



Instructions for Form DTF-17

Application to Register for a Sales Tax Certificate of Authority

General information

Complete this application to obtain your sales tax *Certificate of Authority*, which gives you the right to:

- collect tax on your taxable sales; and
- issue and accept most New York State (NYS) sales tax exemption certificates.

You must collect sales tax from your customers and remit it to the Tax Department with your sales tax return; otherwise, you may be responsible for paying these taxes yourself.

The Tax Department will process your application, and, if it is approved, mail your *Certificate of Authority* to you. Do not make any taxable sales until you have received your *Certificate of Authority*.

Do not complete this application if you are changing or updating information such as the name, identification (ID) number, physical address, responsible person information, or business activity. See Tax Bulletin TB-ST-25, *Amending or Surrendering a Certificate of Authority*.

Who must register

You must register with the Tax Department and get a *Certificate of Authority* if you plan to do any of the following in NYS:

- sell tangible personal property and certain taxable services
- collect NYS and local sales tax
- issue or receive NYS sales tax exemption documents
- operate a hotel or motel or receive amusement charges

If you are unsure whether you need to register, see Tax Bulletin TB-ST-175, *Do I Need to Register for Sales Tax?*

When to register

You must apply for a *Certificate of Authority* at least **20 days** before you:

- make taxable sales
- provide taxable services within NYS
- issue or accept NYS exemption documents

Once you are registered

Display your *Certificate of Authority*

We will mail you a *Certificate of Authority* if we approve your application.

- You must display your certificate in plain view at your place of business.
- If you have more than one location, display a certificate at each location with the appropriate address corresponding to that location.
- If you don't have a regular place of business, attach the certificate to your cart, stand, or truck, so that it is visible.

Keep required records

As a registered sales tax vendor, you **must** keep accurate and complete records of all sales and purchases that you make. You will need to provide these records to the Tax Department if your sales tax returns are selected for audit. If your records are considered inadequate, you will be subject to:

- an estimated audit methodology to determine any additional taxes due;
- penalties and interest if additional tax is found to be due; and
- possibly criminal penalties for willfully failing to maintain proper records.

To learn more about your recordkeeping responsibilities, see Tax Bulletin TB-ST-770, *Recordkeeping Requirements for Sales Tax Vendors*. Also see Tax Bulletin TB-ST-805, *Sales and Use Tax Penalties*.

When to file and pay

In general, new vendors must file quarterly returns. As part of your application for a *Certificate of Authority*, you must indicate the date

you plan on beginning business. You must file your first sales tax return for the sales tax quarter that includes this date.

You **must** file this return even if you do not start your business as originally planned. You will automatically receive a bill if you miss the required due date of your first return. The minimum penalty is \$50.

Sales tax quarter

March 1 – May 31
June 1 – August 31
September 1 – November 30
December 1 – February 28/29

Due date

June 20
September 20
December 20
March 20

If the due date falls on a Saturday, Sunday, or legal holiday, you must file your return by the first business day after the due date.

For example, if you indicate on your application that you plan to begin business on July 15, you **must** file your first sales tax return for the sales tax quarter of June 1 through August 31, by September 20.

You can easily file your sales tax returns online using the Tax Department's Sales Tax Web File. Create an *Online Services* account for your business so you can:

- Web File sales tax returns
- make payments
- receive email alerts (such as filing reminders)
- view and pay tax bills

See Tax Bulletin TB-ST-275, *Filing Requirements for Sales and Use Tax Returns*.

Establish a segregated bank account for sales taxes

As a registered sales tax vendor, NYS and your customers are entrusting you to collect the right amount of tax and remit it timely to NYS. You must not use sales tax money to pay for business or personal expenses under any circumstance. To avoid this, you should maintain a separate bank account for your sales tax money. This will ensure that you are able to remit the sales tax when due.

To learn more about your sales tax responsibilities, see Publication 750, *A Guide to Sales Tax in New York State*.

Line instructions

Section A – Starting your business or updating its status

- **Starting a new business:** Mark an **X** in this box if your business will engage in activity in NYS that requires a *Certificate of Authority* and has never previously obtained one.
- **Change in organization:** Mark an **X** in this box if your business is changing its organization type in NYS, such as changing from a sole proprietorship to a corporation, and has a *Certificate of Authority*. You must enter the effective date of the change in organization structure in the field provided.
- **Restarting prior business:** Mark an **X** in this box if your business was previously registered to collect sales tax but its *Certificate of Authority* expired or was surrendered, revoked, or suspended.
- **Purchasing existing business:** Mark an **X** in this box if your business plans on acquiring a business, or any of its assets, that is required to be registered to collect sales tax.

Do not pay the seller until you have:

- filed Form AU-196.10, *Notification of Sale, Transfer, or Assignment in Bulk*, and
- received Form AU-197.1, *Purchaser's and/or Escrow Agent's Release – Bulk Sale*, from the Tax Department.

For more information, see *Bulk sales (sales tax clearances)* under *General business information*.

- **Adding a location:** Mark an **X** in this box if your business has a *Certificate of Authority* for other locations and has elected to file a consolidated sales tax return for all locations.

Also see *Permanent place of business* under *General business information*.

Section B – Business identification

The following business information will appear on your *Certificate of Authority*:

- legal name
- DBA or trade name (if you have one)
- federal employer ID number (EIN) or, if you do not have one, a temporary New York ID number assigned by the Tax Department
- physical address of the location where you will be making taxable sales

Line 2 – Legal name – Enter the exact legal name of the business.

- **Sole proprietorship:** Enter your first name, middle initial, and last name.
- **Partnership:** Enter the name given in your partnership agreement. If not provided in the partnership agreement, your legal name includes the names of the individual partners (first name, middle initial, last name). Use an ampersand (&) to separate the partners' names. If there are more than three partners, enter *et al* after the third partner's name.
- **Corporation:** Enter the name that appears on the *Certificate of Incorporation* filed with the NYS Department of State (DOS) or other state filing office (if a foreign corporation).
- **LLC:** Enter the name that appears on the *Articles of Organization* filed with NYS DOS.

Line 3 – DBA or trade name (if different from legal name)

If you do business under a trade name, assumed name, or any name different from your legal name, enter the DBA (doing business as) or trade name.

In order to do business under a DBA or trade name, you must have filed:

- an *Assumed Name Certificate* with the applicable county clerk's office, or
- a *Certificate of Assumed Name* with NYS DOS (if your business is a corporation, limited partnership, or LLC).

If you have a DBA or trade name, enter the name exactly as it appears on the certificate.

If you do not have a DBA or trade name, leave this field blank.

Line 4 – Federal employer ID number (EIN)

Enter your nine-digit EIN, also known as a federal tax identification number, that you received from the Internal Revenue Service (IRS). You need an EIN for filing purposes if your business:

- is any type of entity other than a sole proprietorship, or
- plans on hiring employees.

If you do not need an EIN, leave this field blank. The Tax Department will assign you a temporary New York ID number for filing purposes.

If you need an EIN, apply for one now with the IRS. If you cannot obtain one immediately, you can still complete your application for a *Certificate of Authority*. The Tax Department will assign you a temporary New York ID number. After the IRS assigns your business an EIN, you must update your sales tax account with the Tax Department.

Line 5 – Physical address – Enter the actual street address of your business. Do not enter a PO box number.

This address will appear on your *Certificate of Authority*, which you must display in plain view at your place of business.

If you have more than one permanent place of business for sales tax, you have two options:

Option 1 – You can apply for a separate sales tax *Certificate of Authority* for each location. You then must file separate sales tax returns for each location.

Option 2 – You can enter additional locations on Form DTF-17-ATT, *Schedule of Business Locations for a Consolidated Filer*, and receive a *Certificate of Authority* for each location. You then must file one (consolidated) sales tax return for all locations entered.

If you are a **show vendor** or **operate a portable stand or pushcart** and do not have a permanent place of business, enter the home address of the owner or one of the partners, members, or officers of the business. You must attach the *Certificate of Authority* to your cart, stand, or truck, so that it is visible.

Line 6 – Mailing address (if different from physical address)

The Tax Department will mail your *Certificate of Authority* and other sales tax notices to this address. Some businesses may use different mailing addresses for their different tax obligations; be sure to enter the address to be used for sales tax.

Do not enter in this section the address of your tax preparer if you have one for sales tax filing purposes. You will be asked to provide this information later in the application.

Line 10 – E-mail address(es) – Enter at least one e-mail address. We may use this e-mail address to send you general information regarding your sales tax obligations.

Section C – Type of entity or organization

To learn about your business's tax responsibilities, see Publication 20, *New York State Tax Guide for New Businesses*.

A brief summary of the different types of businesses that can operate in NYS is listed below.

- **Individual (sole proprietorship):** The simplest form of a business structure. A sole proprietorship is owned by one individual who generally controls the business and makes management decisions. The owner has unlimited liability for the business.
- **Partnership:** A business where two or more persons join together to carry on a trade or business. The general partner or partners generally control the business and are liable for debts and obligations of the partnership. For registration purposes, the term *partnership* includes a joint venture that is carrying on a trade or business.
- **Limited partnership (LP):** A partnership that has at least one general partner and one limited partner.
- **Limited liability partnership (LLP):** A partnership that provides professional services and has registered as an LLP under NYS Partnership Law Article 8-B or under the laws of another jurisdiction.
- **Corporation:** A legal entity created by filing a *Certificate of Incorporation* with a state, that has a legal existence separate and distinct from its owners or shareholders.

A corporation may either be a C corporation or it may elect to be an S corporation for tax purposes.

- **S Corporation:** A corporation that has elected to have its income pass through the corporate level free of taxation at both the federal and NYS level. In addition to making the election with the IRS, your business must file with the Tax Department Form CT-6, *Election by a Federal S Corporation to be Treated as a New York S Corporation*.
- **C Corporation:** A corporation that is not an S corporation for NYS tax purposes.

- **Government:** Includes NYS or any of its agencies, instrumentalities, public corporations, or political subdivisions, and the United States of America and any of its agencies and instrumentalities.
- **Trust:** A legal relationship where property (real or personal, tangible or intangible) is held by one party for the benefit of another. In certain circumstances it may be necessary for a trustee to register when the trust sells tangible personal property subject to sales tax.
- **Estate:** A legal entity that holds possession of a person's assets after he or she dies. It may be necessary for the estate's executor to register as a vendor in order to sell the estate's tangible personal property, such as a car or jewelry.
- **Limited liability company (LLC):** An unincorporated organization of one or more members, each having limited liability for the debts

and obligations of the business. An LLC may be a member-managed LLC or a manager-managed LLC.

- **Member-managed LLC:** An LLC where all the members participate in running the business.
- **Manager-managed LLC:** An LLC where only designated members, or certain nonmembers/outside, or a combination of members and nonmembers are given the responsibility to run the business.

Section D – General business information

Line 12 – When you begin business

For sales tax purposes, you begin business on the date you start:

- selling tangible personal property or providing taxable services within NYS, or
- issuing or accepting NYS exemption certificates.

Once you have received your *Certificate of Authority*, you must file your first sales tax return for the filing period that includes this date. You **must** file a return that includes this date even if you begin business at a later date or have not collected any tax.

The Tax Department will expect to receive a return from you by the due date based on the beginning business date you provided in this application.

Note: If you do not file by the required due date, the Tax Department will automatically issue you a bill. The minimum penalty is \$50.

In general, new vendors must file quarterly returns using the due dates listed below. If your beginning business date falls within one of the date ranges noted, you must file your first return by the corresponding due date.

| Sales tax quarter | Due date |
|-----------------------------|--------------|
| March 1 – May 31 | June 20 |
| June 1 – August 31 | September 20 |
| September 1 – November 30 | December 20 |
| December 1 – February 28/29 | March 20 |

If the due date falls on a Saturday, Sunday, or legal holiday, you must file your return by the first business day after the due date.

For example, if you indicate on your application that you plan on beginning business on July 15, you must file your first sales tax return for the sales tax quarter of June 1 through August 31, by September 20.

You can easily file your sales tax returns online using the Tax Department's Sales Tax Web File. Create an *Online Services* account on our Web site for your business so you can:

- Web File sales tax returns
- make payments
- receive email alerts (such as filing reminders)
- view and pay tax bills

See Tax Bulletin TB-ST-275.

Line 13 – Temporary vendors – If you do not want to register as a temporary vendor or do not qualify, leave the date field blank.

You should only elect to register as a temporary vendor if you:

- have a seasonal business or only plan on doing business in NYS temporarily; **and**
- do not expect to do business for more than two consecutive sales tax quarters.

If you register as a temporary vendor, your *Certificate of Authority* will automatically expire on the date you specify your business activity will end. You cannot make taxable sales or issue or accept NYS exemption certificates after this date. If you want to do business in NYS at a later date, you must reapply for a *Certificate of Authority*.

Permanent place of business

For sales tax purposes, a *permanent place of business* is a fixed location, such as an office or store, that is:

- regularly maintained and occupied by the entity to carry on the business; **and**
- where taxable sales take place.

Filing separate sales tax returns or one (consolidated) sales tax return

If you have more than one permanent place of business in NYS, you have two options:

Line 14a – Apply for a sales tax *Certificate of Authority* for each location by filing a separate Form DTF-17 for each. You must then file a separate sales tax return for each location.

Line 14b – Enter the additional locations on Form DTF-17-ATT and receive a *Certificate of Authority* for each location. You must then file one (consolidated) sales tax return for all locations.

North American Industry Classification System (NAICS) code

Line 15 – In the space provided, briefly describe your business activities. Describe the products or services that you sell in NYS from the business location(s) being registered. Be specific. Some examples are:

- *electrical contractor mostly wiring new homes, but also doing some repair work*
- *retail store selling cards, stationery, and gifts*
- *restaurant serving lunch and dinner, plus a small catering service*
- *artist selling artwork from a home-based business and at craft shows*

Line 16a – Your principal business activity is that which provides the greatest NYS gross sales or revenue at that location. If your application covers more than one location, choose a NAICS code that reflects the principal business activity when all the locations are combined together. You can find a list of NAICS codes in Publication 910, *NAICS codes for Principal Business Activity for New York State Purposes*, or by using the online *NAICS Code Lookup* on our Web site (see *Need help?*).

Line 16b – If you engage in another business activity that is unrelated to your principal business activity, enter a secondary NAICS code. The industry subtype of the secondary NAICS code should be different from the industry subtype for your principal business activity.

Lines 17a and 17b – Bulk sales (sales tax clearances)

The Tax Department has a first priority lien against the proceeds from the sale to satisfy any sales tax debts of the seller. **Do not pay the seller until** you have followed the instructions below; otherwise, you may be personally responsible for paying the seller's sales tax debts.

- At least 10 days before taking possession or paying for the business or any of its assets, notify the Tax Department by filing Form AU-196.10.
- Do not pay any portion of the purchase price to the seller until you receive clearance from the Tax Department. The entire purchase price should be placed into an escrow account. If the seller has no sales tax debts, the Tax Department will send you a sales tax release (Form AU-197.1). You can then pay the seller.
- If the seller has sales tax debts, the Tax Department will notify you of the total amount of sales tax owed by the seller, up to the greater of the purchase price or fair market value of the business assets. Unless you pay the amount due to the Tax Department from the sales proceeds, you may become personally responsible for paying the sales tax debts of the seller. After payment has been made, the Tax Department will send you a sales tax release (Form AU-197.1). You may then pay any remaining amount from the escrow account to the seller.

Form AU-197.1 releases the Tax Department's lien against the proceeds from the sale, but does not release any liens against the assets of the business if there are outstanding warrants or judgments against the seller for unpaid sales or other taxes.

You may also owe sales tax on any tangible personal property purchased as part of the sale. The tax due may be paid to the seller to be remitted with the seller's final return, or it may be paid directly to the Tax Department.

For more information on bulk sales:

- call us at (518) 937-9400
- see Tax Bulletin TB-ST-70, *Bulk Sales*

Line 21 – Bank account – You must never use sales tax money to pay for business or personal expenses under any circumstance. To avoid this, you should maintain a separate bank account for your sales tax money. This will ensure that you are able to remit the sales tax when due.

Sections E, F, H, and K

See *Glossary of Terms for Form DTF-17* at the end of these instructions for definitions of certain terms and phrases used in these sections.

Section E – Sole proprietor

Line 22b – Home-based business

Generally, you have a *home-based business* if you:

- operate your business from your home, or
- have no other location that you maintain and occupy to carry on your business.

Examples include:

- *small retailer selling items through a Web site*
- *artist selling items at a craft show*
- *landscaper contracting through referrals*

Section H – Business entity background

You must disclose your business's past history with the Tax Department in this section. This includes the past history of any owners, officers, directors, partners, or employees of the applicant who were required to collect tax for this or another entity.

Section I – Business associations

Lines 34a and 34b – Franchisee – A *franchisee* is an individual who purchases the rights to use a company's trademarked name and business model to do business. The franchisee purchases a franchise from the franchisor. The franchisee must follow certain rules and guidelines already established by the franchisor, and in most cases the franchisee must pay an ongoing franchise royalty fee to the franchisor.

If your business is a franchisee, mark an **X** in the Yes box and enter the franchisor's name, ID number, and address.

Line 36 – Other tax returns – If this entity currently files, has filed in the past, or was required to file sales tax returns or returns for other NYS businesses taxes, you must provide the ID number associated with each tax type, even if more than one tax type is associated with the same ID number.

For example, if you file withholding tax and corporation tax under the same ID number, enter the ID number and **withholding tax** on one line, and enter the same ID number and **corporation tax** on the next line.

Line 38 – Paid tax preparer – If you want to have the Tax Department mail copies of statutory notices and other correspondence to your tax preparer, you must file Form POA-1, *Power of Attorney*.

Note: The responsible person(s) of the business is ultimately responsible for any sales tax debts, not your paid tax preparer.

Section J – Business Activity

Depending on the type and size of your business, you may have to obtain other business permits, licenses, and registrations from NYS. Some of these must be obtained before you begin business.

Licenses

Lines 39a and 39b – Alcoholic beverages – If you intend to sell alcoholic beverages in NYS, you must obtain a license from the SLA. If you are already licensed by the SLA, enter the license number (may be up to 20 digits). If you have more than one license with the SLA, enter only one of the numbers.

Lines 40a and 40b – Lottery products – If you intend to sell NYS lottery products (including *QuickDraw*), you must obtain a license from the NYS Lottery. If you are already licensed by the NYS Lottery, enter your Lottery retailer number. If you have more than one license with the NYS Lottery, enter only one of the license numbers.

Lines 41a and 41b – DMV facilities – If you intend to operate a facility for a motor vehicle dealership, repair shop, inspection station, or other DMV-regulated business, you must register with the DMV. If you are already registered with the DMV, enter your DMV facility number. Do not enter your driver's license identification number or vehicle identification number (VIN).

Sales of goods and services

Line 42a – Cigarettes and tobacco products – If you intend to sell cigarettes or other tobacco products at retail, you must also complete Form DTF-716, *Application for Registration of Retail Dealers and Vending Machines for Sales of Cigarettes and Tobacco Products*.

Line 42b – New tires – If you sell new tires at retail, you may be required to file Form MT-170, *Waste Tire Management Fee Quarterly Return*. For more information, visit our Web site (see *Need help?*).

Line 42h – Mobile telecommunications service – If you sell mobile telecommunications service to NYS customers, you must file Form WCS-1, *Public Safety Communications Surcharge Return*. For more information, visit our Web site (see *Need help?*).

Other

Line 42s – Flea markets, antique shows, or other shows

Mark an **X** in the Yes box if you only display for sale or sell goods or services at:

- a flea market, craft fair, coin show, antique show, or similar enterprise that occurs on either a regular or temporary basis; or
- a concert, athletic contest or exhibition (other than amateur sports), or similar form of entertainment held at a site capable of accommodating more than 1,000 people, in which performers do not appear on a regular, systematic, or recurring basis.

Line 42t – Sidewalk vendor – Mark an **X** in the Yes box if you do not have a permanent business location and you make sales from a portable stand, pushcart, or other device that you operate in places other than, or in addition to, flea markets or other shows. If you make sales in New York City (NYC), you must contact NYC Consumer Affairs for additional information about obtaining a *General Vendor License* in NYC.

Section K – Responsible person(s) (RP)

A *responsible person* generally includes anyone who does any of the following:

- is actively involved in operating the business on a daily basis
- is involved in deciding which financial obligations are paid
- is involved in personnel activity (such as hiring or firing employees)
- has check signing authority
- prepares tax returns
- has authority over business decisions
- is a tax manager or general manager

In addition, certain owners, officers, partners, and members of LLCs are automatically considered RPs, even if they have no involvement in or control of the business's affairs.

You must complete all lines in this section for anyone who is considered an RP of the business. If there is more than one RP, photocopy Section K before completing; attach a separate sheet for each RP.

Use Form DTF-17.1, *Business Contact and Responsible Person Questionnaire*, to obtain the information required for each RP of the business. **Retain a copy of this questionnaire for your records for each person.**

The following chart provides a listing of the individuals who are considered RPs of a business, by entity type. This list is not all inclusive; others with a duty to act for the business may also be considered RPs of the business.

| Entity type | Owner, officer, or employee title | Responsible persons? |
|------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Individual (sole proprietor) | Owner | Yes |
| Partnership, LP, or LLP | General partners | Yes |
| | Limited partners | Yes, if the limited partner does any of the following: <ul style="list-style-type: none"> • is actively involved in operating the business on a daily basis • is involved in deciding which financial obligations are paid • is involved in personnel activity (such as hiring or firing employees) • has check signing authority • prepares tax returns • has authority over business decisions • is a tax manager or general manager |
| LLC | All members Appointed manager (if a Manager - managed LLC) | Yes |
| Corporation | CEO CFO President Vice President Treasurer Secretary | Yes, if the corporate officer does any of the following: <ul style="list-style-type: none"> • is actively involved in operating the business on a daily basis • is involved in deciding which financial obligations are paid • is involved in personnel activity (such as hiring or firing employees) • has check signing authority • prepares tax returns • has authority over business decisions • is a tax manager or general manager |
| | Shareholders | Yes, if the shareholder: <ul style="list-style-type: none"> • does any of the following (regardless of the amount of ownership or profit distribution interest): <ul style="list-style-type: none"> – is actively involved in operating the business on a daily basis – is involved in deciding which financial obligations are paid – is involved in personnel activity (such as hiring or firing employees) – has check signing authority – prepares tax returns – has authority over business decisions – is a tax manager or general manager • owns more than 50% of the voting stock of the corporation |

Section L – Signature of responsible person

Enter the name, SSN, date, signature, title, and daytime contact phone number of the responsible person certifying the information contained in this application. The name and SSN must match exactly the information provided for this responsible person in Section K.

Mail your application and any required attachments to:

**NYS TAX DEPARTMENT
SALES TAX REGISTRATION UNIT
W A HARRIMAN CAMPUS
ALBANY NY 12227**

If your application is missing information or is not signed, we will return it to you.

Need help?



Visit our Web site at **www.tax.ny.gov**

- get information and manage your taxes online
- check for new online services and features



Telephone assistance

Sales Tax Information Center: (518) 485-2889

To order forms and publications: (518) 457-5431

Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY): (518) 485-5082



Persons with disabilities: In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, call the information center.

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.

Glossary of terms for Form DTF-17

Bankruptcy proceeding: a federal court proceeding in which a debtor seeks to obtain financial relief and undergo a judicially supervised reorganization or liquidation of the debtor's assets for the benefit of creditors. There are two basic types of federal bankruptcy proceedings. A bankruptcy filing under Chapter 7 is called liquidation, while a bankruptcy filing under Chapter 11 or Chapter 13 allows a business or individual to reorganize and refinance.

Finally determined to be due: a tax liability that is fixed and final such that the taxpayer no longer has any right to administrative or judicial review.

Government charges: include such things as penalties, interest, or fines.

Injunction: a court order commanding or preventing a particular act by an entity or individual.

Installment payment agreement (IPA): an agreement between a taxpayer and the Commissioner of Taxation and Finance in which both agree to a monthly payment schedule to resolve the taxpayer's unpaid tax liabilities.

Investigation: an inquiry that has been made or is being made by any prosecutorial, investigative, or regulatory agency concerning an individual or business entity. This may include the activities or the business practices of the individual or business entity.

Judgment: a decision by a court or other tribunal that settles the rights and obligations of the parties and disposes of all issues in controversy.

Lien: a form of security interest against property or property interest to secure the payment of a debt, judgment, or taxes, including, but not limited to, judgment liens, mechanics' liens, tax liens, attorneys' liens, and NYS Department of Environmental Conservation liens. This term does not include purchase credit liens, Uniform Commercial Code filings, or mortgages.

Revocation: a cancellation or reversal of an authority or permit, license, right, or power previously given.

Sanction: any fine, penalty, judgment, injunction, violation, debarment, suspension, or revocation.

Suspension: an action taken by a government entity to temporarily restrict the business entity's right to provide new or continuing contractual obligations or to exercise the rights and privileges associated with an authority or permit, license, right or power previously given.

Tax assessment: a determination of the amount of tax owed; also a bill or notice.

Tax crime: any crime set forth in New York State Tax Law Article 37.

Terminated for cause: the exercise of a government entity's right to completely or partially terminate a permit, license, or similar right due to the business entity's failure to perform its statutory or regulatory responsibilities.

Under protest: placing the Tax Department on actual notice that the taxpayer is objecting to the tax assessment. Generally, actions of the Tax Department, such as the issuance of a bill, must be timely protested by either filing a request for a conciliation conference with the Bureau of Conciliation and Mediation Services or by the filing of a petition for a hearing with the Division of Tax Appeals.
