Kentucky Department of Revenue v. DuPont Performance Elastomers, L.L.C.

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Categories:

Experience

In Kentucky Department of Revenue v. DuPont Performance Elastomers, L.L.C., 2008 WL 746680 (Ky. Ct. App. 2008), the Kentucky Court of Appeals affirmed the Jefferson Circuit Court's decision in favor of DuPont Performance Elastomers, L.L.C. ("DPE"), a local manufacturer of neoprene, in a case involving the company's sales and use tax obligations. The Department of Revenue alleged, and the Kentucky Board of Tax Appeals concluded, that DPE was obligated to pay nearly $500,000 in unpaid taxes, interest and penalties for purchases of machinery and equipment used at the company's Louisville facility. On appeal, the Jefferson Circuit Court and the Kentucky Court of Appeals agreed with DPE that the relevant machinery and equipment was exempt from taxation because of its use by a qualified business in an Enterprise Zone. Joe Ardery and Peter Cummins represented DPE.