

BERKS EARNED INCOME TAX BUREAU

Local Taxpayers Bill of Rights Disclosure Statement

It is the obligation of all taxpayers to voluntarily file all local tax returns and pay all local taxes to which they are subject. When the Berks Earned Income Tax Bureau (the “**Bureau**”) determines that a required return has not been filed or a tax liability has not been paid, the Local Taxpayers Bill of Rights, 53 Pa.C.S.A. § 8421 *et seq.*, grants certain legal rights to taxpayers and imposes obligations on the Bureau to ensure that equity and fairness guide the Bureau in the collection of taxes. In addition, the Local Taxpayers Bill of Rights provides the Bureau with certain legal methods to enforce taxpayer obligations. This Disclosure Statement sets forth your rights as a taxpayer in connection with any audit, examination, appeal, or refund claim of taxes and any enforcement or collection actions taken by the Bureau.

1. **Applicability.** This Disclosure Statement applies to all eligible taxes collected by the Bureau. For this purpose, eligible taxes do not include real property taxes. Unless expressly provided in the Local Taxpayers Bill of Rights, the failure of any person acting on behalf of the Bureau to comply with any provisions of this Disclosure Statement, the Local Taxpayers Bill of Rights, related regulations, or other applicable law will not excuse the taxpayer from paying taxes owed.

2. **Tax Information Confidentiality.** Information gained by the Bureau as a result of any audit, return, report, investigation, hearing, appeal or verification shall be confidential. However, confidentiality will not preclude disclosure for official purposes, whether in connection with legal proceedings or otherwise, and it will not preclude disclosure to the extent required by applicable law.

3. **Audit or Examinations.** If we request information from you, you will have 30 calendar days from the date of the mailing to respond. Reasonable extensions of such time will be granted upon application for good cause. We will notify you of the procedures to obtain an extension with our initial request for information. Our initial inquiry may include taxes required to be paid or tax returns required to be filed no more than three years prior to the mailing date of our notice. If the Bureau has sufficient information to indicate that you failed to file a required return or pay an eligible tax which was due more than three years prior to the date of the notice, the aforementioned three year limitation does not apply. If you give us the requested information or provide an explanation, we may or may not agree with you. If we do not agree with you, we will explain in writing our reasons for asserting that you owe us tax (which we call "an underpayment"). Our explanation will include: (1) the tax period or periods for which the underpayment is asserted; (2) the amount of the underpayment detailed by tax period; (3) the legal basis upon which we have relied to determine that an underpayment exists; and (4) an itemization of the revisions made by us to your return or report that results in our decision that an underpayment exists.

4. **Requests for Prior Year Returns.** If the Bureau determines after the initial request that you failed to file a tax return, underreported income, or failed to pay a tax for one or more of the tax periods covered by the initial request, the Bureau may request additional information. The Bureau may require you to provide copies of federal and Pennsylvania tax returns when the Bureau can show that your federal tax return(s) is(are) reasonably necessary for the enforcement or collection of tax, and the information is not available from other sources or the Pennsylvania Department of Revenue.

5. **Appeals of Decisions.** Tax appeals are governed by the Tax Appeal Board Regulations posted on the Bureau’s website.

6. **Refunds.** Refund requests are governed by the Tax Appeal Board Regulations posted on the Bureau’s website.

7. **Enforcement Procedures.** Once it has been determined that you failed to file a return or owe a tax, the Bureau will take all action legally permitted to take to enforce the Bureau's claim. Such action may include, but is not limited to, obtaining additional information from you, auditing your records, entering into a settlement with you, obtaining liens on your property, seizing and selling your property, and attaching your wages in appropriate circumstances. We may enter into a written agreement with you for payment of the tax in installments if we believe that such an agreement will facilitate collection. We may also impose interest and applicable penalties on the tax you owe and may seek criminal prosecution of you in appropriate circumstances. 53 P.S. § 6924.509(j)(1) provides potential criminal penalties for all taxpayers of up to \$2,500 for each offense and imprisonment for failure to pay fines and costs, and 53 P.S. § 6924.509(j)(2) provides potential criminal penalties for employers who willfully fail to collect or account for and distribute income taxes up to \$25,000 or imprisonment up to 2 years, or both. If the employer is an entity, any agents of the entity with primary responsibility to ensure that the tax duties imposed on the employer under the law are discharged are personally subject to criminal prosecution.

8. **Taxpayer Complaints.** The Bureau will treat taxpayers courteously and professionally at all times. If you are not satisfied with the manner in which you were treated or have any other complaint about any actions taken by the Bureau, a detailed written statement describing the incident should be sent to the Executive Director of the Bureau at the following address:

Berks EIT
Attn: Rebecca Clouser, CPA
1125 Berkshire Boulevard, Suite 115
Wyomissing, PA 19610