

2000 UNIFORM BUSINESS REPORT (UBR)

DOCUMENT # **F99000006739**

1. Entity Name

EWING CONSTRUCTION CO. OF TEXAS, INC.

f

FILED
Sep 18, 2000 8:00 am
Secretary of State

09-18-2000 90009 032 ***150.00

Principal Place of Business

P.O. BOX 4235
 CORPUS CHRISTI TX 78469

Mailing Address

P.O. BOX 4235
 CORPUS CHRISTI TX 78469

2. Principal Place of Business

3. Mailing Address

, Suite, Apt. #, etc.

Suite, Apt. #, etc.

City & State

City & State

Zip

Country

Zip

Country

4. FEI Number

74-1871329

Applied For

Not Applicable

5. Certificate of Status Desired

\$8.75 Additional
 Fee Required



DO NOT WRITE IN THIS SPACE

6. Name and Address of Current Registered Agent

7. Name and Address of New Registered Agent

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION FL 33324

Name
 Street Address (P.O. Box Number is Not Acceptable)
 City **FL** Zip Code

8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE _____ DATE _____
Signature, typed or printed name of registered agent and title if applicable. (NOTE: Registered Agent signature required when reinstating)

9. This corporation is eligible to satisfy its Intangible Tax filing requirement and elects to do so. (See criteria on back)

FILE NOW!!! FEE IS \$550.00
After SEPTEMBER 13, 2000 Min. will be \$750.00
Make Check Payable to Department of State

10. Election Campaign Financing Trust Fund Contribution. **\$5.00** May Be Added to Fees

11. OFFICERS AND DIRECTORS

12. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 11

TITLE NAME STREET ADDRESS CITY-ST-ZIP	CP EWING, WM. B. 905 CANTWELL LANE CORPUS CHRISTI TX 78408	<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	W EWING, WILLIAM B JR 905 CANTWELL LANE CORPUS CHRISTI TX 78408	<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D DUECKER, GLEN 905 CANTWELL LANE CORPUS CHRISTI TX 78408	<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/> Delete

TITLE NAME STREET ADDRESS CITY-ST-ZIP	S / T Hutchins, David W. 905 Cantwell Lane Corpus Christi, Texas 78408	<input checked="" type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/> Change <input type="checkbox"/> Addition
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TITLE NAME STREET ADDRESS CITY-ST-ZIP		<input type="checkbox"/> Change <input type="checkbox"/> Addition

13. I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears in Block 11 or Block 12 if changed, or on an attachment with an address, with all other like empowered.

SIGNATURE:

SIGNATURE REQUIRED
SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR

9-13-00
Date

361-882-6525
Daytime Phone #

CR2E034 (5/00)



Ewing Construction Co., Inc.

P.O. BOX 4235 ★ CORPUS CHRISTI, TEXAS 78469-4235
905 CANTWELL ★ CORPUS CHRISTI, TEXAS 78408
(361) 882-6525 ★ FAX (361) 882-8424

Attachment
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A0078819

September 13, 2000

Division of Corporations
Uniform Business Report Filings
P.O. Box 1500
Tallahassee, FL 32302-1500

ATTENTION: To Whom It May Concern

REFERENCE: 2000 Uniform Business Report.

I am writing this letter at the instruction of your office to request an abatement of the penalties for late filing of the Uniform Business Report.

We are a construction company based in Texas that has recently completed a small amount of work in Florida. We did not register with the State of Florida until late in December and because we have little experience working in other states, we relied on CT Corporation as our registered agent to inform us of any and all required filings. We did not receive any notice from your office until the Second Notice arrived in July. CT Corporation had not informed us about the Uniform Business Report prior to the May 1st deadline. Therefore, we were not even aware of the requirement until receiving the Second Notice well after the May 1st deadline. For your reference I have enclosed a copy of the report and tax bulletin supplied by CT Corporation. As you can see, the bulletin fails to mention the Uniform Business Report.

Because we did not receive notice from your office prior to the May 1st deadline and because our registered agent failed to inform us of the filing requirement, we are requesting an abatement of this substantial penalty. Now that we are aware of this filing requirement, we will make sure that it is filed timely in the future.

Your consideration is greatly appreciated. If you have questions or need more information, do not hesitate to contact me.

*I prepared this request per instruction from personnel your office. I was ~~told~~ told to make the check out for 150. In the event that the request for abatement is ~~not~~ granted, please do not increase the penalty to \$600, I could have made the check for \$550 but did not per your office's instruction. Thank you.
DH*

Sincerely,

EWING CONSTRUCTION CO., INC.

David Hutchins
David Hutchins
Comptroller

Enclosure

RIO GRANDE VALLEY

(956) 994-0905 ★ FAX (956) 994-0906
1800 N. McCOLL ROAD
McALLEN, TEXAS 78501

E-MAIL: EWINGCONST@EWINGCC.COM



HOUSTON

(281) 499-2568 ★ FAX (281) 499-3514
2839 N. MAIN, SUITE 212
STAFFORD, TEXAS 77477

WWW.EWINGCC.COM



Report & Tax Bulletin®

This bulletin covers general business corporation and limited liability company requirements. The information set forth is based upon public records, statutes and administrative rulings, regulations and policies . . . questions of construction and application should be referred to counsel. *Paragraph references are to CCH State Tax Reporters.*

from the State Report & Tax Notification Department of

C T Corporation System

Florida

Sales and Use Taxes

Applies To: Those selling tangible personal property at retail, including the business of mail order sales, leasing or renting real property, leasing or renting living quarters, renting or furnishing any taxable things or services, selling admissions, storing tangible personal property for use or consumption in Florida, leasing or renting tangible personal property in Florida or engaging in the business of soliciting or issuing any service warranty. (See CCH Florida State Tax Reporter ¶60-210)

Returns and Payments Due: Monthly, on or before the 20th day of each month for sales made the preceding month. (¶61-220) Companies remitting \$1,000 or less in tax for the preceding four quarters may apply to the Department for permission to file a quarterly return and payment. Quarterly returns are filed on or before the 20th day of April, July, October and January for the preceding quarter. If the remittance is between \$1,000 and \$12,000 for the preceding four quarters, a company may file quarterly returns and make monthly payments. If the remittance is \$500 or less for the preceding four quarters, a company may apply to file semiannually. Semiannual returns are filed on or before the 20th day of July and January for the preceding 6 months. If the remittance is \$100 or less for the preceding four quarters, a company may apply to file annually. (¶¶61-220, 94-157)

The Department may allow dealers who are newly eligible for quarterly filing to remit returns for the 3-month periods ending in February, May, August and November. Also, the Department may authorize dealers who are newly eligible for semi-annual filing to file returns for the 6-month periods ending in May and November. Applications may be made by letter to the Department. (¶61-220)

The returns and payments must reach the Department of Revenue by the due date, or be postmarked on or before such date, to avoid loss of the collection allowance and the assessment of penalty and interest. A return must be filed for each tax period even if no tax is due. If the 20th day falls on a weekend or a federal or state legal holiday, returns must be postmarked by the next business day. (¶61-220)

The Department of Revenue requires payment of taxes by electronic funds transfer (EFT) when the taxpayer, including consolidated filers, is subject to sales tax and has paid the tax in the prior state fiscal year in an amount of \$50,000 or more. Taxpayers required to make estimated tax payments must remit both estimated tax and actual tax payments through EFT. The Department of Revenue will make an annual determination of those taxpayers who will be required to pay a tax electronically based on prior year payment thresholds. Taxpayers required to remit sales and use taxes by EFT will be required to make their returns in a form that is initiated through an electronic data interchange. The acceptable method of transfer and the form and content of the electronic data interchange will be prescribed by the Department of Revenue. (¶61-220)

An officer of a corporation may be criminally liable for refusal to make a return as required by the Department of Revenue or for refusal to state in writing that the return is correct to the best of his knowledge and belief as required by the Department of Revenue. (§61-460) There is no comparable statutory provision covering the liability of limited liability management for failure to make a return.

Definitions. For a definition of the terms "Sale", "Retail Sale" or "Sale At Retail", see §60-210.

Not applicable to stock, bonds, etc. The term "tangible personal property" does *not* include stocks, bonds, notes, insurance, or other obligations or securities, or intangibles as defined by the Intangible Tax Law of the State of Florida, nor pari-mutuel tickets sold or issued under the racing laws of the State of Florida. (§§60-370, 60-490)

Exemptions. Exemptions may be granted on the basis of the nature of the product, the type of transaction or the nature of the entity selling or buying the product. In addition, the federal Constitution and statutes, some state constitutions and the congressional regulation of interstate commerce have resulted in sales and use tax exemptions. For an alphabetical listing of over one hundred and fifty exemptions, together with a cross-reference to the paragraph cite where each exemption is discussed in detail, see §61-010.

A limited exemption is provided for promotional materials that are imported, purchased, sold, used, manufactured, fabricated, processed, printed, imprinted, assembled, distributed, or stored in Florida if the materials are subsequently exported outside Florida. For a definition of "promotional material" and more information see §60-240.

Resale Certificate. Effective February, 2000, the Florida Department of Revenue began issuing a sales tax Annual Resale Certificate (Form DR-13) to each active registered dealer. The Annual Resale Certificate is sent by mail to existing dealers in their coupon books and will also be provided to new dealers with their Certificate of Registration. The new Annual Resale Certificates will expire on December 31 of each calendar year, and, each year, active dealers will receive a new Annual Resale Certificate by mail. Selling dealers must document all exempt sales for resale by one of the following methods: (1) obtain a copy of the purchaser's annual resale certificate each year from customers; (2) obtain a transaction authorization number by phone; (3) obtain one copy of the purchaser's annual resale certificate for certain open-account customers; or (4) obtain a vendor authorization number electronically. If delivery of tangible personal property is made in Florida to an out-of-state dealer who does not hold a Florida certificate of registration, it is taxable unless the out-of-state dealer furnishes the seller an affidavit stating that the property is being purchased for resale outside the State, and the property is removed from the State by the out-of-state dealer. (§65-077)

Attachment
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Filed With and Paid To: Florida Department of Revenue, 5050 West Tennessee St., Tallahassee, Florida 32399-0125. Remittance should be made payable to the "Florida Department of Revenue." At least 120 days prior to the date of the first required payment, the Department of Revenue will mail an initial written notice to all taxpayers required to remit a tax by EFT. A second notice shall provide those taxpayers required to use EFT with detailed instructions and shall include an Electronic Funds Transfer Authorization form (Form DR-600). Upon receipt of the Electronic Funds Transfer Authorization form, the taxpayer must complete the form and return it to the Florida Department of Revenue, P.O. Box 2096, Tallahassee, Florida 32316-2096, by December 1 of the taxable year. (§89-967)

Registration: Before commencing business, an Application for a Certificate of Registration (Form DR-1) is to be filed with the Florida Department of Revenue, Tallahassee, Florida, for each place of business. The registration fee is \$5 for all in-state dealers. There is no registration fee for out-of-state dealers who have no business location in Florida. (§61-240, 65-121)

Annual Registration Fee: An annual registration fee is imposed, in addition to any other fees imposed by law, on all holders of certificates of registration with taxable sales or purchases in the preceding calendar year of \$30,000 or more. The fee is \$25 for holders with such taxable sales or purchases of at least \$30,000 but less than \$200,000 and \$50 for holders with such taxable sales or purchases of \$200,000 or more. The fee applies to each certificate of registration issued, but total fees may not exceed \$10,000 for a dealer who files a consolidated return. (§94-232, 65-121)

Forms: The Department of Revenue sends the appropriate monthly, quarterly or semiannual return forms (Form DR-15) directly to each registered taxpayer. In the event the form is lost, a duplicate may be obtained by writing to the Department in Tallahassee giving the taxpayer's sales tax number.

In order for the taxpayer to authorize the transfer of funds electronically the Florida Department of Revenue prescribes Form DR-600, Electronic Funds Transfer Authorization as the form to be used. (§89-967) To request this form, call (850) 922-9645.

Rate of Tax: 6% on the sale, lease or rental of tangible personal property. (§60-110) For other rates imposed see §60-110. For the purpose of collecting the 6% state tax from the purchaser or consumer, the following brackets are to be used: less than 10¢, no tax; 10¢ — 16¢, 1¢; 17¢ — 33¢, 2¢; 34¢ — 50¢, 3¢; 51¢ — 66¢, 4¢; 67¢ — 83¢, 5¢; 84¢ — \$1.00, 6¢. On sales of more than \$1.00 the rate is 6% upon each whole dollar plus the above appropriate bracket charges upon any fractional part of a dollar. (§60-130)

The dealer's collection allowance is computed at the rate of 2.5% on the first \$1,200 of tax due. There is no allowance for all amounts in excess of \$1,200. The dealer's collection allowance may be reduced if the return filed is incomplete. (§94-160)

Counties in Florida may impose the discretionary sales surtax on services that are subject to the state tax. When the discretionary sales surtax is levied on the sale of an item of tangible personal property or on the sale of a service, the surtax is computed by multiplying the rate imposed by the county in which the sale occurs by the amount of the taxable sale. For more information on discretionary sales surtax see §§61-720, 61-730, 60-120.

Extension of Time: No statutory provision.

Penalties: See §§61-530, 94-209.

Remarks: It is provided that wherever in the construction, administration or enforcement of the sales and use tax there may be any question respecting a duplication of the tax, the end consumer, or last retail sale is deemed to be the sale intended to be taxed and as far as possible there is no duplication or pyramiding of the tax. (§61-210)

Where a tax on tangible personal property to be used in Florida equal to or greater than the Florida tax has been lawfully imposed and paid in another state, no Florida tax is due. Where the tax paid in such other state is less than the Florida tax, the difference between the tax paid in the other state and the Florida tax is due to Florida. (§61-310)