

Business tax tip #34

Comptroller's Office Hearing Procedures

You have the right to file an appeal if you are assessed additional tax or your refund is denied. If you get a notice from the Comptroller's Office, follow the instructions in the notice. If you dispute the tax assessment or denial of the refund, you can file an appeal within 30 days of the mailing of the notice (90 days for unclaimed property assessments). Your request may be sent by fax (410-333-7745), e-mail (cdhearings@comp.state.md.us), [online](#) or mail to 301 West Preston Street, Room 315, Baltimore, Maryland 21201. If your appeal is timely filed, you will be eligible for an informal hearing.

What is an informal hearing?

An informal hearing is a structured meeting between taxpayers and a hearing officer (designated by the Comptroller) to review all disputed issues in an assessment or refund claim for the purpose of making a final determination on the case.

May I be represented at the hearing?

Yes, an attorney, accountant, bookkeeper or anyone else who has knowledge of your case may represent you. If you do not attend the hearing yourself, your representative should be prepared to present a valid power of attorney to the hearing officer. You may also bring any witnesses you feel are necessary to your case, and you may request the hearing officer to subpoena other witnesses or records. **All attendees must have a valid photo identification to enter the state building.** The subpoena request must be in writing, received at least 10 days before the hearing, and include an explanation of why the subpoena is necessary. Subpoenas are sent first class mail unless you make other arrangements.

Will anyone else attend the hearing?

That depends on the type of hearing. For cases based on an examination of your books and other records, the auditor who examined them, or his or her supervisor, is expected to attend. For cases arising from collection activity, such as responsible party or estimated assessments, a representative from the **collection section** will usually attend. For individual income tax cases, a representative of the appropriate section will usually attend the hearing.

What happens at an informal hearing?

At the informal hearing, the hearing officer will listen to any position you have regarding your case and will consider any relevant information you present in support of your position. Assessments and refund denials are presumed to be correct, and you have the burden of proving otherwise. Therefore, you should be fully prepared to address all of the issues you intend to raise and have with you all of the records and documents that support your positions. Copies are usually acceptable, and anything you submit will be returned to you if you ask for it after the case is finally concluded. The hearing officer may question you and your witnesses as

well as the auditor to clarify any issues you may raise. The hearings are recorded, and witnesses will be placed under oath.

Can I get a postponement of the hearing date?

A first-time postponement for "good cause" may be granted if a written request is made at least five business days before the scheduled hearing date. For any subsequent postponement request, the reason must be documented and the decision to grant the request is at the discretion of the hearing officer.

Can I contact the hearing officer in advance?

Yes. You may forward to the hearing officer documentary evidence in support of your case in advance of the hearing date. You may also contact the hearing officer directly to discuss payment plans and similar issues.

How long will my hearing last?

When scheduling hearings, the Comptroller's Office will reserve no more than one hour for individual income tax and collection activity cases, and no more than three hours for any other case. If you believe that your case has special circumstances that will require additional time, you must advise the hearing officer in advance and provide a brief explanation of why the additional time is needed. If a taxpayer does not request additional time and a hearing takes longer than expected, the hearing officer may be forced to recess the hearing and reconvene at a later date.

What happens to my case after the hearing?

In the absence of a settlement, the hearing officer will issue a written notice of final determination of your case. The notice of final determination will summarize any monetary adjustments to your case and explain the Comptroller's decision on the issues you raised.

What should I do if I don't really disagree with the assessment, but I can't afford to pay the tax, interest and penalty all at once?

If the tax amount is uncontested and you simply need some time to arrange for payment, you do not need to request a hearing. Instead, you should contact the Collection Section to discuss a payment plan. Payments may also be made [online](#).

For more information about notices that the Comptroller's Office mails to taxpayers, see [Income Tax Notices](#).

What if I'm not happy with the final determination?

If you are dissatisfied with the final determination made by the Comptroller's Office, you may appeal to the [Maryland Tax Court](#) for a *de novo* review within 30 days of the mailing of the notice of final determination

