FILED
NOV 03 2026
Wisconsin Tax Appeals Commission
Drew Fox - Clerk

STATE OF WISCONSIN

TAX APPEALS COMMISSION

GREENE LIGHT HOLDING COMPANY AND JAMES AND MEGHAN GREENE,

Petitioners,

v.

WISCONSIN DEPARTMENT OF REVENUE,

Respondent.

DOCKET NO. 24-I-243[1]

RULING AND ORDER

ELIZABETH KESSLER, COMMISSIONER:

This matter comes before the Commission on cross-motions for summary judgment filed by Petitioners, Greene Light Holding Company and James and Meghan Greene; and Respondent, the Wisconsin Department of Revenue. The sole question before us is how the Wisconsin Manufacturing and Agriculture Credit under Wis. Stat. § 71.28(5n) should be calculated. Petitioners argue it should be calculated using the indirect expenses of their manufacturing business only, not the otherwise applicable expenses associated with their separate retail business. The Wisconsin Department of Revenue

[1] Originally this was filed as two separate matters, with James and Meghan Greene as individual Petitioners under Docket No. 24-I-242 and Greene Light Holding Company under Docket No. 24-I-243. The matters were formally consolidated under Docket No. 24-I-243 on March 3, 2025, and Docket No. 24-I-242 was closed. Both parties filed pleadings under both the closed and open docket numbers, but the Commission will not issue a Ruling on a closed docket number.

argues that the fact that both the manufacturing and retail companies are disregarded entities owned by the same Subchapter S parent company, combined with the use of the word "all" in the statute, means that the calculations should include the expenses of both businesses.

The Petitioners were represented by Attorneys Timothy C. Smith, Andrew S. Oettinger and Emma J. Jewel of Godfrey & Kahn, S.C., Milwaukee, Wisconsin. The Respondent was represented by Attorney Kasey F. Reese of the Wisconsin Department of Revenue, Madison, Wisconsin. The parties stipulated to the material facts. Each party also submitted briefs and documents in support of their legal arguments and in critique of the other party's.

FACTS

1. James and Meghan Greene ("the Greenes") are a married couple residing in Wisconsin who filed joint federal and Wisconsin income tax returns for the calendar years 2017, 2018, 2019, and 2020 ("Audit Period"). (Joint Stipulation of Facts ("JSOF") Introductory comments, ¶ 15.)

2. Greene Light Holding Company ("GLHC") is incorporated in Wisconsin. It is taxed as a Subchapter S, or tax-option corporation, for federal and Wisconsin income tax purposes. Accordingly, GLHC's income, losses, and credits are passed through to its shareholders as provided by law. (JSOF ¶¶ 9, 11.)

3. GLHC is owned 95% by James Greene and 5% by The Paul A. Greene 1996 Trust FBO James P. Greene, a qualified subchapter S trust in which all income passes through to James Greene individually. For federal and Wisconsin tax purposes James

Greene is treated as the sole shareholder of GLHC, which includes the activities of the disregarded Retail Company and Manufacturing Company. (JSOF ¶ 14.)[2]

4. GLHC has two wholly owned subsidiaries, W. G. & R. Furniture Co. ("Retail Company") and W. G. & R. Bedding Co., Inc. ("Manufacturing Company"), which are both incorporated in Wisconsin. These companies are treated as disregarded entities of GLHC for federal and Wisconsin income and franchise tax purposes. (JSOF ¶¶ 10, 12.)

5. GLHC was incorporated as a Wisconsin corporation and holding company on November 18, 2008. GLHC does not directly conduct operating business activities. It became the parent company of the Retail Company and the Manufacturing Company on January 1, 2009, as part of a business reorganization. The Retail and Manufacturing companies are physically and geographically separate. Prior to January 1, 2009, the Retail Company and the Manufacturing Company filed separate tax returns. (Declaration of James Greene ("Greene Dec.") ¶¶ 3, 6, 8.)

6. During the tax years at issue, 35% or fewer of the Manufacturing Company's sales were to the Retail Company. During the tax years at issue, less than 40% of the Retail Company's mattress sales were attributable to products supplied by Manufacturing Company. Retail Company purchased mattresses from Manufacturing

[2] The Commission notes that there is nothing in the record clearly identifying Petitioner James Greene, no middle initial provided, as the same person as James P. Greene, the beneficiary of the aforementioned trust. However, in the Declaration of James Greene, which exclusively uses the no middle initial form of the name, Mr. Greene's signature includes the middle initial P. We conclude from this detail that Petitioner James Greene and trust beneficiary James P. Greene are likely the same individual.

Company on terms similar to the terms on which Retail Company purchased mattresses from third party suppliers. There is no overlap between the companies' day-to-day managers and supervisors or other employees such as truck drivers, factory workers, or retail store employees. (Greene Dec. ¶¶ 9, 11, 12.)

7. During the Audit Period, the Greenes claimed on their joint individual Wisconsin income tax returns the Manufacturing Credit as determined by GLHC and passed through to James Greene from GLHC. (JSOF ¶ 16)

8. There is no disagreement that the Greenes are entitled to the Manufacturing Credit; this dispute relates to how it is calculated, and therefore also the amount of the credit available to the Petitioners. (JSOF ¶ 1.)

9. The Greenes claimed the following Manufacturing Credit dollar amounts during the Audit Period:

a. 2017: $37,108

b. 2018: $71,695

c. 2019: $65,768

d. 2020: $45,492

(JSOF ¶ 16, Ex. C, D, E, and F.)

10. On or about August 18, 2023, the Wisconsin Department of Revenue ("the Department") issued a Notice of Office Audit Amount Due to the Greenes, assessing additional Wisconsin income tax for calendar years 2017, 2018, 2019, and 2020. This assessment resulted from the difference between the Department's calculation of the Manufacturing Credit and that of GLHC/the Greenes. The Department's calculation of

the Manufacturing Credit was lower than the Petitioners' because the Department took into account indirect costs that were paid or incurred by Retail Company in its retail business. The total amount due over the four years was $107,467, plus interest. (JSOF ¶¶ 17, 18.)

11. During the Audit, the Auditor adjusted the "Production Gross Receipts" variable to include sale of Manufacturing Company goods through the Retail Company, which increased the Production Gross Receipts variable. (Declaration of Eric Saemann, ("Saemann Dec.") ¶10).

12. The Gross Receipts variable as reported by GLHC also includes the gross receipts of the Retail Company. (Saemann Dec. ¶11).

13. The differences in the indirect costs used by GLHC/the Greenes versus those used by the Department in calculating the Manufacturing Credit was more than $21 million every year.

	2017	2018	2019	2020
The Greenes Reported	$3,995,707	$3,851,417	$3,929,006	$3,921,130
Department Audited Determination	$27,127,804	$26,353,245	$27,343,073	$25,414,720
Difference	**$23,172,097**	**$23,771,828**	**$23,814,067**	**$21,493,590**

(JSOF ¶ 4.)

14. On or about October 16, 2023, the Greenes filed a timely Petition for Redetermination with the Department. (JSOF ¶ 19; Ex. H.)

15. At an indeterminate time, the Greenes and the Department agreed

to extend the period for redetermination to October 16, 2024. (JSOF ¶ 20.)

16. On or about October 9, 2024, the Greenes deposited $172,000 with the Department to stop the accrual of interest while this matter is pending. (JSOF ¶ 21.)

17. On or about October 11, 2024, the Department issued a Notice of Action to the Greenes, denying their Petition for Redetermination. The Notice of Action confirmed the total amount due, plus interest through the date of the Greenes' deposit. (JSOF ¶ 22; Ex. I.)

18. The Greenes timely filed a Petition for Review of the Notice of Action on December 16, 2024. (Commission file.)

APPLICABLE LAW

Wis. Stat. § 71.28(5n) Manufacturing and Agriculture Credit.

(a) *Definitions.* In this subsection:

2. "Claimant" means a person who files a claim under this subsection.

3. "Direct costs" includes all of the claimant's ordinary and necessary expenses paid or incurred during the taxable year in carrying on the trade or business that are deductible as business expenses under the Internal Revenue Code and identified as direct costs in the claimant's managerial or cost accounting record.

4. "Indirect costs" includes all of the claimant's ordinary and necessary expenses paid or incurred during the taxable year in carrying on the trade or business that are deductible as business expenses under the Internal Revenue Code, other than cost of goods sold and direct costs, and identified as indirect costs in the claimant's managerial or cost accounting records.

6. "Production gross receipts" means:

a. For taxable years beginning before January 1, 2019, gross receipts from the lease, rental, license,

sale, exchange, or other disposition of qualified production property.

b. For taxable years beginning after December 31, 2018, the sum of gross receipts from the lease, rental, license, sale, exchange, or other disposition of qualified production property and insurance proceeds received as a result of the destruction of, or damage to, crops to the extent the proceeds are included in federal taxable income for the taxable year.

8. "Qualified production activities income" means the amount of the claimant's production gross receipts for the taxable year that exceeds the sum of the cost of goods sold that are allocable to such receipts, the direct costs that are allocable to such receipts, and the indirect costs multiplied by the production gross receipts factor.

Wis. Stat. § 71.365 General provisions.

(4m) TAX-OPTION CORPORATION ELECTION TO PAY FRANCHISE OR INCOME TAX AT THE ENTITY LEVEL.

(a) If persons who hold more than 50 percent of the shares on the day on which an election under this paragraph is made consent, a corporation that is an S corporation for federal income tax purposes may elect, on or before the due date or extended due date of its return under this chapter, to be taxed at the entity level at a rate of 7.9 percent of net income reportable to this state as described in par. (d) 1. for that taxable year.

(b) It is the intent of the election under par. (a) that shareholders of a tax-option corporation may not include in their Wisconsin adjusted gross income their proportionate share of all items of income, gain, loss, or deduction of the tax-option corporation. It is also the intent that the tax-option corporation shall pay tax on items that would otherwise be taxed if this election was not made.

Tax 2.04 Information returns and wage statements.

(1) DEFINITIONS. In this section:

(a) "Pass-through entity" has the meaning given in s. 71.738 (3d), Stats.

> **(b)** "Person" means an individual, trust, estate, partnership, limited liability company, association or corporation.
>
> **Wis. Stat. § 71.738(3d)** "Pass-through entity" means a partnership, a limited liability company, a tax-option corporation, an estate, or a trust that is treated as a pass-through entity for federal income tax purposes.

SUMMARY JUDGMENT STANDARD

A motion for summary judgment will be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Wis. Stat. § 802.08(2). The party moving for summary judgment has the burden "to establish the absence of a genuine, that is, disputed, issue as to any material fact." *Kraemer Bros., Inc. v. United States Fire Ins. Co.*, 89 Wis. 2d 555, 565, 278 N.W.2d 857 (1979)." Summary judgment is only appropriate if there are no genuine issues of material fact, and the moving party, having established a prima facie case, is entitled to judgment as a matter of law. Summary judgment materials, including pleadings, depositions, answers to interrogatories, and admissions on file are viewed in the light most favorable to the nonmoving party." *AccuWeb, Inc. v. Foley & Lardner*, 2008 WI 24, 308 Wis. 2d 258, 746 N.W.2d 447 (internal citations omitted).

BURDEN OF PROOF

Assessments made by the Department are presumed to be correct, and the burden is on the Petitioners to prove by clear and satisfactory evidence in what respects the Department erred in its determinations. *Calaway v. Dep't. of Revenue*, Wis. Tax Rptr.

(CCH) ¶ 400-856 (WTAC 2005), citing *Puissant v. Dep't. of Revenue*, Wis. Tax Rptr. (CCH) ¶ 202-401 (WTAC 1984). Tax exemptions, deductions, and privileges are matters of legislative grace and are strictly construed against the taxpayer. *Ramrod, Inc. v. Dep't. of Revenue*, 64 Wis. 2d 499, 504 (1974). Tax credits are subject to the same strict construction. *L&W Construction Co., inc. v. Dep't. of Revenue*, 149 Wis. 2d 684, 690 (Ct. App. 1989).

STATUTORY INTERPRETATION

Statutory interpretation begins with the language of the statute. *State ex. rel. Kalal v. Circuit Court for Dane Cty.*, 2004 WI 58, 271 Wis. 2d 633, 681 N.W.2d 110. If the Commission finds a "plain, clear statutory meaning, then there is no ambiguity, and the statute is applied according to this ascertainment of its meaning." *Id.*, ¶46. The test for whether a statute is ambiguous examines the language of the statute to determine whether the statutory language "reasonably gives rise to different meanings." *Id.*, ¶47. If the meaning of the statue is clear from its plain language, we do not look beyond that language to ascertain its meaning. *Dep't of Revenue v. Microsoft*, Wis. Tax Rptr. (CCH) ¶402-333 (Ct. App. 2019).

ANALYSIS

Petitioners argue that only the indirect costs of the Manufacturing Company should be used in calculating the Manufacturing credit and support this primarily using two sources: the first, focusing on one phrase in a definition section of the statute and next, looking beyond the statute to an informational document from the Legislative Fiscal Bureau. The Department argues that we should read the full Manufacturing Credit statute, instead of focusing narrowly on one phrase within one

definition, looking to the identity of the claimant taxpayer to determine which costs to use in determining the credit. The Department then also asks us to look beyond the statute to examine notes from the legislative history, maintained by the Legislative Reference Bureau, which they claim supports their interpretation of the statute.

The Commission has interpreted the Manufacturing Credit statute before. We described the calculation of Qualified Production Activities Income as follows:

> In somewhat clearer shorthand, Qualified Production Activities Income is calculated as follows:
>
> Production Gross Receipts
>
> Less: Cost of goods sold
>
> Less: Direct Costs
>
> Less: Indirect Cost multiplied by production gross receipts factor = Qualified Production Activities Income

The Graphic Edge v Dep't of Revenue, Wis. Tax Rptr. (CCH) ¶ 402-500 (WTAC 2021). Reasonable minds may differ as to whether or not that is "somewhat clearer shorthand," so here we also include the calculation of Qualified Production Activities Income expressed as a formula, with the terms briefly defined:[3]

QPAI = (PGR – COGS – Direct Costs - ((PGR/GR)) x Indirect Costs) - Exclusions) x MPF

QPAI = Qualified Production Activities Income
PGR = Production Gross Receipts
COGS = Costs of Goods Sold (allocable to Production Gross Receipts)
Direct Costs = Direct Costs allocable to Production Gross Receipts
GR = Gross Receipts
PGR/GR = Production Gross Receipts Factor, or Production Gross Receipts divided by total Gross Receipts

[3] These brief descriptions of the terms, largely defined in Wis. Stat. § 71.28(5n)(a)8., were provided by the Department in the Saemann Dec. They are neither facts nor legal arguments and should not be understood to replace the legal interpretation of any definition found in the statute. This, like our "somewhat clearer shorthand" in *Graphic Edge,* is provided here with the intent to aid in the understanding of the mathematical formula used to calculate the Manufacturing Credit.

Indirect Costs = Total administrative overhead of the claimant
Exclusions = Statutory list of items not at issue in this dispute
MFP = Manufacturing Property Factor

Petitioners argue that we should narrowly focus on a portion of the Manufacturing Credit statute, Wis. Stat. § 71.28(5n)(a)4., the definition of "indirect costs," specifically the phrase within the definition, "trade or business." Petitioners do not believe that the indirect costs of the Retail Company should be used in the calculation of the Manufacturing Credit, only the indirect costs of the Manufacturing Company, and believe the phrase "trade or business" in the statute supports this.

Petitioners ask the Commission to focus on the fact that of the two wholly owned subsidiaries of GLHC, only one is in the trade or business of manufacturing, the Manufacturing Company; the other is a Retail Company. We follow the intuitive logic that a Manufacturing Credit should apply to a Manufacturing Company, and that it makes sense to disregard the expenses of a different business. Intuition and logic, however, do not form the basis of tax law: statutes do. When Petitioners' claim, "The fact that both businesses are disregarded entities for income tax purposes does not change the analysis," (POB p. 9) they might be correct if both businesses were not a part of the same single S corporation.

The parties - including the Petitioners - stipulated that "GLHC is entitled to claim the Manufacturing Credit." (JSOF ¶ 1). If GLHC is entitled to claim the Manufacturing Credit, GLHC, the S-corporation, must be the "claimant" under Wis. Stat. § 71.28(5n)(a)2.

The rest of the determination of the Manufacturing Credit flows inexorably

from the identity of the claimant. In particular, the Wis. Stat. § 71.28(5n)(a)4. definition of "indirect costs" specifically refers to "all" such costs from the claimant. This definition is clearly meant to be inclusive, beginning with the phrase "includes all," and continuing with multiple subordinate clauses structured as "this thing and that similar thing" or "either this thing or that similar thing." For example, the statute includes each of the following inclusive pairs: ordinary *and* necessary expenses; paid *or* incurred; trade *or* business; managerial *or* cost accounting record.

The only deductible business expense under the Internal Revenue Code explicitly excluded from the definition of "indirect costs" in this definition is the "cost of goods sold and direct costs." The reference "in carrying on the trade or business" is no more clearly limited to "of manufacturing," when the claimant is not solely in the trade or business of manufacturing, than the reference to "managerial or cost accounting records" is clearly meant to limit the indirect costs to those calculated under GAAP accounting principles versus IFRS accounting principles.

James Greene, in his Declaration, explains that prior to 2009, the two businesses filed separate tax returns. In 2009, he intentionally changed the tax structure of his businesses. There has been no suggestion that he was coerced to make this change, or that he was prevented from changing it again after 2009. This change may have resulted in tax consequences Mr. Greene did not foresee and now deems undesirable, but the tax consequences resulted nonetheless. The Commission has seen many cases where individuals and business entities have made decisions that had unintended tax consequences. It does seem probable that if the Manufacturing Company were filing

taxes as a stand-alone company, it would be situated differently with regard to the Manufacturing Credit. However, tax credits are a matter of legislative grace and must be strictly construed by this Commission. There is no tax credit in the Wisconsin Statutes written in such a way that would allow the successful argument of, "if we had chosen to organize our business another way, we could have gotten this credit, so we should get it anyway." Businesses are bound by their choice of corporate structure until such time that they formally change it.

Reading the statute in a way that included the entire S-corporation business belonging to the claimant did not appear difficult to the Petitioners when it was mathematically favorable to the company. They included gross receipts from both the Retail Business and Manufacturing Business in their Schedule M-AM filings. The Petitioners' combination of using the full S-corporation business in the gross receipts section of the Manufacturing Credit equation while arguing that they should be allowed to avoid using the full S-corporation business in the indirect costs section of the same equation takes considerable nerve. We can find no plausible basis for that interpretation of the statute.[4]

The Department asks us not to focus so narrowly on a single definition within Wis. Stat. § 71.28(5n), but to look at the entire Manufacturing Credit statute, along

[4] At this time, the Commission has elected not to undertake a full analysis of whether or not that combination of Petitioners' choices arises to the level of making this appeal frivolous or groundless under Wis. Stat. § 73.01(4)(am) and Wis. Admin. Code § TA 1.63(2)(c). We do, however, take the opportunity to take particular note of the language of that code section: "The petitioner or petitioner's representative knew, or should have known, that the appeal was without reasonable basis in law or equity or could not be supported by a good faith argument for an extension, modification or reversal of existing law."

with Schedule M-AM and its accompanying instructions, which is the form taxpayers must complete in order to obtain the Manufacturing Credit.

Both parties cited to extraneous sources discussing the Manufacturing Credit, apparently under the assumption that a statute that is complicated is also ambiguous. While there are many mathematical steps required to determine the Manufacturing Credit, this is not uncommon in tax codes. We have never held complexity to be synonymous with ambiguity.

Although the Commission found the discussion of these extraneous sources of minimal value, we nonetheless address the claims each party made. Petitioners asked us to look beyond the statute to the claim that the Legislative Fiscal Bureau says only the Manufacturing Company's indirect costs should be used in calculating the Manufacturing Credit, arguing as follows:

> The Legislative Fiscal Bureau's description of the Manufacturing Tax Credit adheres to this plain language reading of the statute: it explains that direct and indirect costs are those associated with production gross receipts and identified in managerial or cost accounting records. See *Legislative Fiscal Bureau, Informational Paper 11, Manufacturing and Agriculture Tax Credit*, at 7-8 (Jan. 2025).[5]

(Petitioners' Opening Brief in Support of Its Motion for Summary Judgment, ("POB") p. 8). Unfortunately, no such language appears on pages 7-8 of that document. A multi-page

[5] We note specifically that this document was published in 2025, and the Audit years were 2017-2020. It is thus impossible for Petitioners to have relied upon this *Informational Paper*. Petitioners did not cite to earlier versions of this document, nor did they assert their existence, but we address the issue for the sake of completeness.

analysis of who used the Manufacturing and Agriculture Credit and how, between 2013 and 2021, begins partway through page 6 and runs through page 11.

There is language on page six of *Informational Paper 11, Manufacturing and Agriculture Tax Credit*, which, in a single paragraph, both undercuts and perhaps supports Petitioners' position. There, the Legislative Fiscal Bureau offers this opinion:

> Pass-through entities, such as partnerships, limited liability companies (LLCs), and tax-option (S) corporations, may not claim the MAC. Instead, the credit computed by those entities can pass through to these entities' respective partners, members, or shareholders based on the amount of QPAI generated by the pass-through entities. Partnerships, LLCs, and S corporations that elect to be taxed at the entity level may not claim the MAC (and neither may the owners). See *Legislative Fiscal Bureau, Informational Paper 11, Manufacturing and Agriculture Tax Credit*, at 6 (Jan. 2025).

In other words, the Legislative Fiscal Bureau's *Informational Paper 11* states that neither the S corporation GLHC, nor the owners, the Greenes, may claim the Manufacturing Credit. Under this interpretation, no S corporations or owners of S corporations are entitled to the Manufacturing Credit, under any circumstances whatsoever. Each of the first and last sentences specifically prohibit Petitioners from taking the Manufacturing Credit. It is rather astonishing that Petitioners cited *Informational Paper 11* as supporting its interpretation of the statute without even addressing the two sentences in this paragraph that state the opposite.

Somewhat less clear is the sentence in the middle of that paragraph, "Instead, the credit computed by those entities can pass through to these entities' respective partners, members, or shareholders based on the amount of QPAI generated

by the pass-through entities." This suggests that the Legislative Fiscal Bureau may be of the opinion that Manufacturing Company should have computed the Manufacturing Credit based on the amount of QPAI generated by the Manufacturing Company alone. Unfortunately, the repeated use of the words "entities" and "pass through," with potentially different meanings in the span of a single sentence, renders this guidance more opaque than the Legislative Fiscal Bureau probably intended. Thus, the support that this section provides to Petitioners' position is minimal.

Furthermore, as a body primarily concerned with the fiscal impact of legislation, Legislative Fiscal Bureau is understandably less familiar with how an S corporation like GLHC or its owners, the Greenes, actually file for various different kinds of tax credits, including the Manufacturing Credit. It might "make sense" for the Manufacturing Credit to be computed using only the Manufacturing Company's numbers. But if the Manufacturing Company is not the claimant, it cannot claim the credit. The tax credit follows the language of the statute, not the idea of the statute.

The Department also urged us to look beyond the statute to notes from the legislative history, maintained by the Legislative Reference Bureau. There were three pages of notes in total, in two obviously different handwritings, all unsigned, undated, and largely illegible (though we agree that the word "all" could be read). Even if we found these notes to say what the Department tells us they say, whose intent they might then reflect cannot be discerned. Are they notes from a meeting with the bill's primary author? The Majority leader from one of the legislative bodies? The Governor? Were

changes made to the statutory language after these meetings? Why or why not? Without additional context, little can be gleaned from these documents.

When a statute is not ambiguous, there is fortunately no reason to search for extrinsic guidance. Even if the Legislative Fiscal Bureau's interpretation was perfectly clear, we are not bound by their interpretation of a statute any more than we are bound by the Department's. Nor do we need to imagine a Platonic Form of legislators to whom we can ascribe intent. Instead, we continue to rely on our own prior cases as well as those from higher courts.

The plain language of the statute is not ambiguous. This is the third case arising under the Manufacturing Credit that this Commission has ruled on since 2019.[6] We have not considered it ambiguous before, and we do not consider it ambiguous now. Accordingly, we find that under Wis. Stat. § 71.28(5n) Petitioners were required to use all of the indirect costs associated with GLHC in calculating the Manufacturing Credit during the audit period.

CONCLUSIONS OF LAW

1. Wis. Stat. § 71.28(5n) requires S-corporations to use all of the indirect costs associated with their wholly owned subsidiaries in calculating the Manufacturing Credit, even if not all of the wholly owned subsidiaries are manufacturing companies.

2. The Department's calculation of Petitioners' Manufacturing Credit for 2017-2020 is correct.

---

[6] *The Graphic Edge v Dep't of Revenue*, Wis. Tax Rptr. (CCH) ¶ 402-500 (WTAC 2021) and *General Mills v Dep't of Revenue*, Wis. Tax Rptr. (CCH) ¶ 402-521 (WTAC 2022).

ORDER

1. The Petitioners' Motion for Summary Judgment is denied.

2. The Department's Motion for Summary Judgment is granted.

3. The Department's assessments of Petitioners' Wisconsin income taxes, along with any applicable assessed interest and penalties, for 2017-2020, are upheld.

Dated at Madison, Wisconsin, this 3rd day of November, 2026.

WISCONSIN TAX APPEALS COMMISSION

Elizabeth Kessler, Chair

Jessica Roulette, Commissioner

Elizabeth Hoffmann, Commissioner

ATTACHMENT: **NOTICE OF APPEAL INFORMATION ATTACHED**

WISCONSIN TAX APPEALS COMMISSION
101 E Wilson St, 5th Floor
Madison, Wisconsin 53703

NOTICE OF RIGHTS FOR REHEARING, OR JUDICIAL REVIEW, THE TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE NAMED AS RESPONDENT

A taxpayer has two options after receiving a Commission final decision:

Option 1: **PETITION FOR REHEARING BEFORE THE COMMISSION**

The taxpayer has a right to petition for a rehearing of a final decision within 20 days of the service of this decision, as provided in Wis. Stat. § 227.49. The 20-day period commences the day after personal service on the taxpayer or on the date the Commission issued its original decision to the taxpayer. The petition for rehearing should be filed with the Tax Appeals Commission and served upon the other party (which usually is the Department of Revenue). The Petition for Rehearing can be served either in-person, by USPS, or by courier; however, the filing must arrive at the Commission within the 20-day timeframe of the order to be accepted. Alternately, the taxpayer can appeal this decision directly to circuit court through the filing of a petition for judicial review. It is not necessary to petition for a rehearing first.

AND/OR

Option 2: **PETITION FOR JUDICIAL REVIEW**

Wis. Stat. § 227.53 provides for judicial review of a final decision. Several points about starting a case:

1. **The petition must be filed in the appropriate county circuit court and served upon the Tax Appeal Commission and the other party (which usually is the Department of Revenue) either in-person, by certified mail, or by courier,** within 30 days of this decision if there has been no petition for rehearing or, within 30 days of service of the order that decides a timely petition for rehearing.
2. If a party files a late petition for rehearing, the 30-day period for judicial review starts on the date the Commission issued its original decision to the taxpayer.
3. The 30-day period starts the day after personal service, or the day we mail the decision.
4. **The petition for judicial review should name the other party (which is usually the Department of Revenue) as the Respondent, but not the Commission, which is not a party.**

For more information about the other requirements for commencing an appeal to the circuit court, you may wish to contact the clerk of the appropriate circuit court or, the Wisconsin Statutes. The website for the courts is *https://wicourts.gov*.

This notice is part of the decision and incorporated therein.