

JURISDICTION: OKLAHOMA TAX COMMISSION DECISION
CITE: 85-06-24-03 / 86-05-05-01 / NON-PRECEDENTIAL
ID: SC-86-518
DATE: JUNE 24, 1985 / MAY 5, 2001
DISPOSITION: APPLICATION DENIED
TAX TYPE: GROSS PRODUCTION
APPEAL: NO APPEAL TAKEN

STOP ORDER

(ORDER NO. 85-06-24-03)

NOW, there coming before the Oklahoma Tax Commission ("OTC") upon the recommendations and findings of the Gross Production Division ("GPD"), and being fully advised in the premises, finds:

(1) That TAXPAYER, doing business at ADDRESS, CITY, Oklahoma, has, since at least January, 1985, sold Reclaimed Oil from their reclaiming plants located in COUNTY ONE, COUNTY TWO, and COUNTY THREE, Oklahoma, and have sold that oil to CORPORATION, CITY, Oklahoma;

(2) That required monthly gross production tax reports have not been filed for January, February, March, April and May, 1985 and taxes of \$19, 837.50, with penalties of \$1,983.75 and interest of \$706.54 and failure to file penalty of \$7,920.00 are due.

NOW THEREFORE, IT IS HEREBY ORDERED, by the Oklahoma Tax Commission that CORPORATION, as purchaser of oil from TAXPAYER shall determine from its records if TAXPAYER or entities are sellers of interests in the aforementioned oil; if said Sellers do not have any interest therein, then said Purchaser shall immediately notify the Gross Production Division of the Oklahoma Tax Commission of the same; or, if any of said Sellers do have interest therein, then said Purchaser shall immediately upon receipt of this Stop Order herein: (1) withhold payment for all oil until notified by the Gross Production Tax Division of the Oklahoma Tax Commission that all taxes and reports have been received; (2) pay such tax, interest and penalty and its receipt therefor shall be accepted by such Seller in lieu of cash in settlement for such oil, and this shall also apply in any case where a subsequent purchaser, or purchaser of subsequent oil shall be so notified, and shall also apply when the interest against such tax, interest and penalty shall have accrued or may have been transferred subsequent to the accrual of said tax, interest and penalty, all pursuant to 68 O.S. (1981) Section 1007; provided, however, said Seller shall have all rights as provided by law to protest the action taken herein.

FURTHER, IT IS ORDERED by the Oklahoma Tax Commission that said Purchaser, CORPORATION is to immediately, upon receipt of this Stop Order herein, report to the Gross Production Tax Division of the Oklahoma Tax Commission, from and after the date set forth below of this Stop Order herein, any termination of purchases by said Purchaser from aforesaid oil reclaimer and the effective date of said termination.

Dated this 24TH DAY OF JUNE, 1985.

OKLAHOMA TAX COMMISSION

ORDER NO. 86-05-05-01

This matter comes before the Oklahoma Tax Commission to consider the Applications of TAXPAYER for Reclaimer and Transporter Licenses. The Commission, having examined the files and records herein, finds as follows:

(1) On January 8, 1986, taxpayer submitted its applications for Reclaimer's License and a License to Transport Petroleum Liquid Hydrocarbons in Oklahoma to the Gross Production Division of the Oklahoma Tax Commission;

(2) On February 11, 1986, the Gross Production Division sent to taxpayer, by certified mail, a Notice to Show Cause why its Applications for Reclaimers and Transporters Licenses should not be denied for failure to file gross production tax reports and remit gross production taxes for the period from January 1985 through December 1985. Taxpayer was advised in the Notice that a hearing on the matter would be held on March 20, 1986 at 2:00 p.m. before the Oklahoma Tax Commission;

(3) Taxpayer received notice of the hearing on February 14, 1986;

(4) Taxpayer failed to appear at the hearing and show cause why it should be issued a Reclaimer's License and a Transporter's License by the Oklahoma Tax Commission.

IT IS THEREFORE ORDERED by the Oklahoma Tax Commission that the Applications of TAXPAYER for Reclaimers and Transporters Licenses be denied.

Dated this 5th DAY OF MAY, 1986.

OKLAHOMA TAX COMMISSION

CAVEAT: This decision was NOT deemed precedential by the Commission. This means that the legal conclusions are generally applicable or are limited in time and/or effect. Non-precedential decisions are not considered binding upon the Commission. Thus, similar issues may be determined on a case-by-case basis.