**Section 528.70 Request for Tax Credit Certificate**

The applicant may request a tax credit certificate from the Department certifying the actual amount of the credit awarded to the applicant at any time following the completion of the accredited production, but in no event later than two years following the completion of the production. In a case in which a single application was filed for two or more productions, a single tax credit certificate may, at the request of the applicant, be issued for more than one production. The tax credit will be issued upon the Department's verification that all costs submitted qualify as the applicant's Illinois production spending and verification that the applicant has met or made good-faith efforts in achieving the goals of the diversity plan (see Section 528.20) included with its application.

a) If an accredited production is not completed prior to the close of the applicant's taxable year, at the election of the applicant, a tax credit certificate dated as of the last day of the taxable year may be used for:

1) Illinois labor expenditures incurred during that taxable year or within 60 days after the close of that taxable year; or

2) Illinois production spending (see Section 10 of the Act) incurred during that taxable year.

b) In the case of an accredited production commencing on or after May 1, 2006 in which some Illinois production spending is incurred in a taxable year of the applicant and some is incurred after the close of that taxable year:

1) The applicant may request a single tax credit certificate for all Illinois production spending incurred; or

2) The applicant may submit a separate request for a tax credit certificate for each taxable year in which Illinois production spending is incurred.

c) With each request for a tax credit certificate filed on or after January 18, 2007, the applicant shall provide:

1) An itemized statement of the Illinois labor expenditures or Illinois production spending for which the credit is claimed and of Illinois labor expenditures generated by theemployment ofresidents of geographic areas of high poverty or high unemployment for which additional credit is claimed;

2) Copies of the books and records of the applicant for the accredited production, showing the Illinois labor expenditures or Illinois production spending for which the credit is claimed, all documentation necessary to support its computation, and detailed vendor cost documentation for post-production services, including but not limited to, a listing of all Illinois resident post-production staff and crew who worked on the production and their respective wages and fringe benefits, and payments made to sub-vendors domiciled in Illinois, if post-production spending represents more than 50% of qualifying Illinois spending. Only Illinois resident wages and fringe benefits (up to $500,000 per resident) and payments made to Illinois domiciled sub-vendors are qualified;

3) An attestation by a licensed certified public accountant (CPA), in the form prescribed by the Department, that the computations are supported by the copies of the books, records and other documents of the applicant that are attached to the request and that the licensed CPA has examined the books, records and other documents according to procedures agreed upon by the Department. An examination of the books, records or other documents must be performed by the licensed CPA quarterly or at the conclusion of production if production lasted less than a quarter. The attestation and examination must be performed by a licensed CPA:

A) who is qualified and independent of the applicant under the professional standards established by the American Institute of Certified Public Accountants, specifically the Statements on Standards of Attestation Engagements at AT Sec. 101 (Attest Engagements) and AT Sec. 201 (Agree-Upon Procedures Engagements); and

B) whose engagement to provide the attestation was approved by the Department before work on the engagement was commenced; and

d) With each request for a tax credit filed after January 1, 2025, the applicant shall provide all items listed in subsection (c) of this Section, and:

1) Disclosure of all related party transactions including:

A) The name of the related party,

B) The nature of the relationship between the related party and the accredited production,

C) The nature of the transaction, and

D) The amount of the transaction; and

2) A sworn affidavit by the applicant that, to the best of the affiant's knowledge, information, and belief all accounts, documents, records, and other information provided to the CPA and Department were true and correct and that all related party transactions were accurately reported in accordance with this Section.

(Source: Amended at 48 Ill. Reg. 15829, effective October 24, 2024)