

Letter Ruling



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Date: January 07, 2020

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Letter ID: L0981392704

YOUNGSTOWN STATE UNIVERSITY
ATTN: DAVID D. MCCracken, DIRECTOR, PROCUREMENT SERVICE
1 UNIVERSITY PLZ
YOUNGSTOWN OH 44555-0001

**Reference: Sales Tax Exemption
Letter Ruling Number: 19-0774**

This is in response to your letter dated December 31, 2019, requesting that the Mississippi Department of Revenue provide a ruling regarding whether Youngstown State University is exempt from Mississippi sales tax. Your request has been assigned the letter ruling number listed above. Please use this number in any further correspondence with the DOR concerning this request.

After a search of the applicable statutes, this is to confirm that Youngstown State University does qualify for sales tax exempt status pursuant to Miss. Code Ann. Section 27-65-111(g). This Section provides that sales of tangible personal property or services made to elementary and secondary grade schools, junior and senior colleges owned and operated by a corporation or association in which no part of the earnings inures to the benefit of any private shareholder, group or individual, and which are exempt from state income taxation are exempt from sales tax. As a prerequisite to exemption, the sale of property or charge for services must be sold directly to, billed directly to, and paid for directly by the exempt entity. This exemption does not apply to sales of tangible personal property or services to employees of the exempt entity, although the employee may be reimbursed for the expense by the exempt entity.

This exemption applies to sales of annuals, awards, articles of clothing or jewelry given in recognition of accomplishments and rental of caps and gowns when sold to, billed to, and paid for directly by the school. This exemption does not apply to sales of tangible personal property or services to contractors purchased in the performance of contracts with the exempt entity, although the contractor may be reimbursed for the expense by the exempt entity. Furthermore, this exemption does not apply Contractors Tax levied by Miss. Code Ann. Section 27-85-21. Finally, this exemption does not apply to sales of property which is not to be used in the ordinary operation of the school, or which is to be resold to the students, the employees of the organization, or the general public.

You may use a copy of this letter in order to substantiate Youngstown State University's exempt status. I trust that this is the information you were requesting. Should you have any additional questions, feel free to contact this office at (601) 923-7015.

Under Miss. Code Ann. Section 27-65-85(a), it shall be unlawful for any person to use an exemption authorized under the Sales Tax laws for the purpose of avoiding the payment of tax the person is required to pay by law. Any person violating this provision shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned not exceeding six (6) months in the county jail, or punished by both such fine and imprisonment, at the discretion of the court.

This letter ruling is based on the specific facts and circumstances that you communicated to the DOR. This ruling is not binding on the DOR if these facts and circumstances are inaccurate, contain a material omission of a relevant fact or facts to the issue(s) presented or if such facts and circumstances change. This letter ruling is also only valid for seven (7) years

P.O. Box 1033 Jackson, MS 39215 Phone: (601) 923-7700 Fax: (601) 923-7714

Form # rsl 0004 v V10

Visit www.dor.ms.gov for tax information and online filing. If you call, please have this letter with you.

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from the date of this letter. At the end of this seven (7) year period, you are free to update your information and request another letter ruling if you wish. This ruling is only applicable to you or to your client if you are requesting this ruling on behalf of another and can only be relied upon by the person for whom the ruling was requested.

If the facts and circumstances presented in your request are accurate, complete and do not change for the seven (7) year period indicated above, the person for whom it was requested can rely upon this ruling unless and until there is a change in the law or regulation or the issuance of judicial decision that indicates the ruling is no longer correct or the DOR retracts the ruling. The DOR does reserve the right to retract this ruling if it later determines on its own review that the ruling is incorrect. Such retraction will be in writing and the effect of the retraction will be prospective from the date of the retraction letter.

Sincerely,

Lee Dozier
(601) 923-7022
Mississippi Department of Revenue

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P.O. Box 1033 Jackson, MS 39215 Phone: (601) 923-7700 Fax: (601) 923-7714

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Sales and Use Tax Unit Exemption Certificate

The purchaser hereby claims exception or exemption on all purchases of tangible personal property and selected services made under this certificate from:

(Vendor's name)

and certifies that the claim is based upon the purchaser's proposed use of the items or services, the activity of the purchase, or both, as shown hereon:

This sale is exempt under Ohio law, pursuant to Ohio Revised Code Section 5739.02(8)(1), as a sale to the state of Ohio or any of its political subdivisions. Purchases of the Telecommunication Services are exempt as defined by Ohio Revised Code Section 5739.01 (8)(3)(F) and 5739.01 (AA).

This certificate shall continue in force until revoked. It shall be considered a part of each order given the above-named vendor unless otherwise specified.

Federal Tax ID - 34-1011998

Purchaser must state a valid reason for claiming exception or exemption.

Youngstown State University

Purchaser's name

Higher Education

Purchaser's type of business

One Tressel Way

Street address

Youngstown, Ohio 44555

City, state, ZIP code

Basil Gierke

Director

Signature

Title

11/21/2024

Date signed

50-21379

Vendor's license number, if any

Vendors of motor vehicles, titled watercraft and titled outboard motors may use this certificate to purchase these items under the "resale" exception. Otherwise, purchaser must comply with either Administrative Code Rule 5703-9-10 or 5703-9-25.

This certificate cannot be used by construction contractors to purchase material for incorporation into real property under an exempt construction contract. Construction contractors must comply with Administrative Code Rule 5703-9-14.