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OBJECTIVE ADVICE ON THE ROAD OF LIFE

January 4, 2016

TO: Our LLC, LLP, and Regular Partnership Clients

RE: 2015 Form IT-204-LL filing fees and filing due date.

Dear Members and Partners:

Every domestic or foreign LLC or LLP that is required to file a NYS partnership return *and* that has any income, gain, loss, or deduction from New York sources must pay a New York State filing fee. The filing fee for an LLC, LLP, or regular partnership for 2015 has not changed from 2014. The amount of the filing fee is based on the New York source gross income of the LLC, LLP, or regular partnership calculated for the 2014 tax year. If this is the first year of operations for your LLC, LLP, or regular partnership, your filing fee is \$25.

The amount of the filing fee for LLC and LLPs that are required to file a NYS partnership return can range from \$25 up to \$4,500. We have attached the IT-204-LL instructions that contain tables in Part 2 to outline the LLC filing fees, New York source gross income ranges and entity types. If you are preparing the form yourself you will find a worksheet on page 3 to determine the New York source gross income. We have also attached the New York State LLC Filing Fee Form IT-204-LL for your convenience.

Fees vary for regular partnerships that are not an LLC or LLPs and are required to file a NYS partnership return. Part 2 of the instructions identify the fee can range from \$500 up to \$4,500.

Every single member limited liability company (SMLLC) that is a disregarded entity for federal income tax purposes and has income, gain, loss, or deductions derived from New York sources is subject to a filing fee of \$25.

The 2015 IT-204-LL instructions can be found at:
https://www.tax.ny.gov/pdf/current_forms/it/it204lli.pdf

The 2015 IT-204-LL form can be found at:
https://www.tax.ny.gov/pdf/current_forms/it/it204ll_fill_in.pdf

Who Must File Form IT-204-LL

This form must be filed by every LLC that is a disregarded entity for federal income tax purposes, and every LLC, LLIC, LLTC, or LLP that is required to file Form IT-204, *Partnership Return*. Every regular partnership that is required to file a New York partnership return that has income, gain, loss, or deduction from New York State sources **and** had New York source gross income for the preceding tax year of at least \$1,000,000 must also file.

When to File Form IT-204-LL

Form IT-204-LL must be filed within 60 days after the last day of the tax year of the LLC, LLP, regular partnership, or disregarded entity, with full remittance of any filing fee due attached to the form. For most filers this means February 29, 2016. There is no proration of the filing fee if the LLC, LLP, or regular partnership has a short tax year for federal tax purposes. There is no extension of time to file Form IT-204-LL or to pay the annual fee.

Our fee for preparing Form IT-204-LL for a single-member limited liability company is \$125, and our fee for preparing Form IT-204-LL for a multiple-member LLC, LLP, or regular partnership that is required to file Form IT-204 *Partnership Return* is \$150. Fees not received within 30 days of the invoice date are subject to an 18% APR finance charge.

We are required by New York State to electronically file your LLC Filing Fee form along with providing financial institution information to electronically withdraw funds related to this form. **Please review your financial institution routing and account numbers on your New York State E-File Signature Authorization form for any changes that have occurred. We will be setting the date to electronically withdraw funds from your financial institution account on Wednesday, February 24th, 2016 to allow for several business days for the funds to reach New York State. Please sign and submit your New York State E-File Signature Authorization form to us by Wednesday, February 24th, 2016.** If any changes have occurred, please provide us with new financial institution routing and account numbers as soon as possible. Please advise that New York State does not accept electronically filed LLC Filing Fee forms after the February 29, 2016 due date. Interest and a late payment penalty will be levied on the amount of the fee not paid.

If you have any questions concerning these filing requirements and fees and how they apply to you, please contact us. This fee must be remitted by February 29, 2016. We will be preparing this form for you on or around Friday, January 15, 2016. This will allow you to submit the form in a timely manner to New York State with your filing fee by the due date of February 29, 2016. **If you do not want us to prepare this form for you, please contact us prior to Friday, January 15, 2016.**

Sincerely,

Kumlander, Donofrio, Hay & Pehl

The Business Division
Kumlander, Donofrio, Hay & Pehl, CPAs, LLP