

Internal Revenue Service
Ogden, UT 84404

Department of the Treasury

Taxpayer Identification Number:

Form:

1040

Tax Period Ended and Tax Deficiency:

December 31, 2001

\$479,515.03

Person to Contact:

Tax Technician

Contact Telephone Number:

1-866-899-9085 (Toll-Free)

Contact Hours:

7 A.M. to 7 P.M. MST Monday-Friday

Fax Number:

Employee Identification Number:

29-61699

Last Date to Respond to this letter:

May 9, 2004

Date: April 9, 2004

DAVID P FONTAINE

Dear DAVID P FONTAINE:

We previously asked you to send us your federal income tax return (Form 1040, 1040A, or 1040EZ) for the tax period shown above. Since we don't have a record of receiving a response from you, we have figured your tax and proposed penalties based on the information your employers, banks, and other payers reported on Forms W-2, W-2P, 1099, etc. We explain the tax and penalties in the enclosed report.

If you agree with the tax and penalties shown in the report, please sign, date and return one copy of the report along with payment for the total payment due. It is to your advantage to pay the total amount now since we will continue to charge interest until the amount you owe is paid in full. If you can't pay the full amount at this time, please call us to discuss how you can pay what you owe.

If you don't agree with the tax and penalties and want us to reconsider this matter, you should respond within 30 days from the date of this letter providing the reason you didn't file a return and other related information you want us to consider.

If you decide to file a return at this time, please send it to the above address. To help us identify your case, please include this letter with your return. Be sure to include all supporting records. We have enclosed a copy of this letter for your records and an envelope for your convenience.

Under the Privacy Act of 1974, we must tell you that our legal right to ask for this information is Internal Revenue Code sections 6001, 6011, 6012(a) and their regulations. They say that you must furnish us with records of statements for any tax year that you are liable for, including the taxes your employer withheld.

Letter 1862 (SC) (Rev. 4-1999)
Cat. No. 61258E MAE

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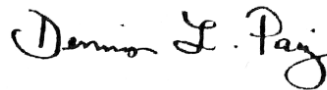
We ask for this information to carry out the Internal Revenue Tax laws of the United States and you are required to give us this information. We may give the information to the Department of Justice for civil and criminal litigation, other Federal agencies, states, cities and the District of Columbia for use in administering their tax laws.

If you do not provide the information we ask for, or provide fraudulent information, the law provides that you may be charged penalties and in certain cases, you may be subject to criminal prosecution. We may also have to disallow the exemptions, exclusions, credits, reductions or adjustments shown on the tax return. This could make the tax higher or delay any refund. Interest may also be charged.

We have enclosed Publication 1, Your Rights as a Taxpayer, Publication 5, Your Appeal Rights and How to Prepare a Protest If You Don't Agree, and Publication 594, Understanding the Collection Process, for your information.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter. Thank you for your cooperation.

Sincerely yours,



Dennis L Parizek
Manager, Examination Operations

Enclosures:
Copy of this letter
Envelope
Examination Report (2)
Publication 1
Publication 5
Publication 594

Letter 1862 (SC) (Rev. 4-1999)
Cat. No. 61258E MAE

Cat. No. 61258E
MAE Form **4549**

Department of the Treasury - Internal Revenue Service
Income Tax Examination Changes

Page 1 of 2

Name and Address of Taxpayer

DAVID P FONTAINE

SS or EI Number:

Person with whom examination
changes were discussed.

Return Form No:
1040

Name and Title:

1. Adjustments to Income

Period End 12/31/2001

Period End

a. Standard Deduction	(4,550.00)
b. Dividends	17.00
c. Taxable Distribution	28,191.00
d. Stock Sales	1,254,055.00
e.	
f.	
g.	
h.	
i.	
j.	
k.	
l.	
m.	
n.	
o.	

2. Total Adjustments

1,277,713.00

3. Taxable Income Per Return or as Previously Adjusted

0.00

4. Corrected Taxable Income

Tax Method
Filing Status

1,277,713.00
Tax Rate Schedules
Single
476,695.93

5. Tax

6. Additional Taxes / Alternative Minimum Tax

7. Corrected Tax Liability

476,695.93

8. Less Credits

a.
b.
c.

9. Balance (Line 7 less total of lines 8a through 8d)

476,695.93

10. Plus
Other
Taxes

a. IRA Tax
b.
c.

2,819.10

11. Total Corrected Tax Liability (line 9 plus line 10a - 10d)

479,515.03

12. Total Tax Shown on Return or as Previously Adjusted

0.00

13. Adjustments to: a. Special Fuels Credit

b.
c.

14. Deficiency-Increase in Tax or (Overassessment
Decrease in Tax) (Line 11 less 12 adjusted by 13)

479,515.03
0.00

15. Adjustments to Prepayment Credits

16. Balance Due or (Overpayment) (Line 14 adjusted by
Line 15) (Excluding interest and penalties)

479,515.03

The Internal Revenue Service has agreements with State tax agencies under which information about Federal tax, including increases or decreases, is exchanged with the States. If this change affects the amount of your State income tax, you should file the State form.

You may be subject to backup withholding if you underreport your interest, dividend, or patronage dividend income and do not pay the required tax. The IRS may order backup withholding at 31 percent after four notices have been issued to you over a 120-day period and the tax has been assessed and remains unpaid.

Form CG-4549

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Form 4549		Department of the Treasury - Internal Revenue Service Income Tax Examination Changes		Page 2 of 2	
Name and Address of Taxpayer DAVID P FONTAINE			SS or EI Number: [REDACTED]		Return Form No: 1040
17. Penalties			Period End 12/31/2001	Period End	
a. Delq-IRC 6651(a) (2)			57,541.80		
b. Delq-IRC 6651(a) (1)			107,890.88		
c. Estimated Tax – IRC 6654			18,975.85		
d.					
e.					
f.					
g.					
h.					
i.					
j.					
k.					
l.					
18. Total Penalties			184,408.53		
Underpayment attributable to negligence: (1981-1987) A tax addition of 50 percent of the interest due on underpayment will accrue until paid or assessed.					
Underpayment attributable to fraud: (1981-1987) A tax addition of 50 percent of the interest due on underpayment will accrue until paid or assessed.					
Underpayment attributable Tax Motivated Transactions TMT interest will accrue and be assessed at 120% of underpayment rate in accordance with IRC 6621(c).					
19. Summary of Taxes, Penalties and Interest:					
a. Balance due or Overpayment Taxes – Line 16, Page 1			479,515.03		
b. Penalties (Line 18, Page 2)-computed to April 9, 2004			184,408.53		
c. Interest (IRC§ 6601)-computed to May 9, 2004			66,987.25		
d. TMT Interest— computed April 9, 2004 on TMT underpayment					
e. Amount due or refund (sum of lines a, b, c and d)			730,910.82		
Other Information:					
Examiner's Signature: Mr. Parizek		Employee ID: 29-61699	Office: Ogden, UT	Date: April 9, 2004	
Consent to Assessment and Collection— I do not wish to exercise my appeal rights with the Internal Revenue Service or to contest in the United States Tax Court the findings in this report. Therefore, I give my consent to the immediate assessment and collection of any increase in tax and penalties, and accept any decrease in tax and penalties shown above, plus additional interest as provided by law. It is understood that this report is subject to acceptance by the Area Director, Area Manager or Director of Field Operations.					
PLEASE NOTE: If a joint return was filed, BOTH taxpayers must sign		Signature of Taxpayer	Date	Signature of Taxpayer	Date
By:		Title		Date	

Form CG-4549

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TAX YEAR INTEREST COMPUTATION

May 9, 2004

479,515.03

-Overvaluation	\$0.00
-Substantial Understatement	\$0.00
-Failure to File	107,890.88
-Negligence	\$0.00
-Civil Fraud	\$0.00
-Accuracy Penalties	<u>\$0.00</u>

184,408.53
\$ 587,405.92

Additional interest will be charged at the current rate compounded daily. Interest is charged from the original due date of the return to a date 30 days after an agreement to the additional tax is signed, or to the date of payment, if earlier. Negligence and fraud penalties, if applicable, will also continue to be charged. Generally, if notice and demand is made for payment of any amount, and that amount is paid within 21 days after the date of the notice and demand, interest on the amount paid will not be charged after the date of the notice and demand. Since additional tax is due, you may want to pay it now and limit the interest and penalty charges.

Page 5 of 9

Exhibit 085

Name of Taxpayer: DAVID P FONTAINE
Identification Number: [REDACTED]

April 9, 2004

2001

SCHEDULE SE - COMPUTATION OF SELF-EMPLOYMENT TAX

Primary
DAVID P FONTAINE

1. Self-employment income	0.00
2. Multiply line 1 by 92.35%	0.00
3. Farm Optional Method Income	
4. Non-Farm Optional Method Income	
5. Earnings subject to self-employment tax (sum of 2, 3, 4)	0.00
6. Maximum earnings subject to social security	80,400.00
7. Social Security wages and tips from W-2	0.00
8. Unreported tips from Form 4137	
9. Sum of lines 7 and 8	0.00
10. Line 6 less line 9	80,400.00
11. Multiply the smaller of line 5 or 10 by 12.40%	0.00
12. Multiply line 5 by 2.90%	0.00
13. Self-Employment Tax (sum of lines 11 and 12)	0.00

Secondary

1. Self-employment income	
2. Multiply line 1 by	
3. Farm Optional Method Income	
4. Non-Farm Optional Method Income	
5. Earnings subject to self-employment tax (sum of 2, 3, 4)	
6. Maximum earnings subject to social security	
7. Social Security wages and tips from W-2	
8. Unreported tips from Form 4137	
9. Sum of lines 7 and 8	
10. Line 6 less line 9	
11. Multiply the smaller of line 5 or 10 by	
12. Multiply line 5 by	
13. Self-Employment Tax (sum of lines 11 and 12)	

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Form 886-A (Rev. January 1994) 886-A	EXPLANATION OF ITEMS	
Name of Taxpayer DAVID P FONTAINE	Taxpayer Identification Number <div style="background-color: #cccccc; height: 15px; width: 100%;"></div>	Year/Period Ended 2001

We have prepared this report because we have no record of receiving your Form 1040, U.S. Individual Income Tax Return, for the tax year shown. We have computed your tax, penalties, and interest based on information available to us. This computation may not give you full credit for exemptions, deductions, or credits. **Your best course of action is to file your own tax return now to claim your credits and deductions as allowed by law.**

If you need a list of the payers and amounts of the income reported to the Internal Revenue, you may request this information in writing.

SE AGI Adjustment

Tax Period	Per Return	Per Exam	Adjustment
2001	\$0.00	0.00	0.00

Your self-employment tax has changed as a result of adjustments made to your net income from self-employment as shown in this report. The self-employment tax deduction has been adjusted to one-half of the recomputed amount.

In order to expedite the processing of the tax return for this year, please use the enclosed return envelope.

Name of Taxpayer: DAVID P FONTAINE
Identification Number: [REDACTED]

April 9, 2004

2001 EXPLANATION OF THE ESTIMATED TAX PENALTY

Since you did not pay sufficient estimated tax, addition to the tax is charged as shown below, in accordance with Section 6654(a) of the Internal Revenue Code.

1. Total corrected tax liability, Form 4549, line 11 (Tax Per Return, if a return was filed)	479,515.03
2. Withholding taxes + payments made on or before 4/15/1999	0.00
3. Line 1 less line 2 (if less than \$500, estimated penalty does not apply)	479,515.03
4. 90% of line 1	431,563.53
5. Prior year tax liability (110% of tax if AGI was more than \$150,000. or if MFS more than \$75,000.)	
6. The smaller of line 4 or 5 (as adjusted)	431,563.53
7. Total underpayment for year	431,563.53
8. Overpayment	
9. Multiply line 7 by 0.04397	18,975.85
11. Previously Assessed Penalty	
12. Estimated Tax Penalty	18,975.85

2001 PERSONAL EXEMPTION WORKSHEET

1. Multiply \$ 2,900.00 by the total number of exemptions claimed on Form 1040, line 6e	2,900.00
2. Adjusted Gross Income	1,282,263.00
3. Limitation based on Filing Status	132,950.00
4. Subtract line 3 from line 2	1,149,313.00
5. Divide line 4 by \$2,500 (\$1,250 if married filing separately)	460
6. Multiply line 5 by 2% and enter the result as a decimal	9.2
7. Multiply line 1 by line 6	26,680.00
8. Deduction for exemptions (Subtract line 7 from line 1)	0.00

Note: If Line 4 is more than \$122,500. or (\$61,250. if married filing separately), a deduction for exemptions cannot be taken.

Name of Taxpayer: DAVID P FONTAINE
Identification Number: [REDACTED]

April 9, 2004

2001 EXPLANATION OF THE DELINQUENCY PENALTY

Since your income tax return was not filed within the time limit prescribed by law and/or the tax was not paid, and you have not shown that such failure was due to reasonable cause, an addition to the tax is charged as shown below, in accordance with Section 6651(a)(1) and/or Section 6651(a)(2) of the Internal Revenue Code.

DELINQUENCY PENALTY

1. Delinquency penalty abated	0.00
2. Date return due	April 15, 2002
3. Date return filed	04/07/2004
4. Failure to File penalty rate	0.225%
5. Failure to Pay penalty rate	0.120%
6. Total corrected tax, Form 4549, line 11	479,515.03
7. Payments on or prior to due date of return	0.00
8. Line 6 less line 7	479,515.03
9. Failure to File Penalty - line 8 multiplied by line 4	107,890.88
10. Minimum penalty if over 60 days delinquent	100.00
11. Failure to File Penalty - Greater of line 9 or line 10	107,890.88
12. Previously assessed Failure to File Penalty	0.00
13. Net Failure to File Penalty - line 11 less line 12	107,890.88
14. Failure to Pay Penalty - line 8 multiplied by line 5	57,541.80
15. Previously assessed Failure to Pay Penalty	0.00
16. Net Failure to Pay Penalty - line 14 less line 15 *	57,541.80
17. Total Delinquency Penalty - Sum of line 13 and 16	165,432.69

* If an amount appears as the Failure to Pay Penalty, the amount only reflects the addition to tax under Internal Revenue Code section 6651(a)(2) through the date of this notice. The addition to tax will continue to accrue from the due date of the return at a rate of 0.5 percent each month, or fraction thereof, of nonpayment, not exceeding 25 percent.