

3/3/2025

Internal Revenue Service

Ogden, UT 84201

EIN: 23-4124124

Taxpayer Name: West Coast Marble

RE: Formal Protest to Letter 105 – ERC Disallowance for Q4

Tax Period: 4th Quarter 2020 (202010)

Claim Amount: \$125,000

Dear Appeals Officer,

We write in response to the IRS notice disallowing West Coast Marble's Employee Retention Credit (ERC) claim for the fourth quarter of 2020. The disallowance was based on an assertion that “no government orders were in effect” from October 1 to December 31, 2020, that resulted in a suspension or partial suspension of our operations. We respectfully disagree. Multiple federal, state, county, and city government orders were active during Q4 2020 and imposed COVID-19–related restrictions that directly limited our business operations in Camarillo, CA. In this letter, we provide a detailed timeline of relevant orders, demonstrate their operational impact on West Coast Marble, and cite supporting documentation—including official order hyperlinks—to show that our claim clearly meets the “partial suspension” test under the ERC guidelines.

Timeline of COVID-19 Government Orders Active in Q4 2020

Despite partial reopenings earlier in the year, several critical orders remained in effect during Q4 2020 that required West Coast Marble to modify its business operations, reduce in-store capacity, and adhere to public health mandates. Below is a chronological timeline of the key orders that impacted our operations during the fourth quarter:

- Federal – U.S. National Emergency Concerning COVID-19

Order Date: March 13, 2020

Date Rescinded: Remained effective through 2020

Link: [See Attachment 1:
attachment_1_https___bidenwhitehouse_archiv.pdf]

Summary: The national emergency declaration provided the legal framework for subsequent state and local orders. Although it did not mandate business closures directly, it affirmed the federal commitment to COVID-19 response measures that underpinned later restrictions affecting our operations.

- California State – Executive Order N-33-20 “Stay-at-Home” Order

Order Date: March 19, 2020

Date Rescinded: June 15, 2021

Link: [See Attachment 2:
attachment_2_https___www_gov_ca_gov_wp_cont.pdf]

Summary: This statewide order mandated that non-essential businesses suspend in-person operations. Even as phased reopenings began, many operational rules, including reduced capacity and modified work practices, remained enforced during Q4 2020. West Coast Marble was compelled to operate under these limitations, which directly curtailed normal business functions.

- California State – “Blueprint for a Safer Economy” Framework

Order Date: August 28, 2020 (effective August 31, 2020)

Date Rescinded: Terminated June 15, 2021

Link: [See Attachment 3:
attachment_3_https___www_gov_ca_gov_2020_08.pdf]

Summary: Under the tiered system imposed by the Blueprint framework, Ventura County (including Camarillo) was placed in one of the more restrictive tiers well into Q4 2020. This designation meant that many indoor business activities were either closed or restricted to reduced capacity, forcing West Coast Marble to continually adjust its operational model.

- Ventura County – “Red Tier” Reopening Order

Order Date: October 6, 2020

Date Rescinded: Later amended as local conditions evolved

Link: [See Attachment 4:
attachment_4_https___vcportal_ventura_org_C.pdf]

Summary: As Ventura County transitioned from a more restrictive phase, the “Red Tier” order permitted limited indoor operations but retained strict capacity and safety protocols. For a business such as West

Coast Marble, these mandates required reduced staff presence, adjusted service delivery models, and ongoing compliance with social distancing measures—all of which materially limited normal business operations during Q4 2020.

- City of Camarillo – Local Emergency Proclamation

Order Number: EOC Director Order No. 20-1

Order Date: March 13, 2020

Date Rescinded: Remained in effect through 2020

Summary: The City of Camarillo’s declaration of a local emergency activated municipal measures that included the closure of certain public facilities and the postponement of civic activities. These actions indirectly affected local businesses by reducing community foot traffic and necessitating modifications to operational hours and client engagement strategies.

Summary of Relevant Orders and Operational Impact on West Coast Marble

For ease of reference, we summarize below how each pertinent government order impacted our business operations:

Order Rescinded	Date Enacted	Date
Operational Impact on West Coast Marble		

U.S. National Emergency (COVID-19) through Q4 2020	Mar. 13, 2020	Active
Enabled all subsequent COVID-19 measures, anchoring the legal basis for restrictions affecting our business.		
Exec. Order N-33-20 (Stay-at-Home) 15, 2021	Mar. 19, 2020	June
Mandated suspension or significant curtailment of in-person operations and employee interactions, reducing overall throughput.		
Blueprint for a Safer Economy 15, 2021	August 28, 2020	June
Imposed a tiered system resulting in continued indoor capacity restrictions in Camarillo during Q4 2020.		
Ventura County “Red Tier” Order Amended as local conditions evolved	October 6, 2020	
Maintained strict capacity limits and social distancing requirements, directly reducing service hours and operational effectiveness.		
Camarillo Local Emergency Proclamation	Mar. 13, 2020	In effect

throughout 2020 Initiated municipal measures that indirectly curtailed normal business activity and community engagement.

Each of these orders significantly impacted West Coast Marble by reducing the effective operating capacity and forcing us to adjust workflows, staffing, and service delivery well beyond mere minor modifications. The cumulative effect of these mandated constraints fulfills the “partial suspension” criteria for ERC eligibility.

ERC Partial Suspension Qualification – IRS Guidance

Under the CARES Act and subsequent IRS guidance, an employer qualifies for the ERC in a given quarter if it experienced either a significant decline in gross receipts or a full/partial suspension of operations due to governmental orders. West Coast Marble’s operations during Q4 2020 were materially restricted by the overlapping federal, state, county, and local orders detailed above. While our business continued operating, mandated capacity limits, social distancing protocols, and modified operating hours reduced our ability to conduct normal business functions by more than a nominal degree. IRS guidance (e.g., IRS Notices addressing partial suspensions) confirms that such restrictions meet the criteria for ERC eligibility.

Conclusion and Request

In light of the foregoing facts and supporting authorities, West Coast Marble qualifies for the Employee Retention Credit for Q4 2020 due to the partial suspension of its operations caused by active COVID-19 government orders. We respectfully request that the IRS reconsider and reverse the disallowance of our ERC claim. The credit we claimed is fully in line with the law and associated guidance. We have enclosed documentation of the specific orders cited (with hyperlinks provided above) along with an analysis detailing the operational impact on our business.

Thank you for your prompt and fair reconsideration of our ERC claim. West Coast Marble remains committed to operating in full compliance with all governmental orders while serving the Camarillo community, and the ERC represents a vital support in these challenging times. Please do not hesitate to contact us if further information is needed.

Attestation: "Under penalties of perjury, I declare that I submitted the protest and accompanying documents, and to the best of my personal knowledge and belief, the information stated in the protest and accompanying documents is true, correct, and complete."

Sincerely,

[Signature]

John M. Rivera, EA

Authorized Representative for West Coast Marble

Enclosures:

- Copies of Government Orders and Relevant Excerpts
- ERC Calculations for Q4 2020
- IRS Guidance Documents (including relevant IRS Notices)