

Gross Receipts:

Washington Supreme Court Agrees that Investment Funds are Ineligible for Investment Income Deduction

Case No. 102223-9, Wash. (10/24/24). In a case involving sixteen investment funds, the Washington Supreme Court (Court) affirmed a 2023 Washington Court of Appeals ruling [see Case No. 57312-1-II, Wash. Ct. App. (4/11/23) and *State Tax Matters*, Issue 2023-15, for more details on this 2023 ruling], which held that their investment income did *not* qualify for a former deduction from the measure of Washington business and occupation (B&O) taxes. In doing so, the Court agreed that pursuant to state caselaw, this former investment income deduction is limited to income from investments that are incidental rather than the main purpose of a B&O taxpayer's business. Dissenting opinions follow.

URL: <https://www.courts.wa.gov/opinions/pdf/1022239.pdf>

URL: <https://www.courts.wa.gov/opinions/pdf/D2%2057312-1-II%20Published%20Opinion.pdf>

URL: https://dhub.deloitte.com/Newsletters/Tax/2023/STM/230414_9.html

See recently issued Multistate Tax Alert for more details on this decision, and please contact us with any questions.

— Robert Wood (Seattle)
Principal
Deloitte Tax LLP
robwood@deloitte.com

Myles Brenner (Seattle)
Senior Manager
Deloitte Tax LLP
mybrenner@deloitte.com

Robert Waldow (Minneapolis)
Principal
Deloitte Tax LLP
rwaldow@deloitte.com

Olivia Chatani (Washington D.C.)
Senior Manager
Deloitte Tax LLP
ochatani@deloitte.com

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms or their related entities (collectively, the “Deloitte organization”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.

About Deloitte

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte provides industry-leading audit and assurance, tax and legal, consulting, financial advisory, and risk advisory services to nearly 90% of the Fortune Global 500® and thousands of private companies. Our professionals deliver measurable and lasting results that help reinforce public trust in capital markets, enable clients to transform and thrive, and lead the way toward a stronger economy, a more equitable society and a sustainable world. Building on its 175-plus year history, Deloitte spans more than 150 countries and territories. Learn how Deloitte’s approximately 415,000 people worldwide make an impact that matters at www.deloitte.com.