tax Administrator.
5. The Tax Administrator may also investigate and assess and advance through the Courts of Common Pleas actions against delinquent taxpayers violating criminal statutes and governing legislation.
6. The Tax Administrator may also prepare and issue a wage attachment to employers of a taxpayer when a taxpayer does not remit to the Tax Administrator timely payment of tax due the Tax Administrator on behalf of a taxing authority.

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NOTIFICATION STATEMENT

Act 50 requires the following notification of the existence of a Local Taxpayer Bill of Rights to appear on any notice of assessment, audit, determination, review or collection of an eligible tax :

“You are entitled to receive a written explanation of your rights with regard to the audit, appeal, enforcement, refund and collection of local taxes by calling the Central Tax Bureau of Pennsylvania, Inc. at 724-752-3350 during the hours of 9:00 a.m. to 4:00 p.m. on weekdays, or by contacting your local political subdivision.”

SECTION D: HEARING REQUEST

_____ Hearing Requested (Check if Taxpayers desires a hearing in person)

_____ Hearing Requested Based on Petition and Record (No hearing will be conducted in person)

(If choice is not indicated, hearing will be conducted based on Petition and Record and without a hearing in person)

SECTION E: RELIEF REQUESTED & ARGUMENTS

Explain the relief requested: _____

Explain in detail why the relief requested above should be granted. Attach additional pages if necessary. Enclosed copies of any documents you feel will support your arguments. Petitions for refund must be accompanied by proof of payment of the tax.

SECTION F: SIGNATURE

All petitions must be signed by Petitioner or an authorized representative. If signed by an authorized representative, written authorization for the representative to sign on Petitioner's behalf must accompany the Petition.

Under penalties prescribed by law, I hereby certify that this Petition has been examined by me and that to the best of my knowledge, information and belief, the facts contained in the Petition are true and correct.

Signature: _____
(Taxpayer or Authorized Representative)

Print Name: _____
(Taxpayer or Authorized Representative)

Title: _____

Date: _____