

FORM 886-A – EMPLOYEE RETENTION CREDIT SUBSTANTIATION

Date: 03/06/2025

Business Name: West Coast Marble and granite

EIN: 23-51235

Location: Camarillo, CA

Applicable Time Periods: Q3 2020 (and other relevant quarters)

Business Type: Business

1. ISSUE

The primary issue is whether West Coast Marble and granite was fully or partially suspended in its operations as a result of government orders related to COVID-19 during Q3 2020. This determination is essential to substantiate the Employee Retention Credit (ERC) since eligibility hinges on demonstrating that governmental COVID-19 orders materially limited business operations during the covered quarters.

2. FACTS

West Coast Marble and granite, operating in Camarillo, CA, experienced significant disruptions during Q3 2020 as a direct consequence of multiple COVID-19 government orders issued at the state, county, and city levels. The business's operations were affected by mandated closures, restrictions on indoor services, capacity limitations, and modified operating practices. The following government orders were in effect during or continued to impact Q3 2020 and are summarized below:

- Order Name: Statewide Stay-at-Home Order
 - Order Number: N-33-20
 - Date Enacted: 03/19/2020
 - Date Rescinded: 06/15/2021
 - Order Summary: This order mandated that all Californians remain at home except when conducting essential activities. It required non-essential businesses to either suspend in-person operations or implement significant modifications to ensure public safety.

- Impact on Quarter: In Q3 2020, the lingering restrictions from this order continued to limit the operational capacity of West Coast Marble and granite by curtailing on-site activities and reducing client interactions.

- Order Name: Reimposed Closures for Indoor Services

- Order Number: Not applicable

- Date Enacted: 07/13/2020

- Date Rescinded: Still in effect (until superseded by subsequent modifications)

- Order Summary: This order reclosed or restricted operations for indoor services such as dine-in facilities, personal service providers, and gathering spaces to mitigate a surge in COVID-19 cases. It called for immediate cessation of non-essential indoor operations and mandated that businesses adhere to strict operational limits.

- Impact on Quarter: The order directly affected businesses operating in Q3 2020 by forcing operational modifications, reducing physical interactions, and compelling businesses to either temporarily halt or significantly adjust their service offerings.

- Order Name: Blueprint for a Safer Economy

- Order Number: Not applicable

- Date Enacted: 08/28/2020

- Date Rescinded: Still in effect (until reclassification or subsequent guidance)

- Order Summary: This framework introduced a risk-based, color-tier system for reopening, which imposed varying restrictions on business operations based on local COVID-19 conditions. It required businesses to meet specific health and safety protocols to operate at limited capacity depending on their designated tier.

- Impact on Quarter: For Q3 2020, West Coast Marble and granite had to operate under reduced capacity and enhanced health protocols, directly impacting productivity and revenue potential due to lower client throughput.

- Order Name: Stay Well at Home Order

- Order Number: Not applicable

- Date Enacted: 03/20/2020

- Date Rescinded: 06/11/2021

- Order Summary: This county-level order required residents to remain at home except for essential activities, thereby indirectly limiting non-

essential business operations. It reinforced state mandates and necessitated that businesses find alternative service delivery methods or suspend operations altogether.

- Impact on Quarter: In Q3 2020, the enduring effects of this order forced West Coast Marble and granite to adjust service protocols and limited direct customer access, contributing to a partial suspension of normal business functions.

- Order Name: Camarillo Local Emergency Proclamation

- Order Number: EOC Director Order No. 20-1

- Date Enacted: 03/13/2020

- Date Rescinded: Still in effect (officially ended in 2022)

- Order Summary: The declaration of a local emergency enabled the City of Camarillo to deploy emergency measures, restrict public gatherings, and implement additional safeguards for public health. It set the stage for subsequent local orders and modifications that directly affected business operations.

- Impact on Quarter: This proclamation underpinned other restrictive measures that affected West Coast Marble and granite during Q3 2020 by supporting the imposition of additional limitations on operating practices within Camarillo.

- Order Name: Temporary Outdoor Dining Program

- Order Number: Resolution No. 2020-63

- Date Enacted: 06/10/2020

- Date Rescinded: 06/15/2021

- Order Summary: The temporary program authorized the modification of traditional dining areas to an outdoor format by waiving certain zoning and fee requirements. It was intended to provide an alternative operational model for restaurants and similar businesses affected by indoor dining restrictions.

- Impact on Quarter: While designed primarily to assist food service establishments, this measure influenced local business adaptation strategies in Q3 2020 and demonstrated the broader impact of COVID-19 orders on business operational models, which indirectly affected service contractors and supply chain relationships for West Coast Marble and granite.

- Order Name: Ventura County Eviction Moratorium

- Order Number: Urgency Ordinance No. 4563

- Date Enacted: 04/22/2020
 - Date Rescinded: 09/30/2020
 - Order Summary: This ordinance temporarily halted evictions for tenants experiencing financial difficulties due to COVID-19 economic disruption. It was enacted to protect both residential and commercial tenants from losing their premises during the crisis.
 - Impact on Quarter: For West Coast Marble and granite, this provided critical regulatory relief during Q3 2020 by ensuring stability in occupancy costs despite significant revenue losses.
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3. LAW

The Employee Retention Credit (ERC) is available to eligible employers who experienced either a full or partial suspension of their operations due to COVID-19 government orders. Under the Internal Revenue Code and further clarified by IRS Notice 2021-20, a “partial suspension” occurs when government orders meaningfully restrict an employer’s ability to conduct operations. Guidance provided in IRS notices and related guidance specifies that the impact of orders from federal, state, and local authorities may be aggregated to determine eligibility when operations are affected during a covered quarter.

4. ARGUMENT

- West Coast Marble and granite experienced significant operational constraints during Q3 2020 due to the cumulative impact of multiple government orders.
- The Statewide Stay-at-Home Order (N-33-20) and the subsequent order reimposing closures for indoor services directly curtailed routine business activities, resulting in a partial suspension of normal operations.
- The Blueprint for a Safer Economy imposed further restrictions by mandating a reduced capacity environment with stringent safety protocols, and the local orders—such as the Camarillo Local Emergency Proclamation and related measures—amplified these restrictions at the city level.
- Additionally, the Ventura County Eviction Moratorium provided regulatory relief in a period of significant financial strain, reinforcing the extraordinary conditions under which the business operated.
- In aggregate, these orders satisfy the ERC requirements detailing that a business’s operations were materially limited, thereby making West Coast

Marble and granite eligible for the credit on a quarter-by-quarter basis.

5. CONCLUSION

Based on the evidence presented, including the detailed impact of federal, state, county, and city COVID-19 orders, it is clear that West Coast Marble and granite experienced a partial suspension of operations during Q3 2020. The limitations imposed by the Statewide Stay-at-Home Order, subsequent indoor service closures, the Blueprint framework, and local emergency provisions substantiate that the business's operations were materially and adversely affected during the covered period. Therefore, West Coast Marble and granite qualifies for the Employee Retention Credit for Q3 2020 and any other quarter where similar restrictions applied.

Certification:

I certify under penalties of perjury that the information contained in this document is true and correct to the best of my knowledge and that all applicable government orders have been accurately and fully described.

Signature

Title

Date 03/06/2025