

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01546-REB-CBS

THE DIRECT MARKETING ASSOCIATION,

Plaintiff,

v.

ROXY HUBER, in her capacity as Executive Director,
COLORADO DEPARTMENT OF REVENUE,

Defendant.

DECLARATION OF GEORGE REISER

I, George Reiser, pursuant to 28 U.S.C. § 1746, do depose and state as follows:

1. I am a supervisor in the Tax Compliance Section of the Colorado Department of Revenue. I make this declaration upon my personal knowledge.
2. I have worked in the Tax Compliance Section of the Colorado Department of Revenue for 16 years and as a supervisor in the Tax Compliance Section of the Colorado Department of Revenue for 8 years.
3. There are approximately 30 tax compliance agents employed by the Colorado Department of Revenue. I supervise 7 of these tax compliance agents.
4. Individual tax compliance agents in my unit are required to complete 360 sales tax license checks per year. These license checks are initiated by referrals received through the Criminal Tax Section and the Taxpayer Service Section of the Colorado Department of Revenue as well as various other sources, including cities,

counties, and citizen complaints. The remainder of the license checks are initiated at random by the tax compliance agent.

5. The license checks involve personal visits to each retailer to ensure compliance with both section 39-26-103 of the Colorado Revised Statutes, which mandates that each retailer hold a Colorado Department of Revenue sales tax collection license; and section 39-26-104 of the Colorado Revised Statutes, which mandates that each retailer collect sales tax on each sale of personal tangible property or services.

6. During the aforementioned license reviews, the compliance agents in my unit discover an average of 10 retailers per year that are not licensed and/or not collecting sales tax in accordance with the Colorado Revised Statutes.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 30th day of September, 2010.



George Reiser