



NORTH CAROLINA DEPARTMENT OF REVENUE

North Carolina Department of Revenue
Election to Participate in Transfer Pricing Resolution Initiative

This Election must be completed and returned on or before September 15, 2020

Section I

Taxpayer Data
1. Taxpayer Name (include parent and subsidiaries as applicable)
2. Taxpayer Identification Number (FEIN)
3. Address (City, State, ZIP code)
4. Telephone Number
5. FAX Number
6. Do you currently have an open case with North Carolina Department of Revenue?
7. Type of Case
8. Tax period(s) covered by this Election:
9. Power of Attorney (Attach if applicable)
10. Comments:
Date Received by Department of Revenue

Section II

To successfully complete participation in this Resolution Initiative, the taxpayer must comply with the following terms and conditions:

- Execute this Election to Participate and return it to the Department on or before September 15, 2020.

- ❑ Cooperate fully in this Resolution Initiative.
- ❑ For the applicable tax periods, provide all state and federal tax returns, including any state and federal pro forma and consolidating work papers, organizational chart, description of all companies with intercompany transactions and description of transactions, all transfer pricing studies including supporting materials, related party agreements, consolidating financial information supporting the transfer pricing, and any further records requested by the Department by October 16, 2020.
- ❑ Sign a Settlement Agreement with the Department no later than fifteen (15) days after the Department proposes a settlement amount in Section IV.
- ❑ Pay all North Carolina tax and interest as determined under the Settlement Agreement.
- ❑ Waive all rights to review or refund of any amounts paid for the period covered under this Resolution Initiative except for refunds due as a result of federal corrections.

Section III

This Election to Participate is nonbinding. The taxpayer retains the right to opt out of the Resolution Initiative at any time prior to signing the Resolution Agreement. See Section V below regarding consequences of opting out.

The Department retains the right to disqualify from this Resolution Initiative any taxpayer that fails to cooperate, fails to provide documents or information as requested, fails to disclose all transactions or fails to fulfill any of the terms of this Resolution Initiative.

Section IV

For taxpayers successfully completing this Initiative, the Department agrees that it will:

- ❑ Propose a settlement amount and methodology based on information provided and principles in the regulations under Code section 482 within thirty-one (31) days of receipt of all information described in Section II.
- ❑ The settlement amount and methodology may be applied, at the mutual agreement of the parties, to all open tax years within the meaning of Article 9 of Chapter 105, including years currently under audit or request for review.
- ❑ Attempt to settle any other state income or franchise tax issues for the tax periods covered by this Initiative.
- ❑ Waive all applicable civil penalties.
- ❑ Waive all rights to assess any additional tax, interest or penalties except for adjustments relating to federal corrections for all settled tax types.

Section V

For taxpayers that do not elect to participate in this Initiative by September 15, 2020, opt out, or do not successfully complete the Resolution Initiative, the Department will take the following actions:

- ❑ All applicable civil penalties will be assessed.
- ❑ No penalties will be waived.
- ❑ The Department will audit accordingly to its regular audit schedule and will not agree to a methodology or settlement for any unaudited open tax years.

Section VI

This Election to Participate in Resolution Initiative must be received by the Department on or before September 15, 2020. It can be mailed, hand-delivered, faxed or e-mailed to:

For taxpayers under audit

Mail:

Rick Gilbert
North Carolina Department of
Revenue
P.O. Box 871
Raleigh, NC 27602

Hand-delivery:

Rick Gilbert
North Carolina Department of
Revenue
501 North Wilmington Street
Raleigh, NC 27604

Fax:

Rick Gilbert
919-715-4139

E-mail:

rick.gilbert@ncdor.gov

**For taxpayers in request for review or
not under audit**

Mail:

John Seibert
North Carolina Department of
Revenue
P.O. Box 871
Raleigh, NC 27602

Hand-delivery:

John Seibert
North Carolina Department of
Revenue
501 North Wilmington Street
Raleigh, NC 27604

Fax:

John Seibert
919-733-1821

E-mail:

john.seibert@ncdor.gov

Section VII

Taxpayer Name:	_____
By:	_____
Print Name:	_____
Title:	_____
Power of Attorney (if applicable): <i>Please Attach POA Form</i>	_____
Date:	_____
Contact information	
Name:	_____
Title:	_____
Telephone:	_____
E-mail	_____