

515, 8011, 910

(916) 445-3723

August 16, 1990

[REDACTED]

Dear [REDACTED]

This is in response to your letter of August 9, 1990.

We understand that the [REDACTED] Society of [REDACTED] [REDACTED] will be maintaining a Book of Remembrance at its columbarium, to provide a lasting record and memorial. A memorial entry will be inscribed in the Book of Remembrance under the date of death. With entries of five or more lines, space is available to enhance the memorial by the inclusion, at extra cost, of emblems, badges or crests.

You note that the Book of Remembrance is the personal property of the [REDACTED] Society. You state the client receives no tangible personal property. We note, however, that the brochure which you provided to us indicates that a folded remembrance card with a protective PVC coach-hide wallet is available to persons who wish to have a copy of the inscription as it appears in the book.

We are in agreement with your analysis that the charges you make to your clients are not subject to sales tax. The Book of Remembrance is not sold to clients. The fact that a folded remembrance card may be furnished to the client does not change the overall nature of the transaction from a service transaction to a sale transaction.

Tax thus applies to charges made to the [REDACTED] Society for the Book of Remembrance and for folded remembrance cards. We note that charges for hand lettering are subject to tax. Thus, if the lettering work is done by someone other than an employee of the [REDACTED] Society, sales tax applies to the charge made to the Society for the lettering and inscription work.

Very truly yours,

Gary J. Jugum  
Assistant Chief Counsel

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