

4/8/2025

Internal Revenue Service
Ogden, UT 84201

EIN: ertwer

Taxpayer Name: rtertw

RE: Formal Protest to Letter 105 – ERC Disallowance for Q2

Tax Period: 2nd Quarter 2020 (202006)

DEAR APPEALS OFFICER:

We write in response to the recent notice disallowing rtertw's Employee Retention Credit (ERC) claim for the second quarter (Q2) of 2020. The notice asserts that no government orders were in effect from April 1 through June 30, 2020 that imposed any suspension on our business. We respectfully disagree. Multiple orders issued by federal, state, and local authorities remained active during Q2 2020, each of which contributed to the partial suspension of our normal operations. In this formal protest, we provide a detailed overview of the relevant government orders and demonstrate how they caused more than a nominal restriction on our activities during the second quarter of 2020.

Below is a chronological presentation of the principal COVID-19 government orders that applied in Ventura County, California (including local, state, and federal orders) and directly impacted rtertw. Each order is listed in the required format, showing the full name, official number, dates enacted and rescinded, a concise summary of what the order mandated, and the specific impact on our operations in Q2 2020.

1) Order Name: Proclamation 9994 – National Emergency Concerning COVID-19

ORDER NUMBER: PROCLAMATION 9994

DATE ENACTED: 03/13/2020

Date Rescinded: Still in effect during Q2 2020 (not rescinded in 2020)

Order Summary: This proclamation declared a nationwide emergency due to the COVID-19 pandemic. It authorized federal emergency powers and laid the groundwork for more stringent state and local restrictions.

Impact on Quarter: Although it did not itself close businesses, Proclamation 9994 enabled subsequent state and county mandates that curtailed rtertw's normal operations throughout Q2 2020. By placing the nation in an official emergency, it supported rigorous state-level stay-at-home orders and industry-specific rules that contributed to our partial suspension.

2) Order Name: State of Emergency Proclamation – California COVID-19 State of Emergency

ORDER NUMBER: N/A (GOVERNOR’S PROCLAMATION)

DATE ENACTED: 03/04/2020

Date Rescinded: Still in effect during Q2 2020 (no rescission in 2020)

Order Summary: Governor Newsom declared a state of emergency in California due to COVID-19, granting state health officials wide authority to impose restrictions that would slow the virus’s spread.

Impact on Quarter: From April through June 2020, rtertw’s operations remained subject to state-level emergency rules stemming from this proclamation. Our business faced ongoing capacity and activity restrictions mandated and enforced under the state of emergency, which compelled us to modify and partially suspend several in-person services.

3) Order Name: Executive Order N-33-20 – Statewide “Stay-at-Home” Order

ORDER NUMBER: N-33-20

DATE ENACTED: 03/19/2020

DATE RESCINDED: 06/15/2021

Order Summary: This statewide directive required all California residents to stay at home except for essential needs or permitted work in critical infrastructure sectors. It forced many “non-essential” businesses to cease or drastically reduce in-person activities, while “essential” sectors remained open with strict precautions.

Impact on Quarter: During Q2 2020, rtertw was restricted from operating at full scale because the stay-at-home order substantially limited onsite activities. Even if portions of our services were permitted, we had to abide by severe capacity constraints and social distancing protocols, resulting in a significant partial suspension of our normal operations.

4) Order Name: State Public Health Officer Order (Stage 2 Reopening)

ORDER NUMBER: ISSUED 05/07/2020

DATE ENACTED: 05/07/2020

DATE RESCINDED: 06/15/2021

Order Summary: California’s Public Health Officer initiated an early Stage 2 reopening plan, allowing lower-risk businesses to resume with modifications (e.g., curbside pickup for retailers, limited onsite operations for certain sectors). Higher-risk enterprises were still restricted from normal operations.

Impact on Quarter: Although Stage 2 eased some restrictions in May 2020, many in-person services at rtertw remained partially suspended or capped at minimal operations. Complying with distancing, face-covering rules, and other safety measures

reduced our capacity to serve clients and conduct everyday business functions in Q2 2020.

5) Order Name: Ventura County Local Health Emergency

Order Number: County Declaration of Local Health Emergency (03/12/2020)

DATE ENACTED: 03/12/2020

Date Rescinded: Still in effect during Q2 2020 (not rescinded in 2020)

Order Summary: Declared by the Ventura County Public Health Officer, this local emergency empowered county officials to adopt and enforce health orders, align with state mandates, and swiftly address local outbreaks. It formed the basis for countywide business closures and capacity limits.

Impact on Quarter: Throughout Q2 2020, rtertw had to comply with a series of county-level orders issued under this local emergency, including site closures, social distancing protocols, and mandatory safety measures. These directives directly contributed to the partial suspension of onsite work and customer interactions.

6) Order Name: Ventura County "Stay Well at Home" Order

ORDER NUMBER: COUNTY HEALTH OFFICER ORDER DATED 03/20/2020

DATE ENACTED: 03/20/2020

Date Rescinded: June 2021 (remained in effect, with modifications, for all of Q2 2020)

Order Summary: This countywide stay-home directive closely followed the statewide mandate. It required all non-essential businesses within Ventura County to cease in-person operations, permitted essential sectors only under strict safeguards, and mandated residents to stay at their residences except for essential errands.

Impact on Quarter: During Q2 2020, rtertw was significantly impacted by county-level enforcement of this order, which compelled us to keep large portions of our normal business activities closed or sharply restricted. Despite attempts to operate remotely where possible, we faced a partial suspension since our standard in-person services were substantially curtailed.

7) Order Name: Ventura County Public Health Order – 03/31/2020

ORDER NUMBER: EXTENDED STAY-HOME REQUIREMENTS TO 04/19/2020

DATE ENACTED: 03/31/2020

Date Rescinded: Superseded 04/20/2020 by subsequent county orders

Order Summary: The March 31 order extended and reinforced Ventura County's stay-at-home provisions, adding social distancing protocols for essential businesses and banning public gatherings.

Impact on Quarter: This extension was in full force during the early part of Q2 2020, ensuring that rtertw could not operate at normal capacity. We had to reduce onsite

staffing and comply with distancing rules, creating a partial suspension of day-to-day operations.

8) Order Name: Ventura County Public Health Order – 04/09/2020

Order Number: County Health Officer update prohibiting gatherings

DATE ENACTED: 04/09/2020

Date Rescinded: Superseded 04/20/2020 by a further extension

Order Summary: This update banned gatherings of any size outside a single household and introduced mandatory social distancing protocols for businesses that remained open.

Impact on Quarter: Under this order, rtertw had to cancel all in-person group meetings, training sessions, and other activities that would normally involve multiple participants on-site. This forced us to suspend or drastically reduce certain lines of work and community engagement, contributing to our partial suspension.

9) Order Name: Ventura County Public Health Order – 04/20/2020

Order Number: Extended stay-home requirements through May 15, 2020

DATE ENACTED: 04/20/2020

Date Rescinded: Replaced 05/07/2020 by the “Safely Reopening Ventura County” order

Order Summary: Ventura County’s April 20 order further prolonged the closure of non-essential businesses and continued strict social distancing and face-covering directives in essential sectors.

Impact on Quarter: During Q2 2020, this extension prevented rtertw from resuming many in-person services and compelled us to keep our physical location largely restricted, further validating the partial suspension of our operations.

10) Order Name: “Safely Reopening Ventura County” Order

ORDER NUMBER: ISSUED 05/07/2020

DATE ENACTED: 05/07/2020

Date Rescinded: 08/31/2020 (superseded by later state orders)

Order Summary: This county order aligned with California’s Stage 2 reopening by allowing certain low-risk businesses to reopen under strict modifications. However, higher-risk services remained closed, and rigorous social distancing, sanitation, and occupancy limits applied.

Impact on Quarter: While this order permitted limited re-openings for part of Q2 2020, rtertw’s regular operations were still constrained. Many of our activities were either disallowed or subject to reduced occupancy requirements. Even partial reopening requirements led to a continued suspension of significant parts of our business.

In summary, Q2 2020 was not a “back to normal” environment for rtertw. On the contrary, overlapping federal, state, and Ventura County orders either closed or severely restricted in-person operations. Even when some sectors began reopening in May, the strict capacity limits, gathering bans, and safety protocols mandated by these orders had a material, more-than-nominal impact on our business. Accordingly, we qualify for the Employee Retention Credit under the “partial suspension” rules—even though we continued to operate as best we could, these government orders forced a substantial reduction in our normal operations.

REQUEST FOR REVERSAL OF DISALLOWANCE

We respectfully request that the IRS reverse its disallowance of our ERC for the second quarter of 2020. The above orders clearly demonstrate that rtertw was forced to operate under government-mandated constraints that meet the criteria for a partial suspension. Our business was not permitted to conduct ordinary in-person activities at full capacity from April 1 through June 30, 2020; rather, we were subject to mandatory closures, extended stay-at-home directives, and significant social-distancing rules. Regulations and official guidance confirm that such orders qualify as a partial suspension under IRC §2301 and related IRS Notices.

STATEMENT UNDER PENALTIES OF PERJURY

Under penalties of perjury, I declare that I have submitted this protest and accompanying documents, and to the best of my knowledge and belief, the information contained herein is true, correct, and complete.

Thank you for your consideration in reviewing this protest. We trust that the detailed evidence presented will justify rtertw’s entitlement to the Employee Retention Credit for Q2 2020. If you require any additional information, please feel free to contact us.

Sincerely,

[Signature]

[Name], Authorized Representative for rtertw

ATTACHMENTS:

1. source_2_gov.ca.gov.pdf - <https://www.gov.ca.gov/2020/03/04>
2. source_3_gov.ca.gov.pdf - <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf>
3. source_4_cdpH.ca.gov.pdf - https://www.cdpH.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf
4. source_5_ventura.org.pdf - <https://www.ventura.org/covid19>