



ERNIE FLETCHER  
GOVERNOR

**DEPARTMENT OF REVENUE**  
FINANCE AND ADMINISTRATION CABINET  
200 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40620  
www.kentucky.gov

ROBBIE RUDOLPH  
SECRETARY

In the matter of:

[REDACTED]

Contact: [REDACTED]

FINAL RULING NO. 2004-04  
June 10, 2004

Individual income tax assessments for  
tax years 1995, 1999 and 2000

**FINAL RULING**

The Kentucky Department of Revenue (successor to the Kentucky Revenue Cabinet; hereinafter the "Department") has issued individual income tax assessments against you for taxable years 1995, 1999 and 2000 totaling \$ [REDACTED] plus applicable interest and penalties. The following table provides a breakdown of the amount of tax due, all assessed fees and penalties, as well as accrued interest as of the date of this final ruling.

Tax Year	Tax Due	Interest Through 6/15/04	Penalties	Total
1995	[REDACTED]			
1999				
2000				
<b>Totals</b>				

The Department obtained information from the Internal Revenue Service pursuant to Internal Revenue Code § 6103 and other applicable law. The information indicated that you had taxable income for the years 1995, 1999 and 2000 and that you were a resident of Kentucky for those years. Based upon this information, the Department issued the individual income tax assessments described above. The penalties were assessed for each tax year for failure to file tax returns (KRS 131.180(4)) and for failure to pay the tax due (KRS 131.180(2)).

In response to the assessments, you sent a letter to the Department dated [REDACTED], 2002, and entitled "Full Acceptance For Value" in which you purported to "accept" the Department's "offer for value and return it for value and the exchange of my exemption as full consideration under my Treasury Direct Account, Exempt # [REDACTED] for settlement and closure." The letter also asked the Department to "make the adjustments and set off's and close my pre-paid account on both the public and private side immediately."

You also sent to the Department a letter dated [REDACTED], 2003, and entitled "Notice of Protest." This letter alleged that

"[REDACTED], Secured Party/Creditor of the ship vessel know as [REDACTED]" had declared that the said Vessel/Transmitting Utility was attacked and damaged by Fraudulent, and henceforth unsubstantiated claims on NEGOTIABLE instrument titled LETTER CONCERNING ASSESSMENT, by Public Vessels Named JOHN or JANE DOE, on behalf of the KENTUCKY REVENUE CABINET . . .

These two letters were your only responses to the Department concerning the assessments. The letters contained no information indicating you were not a Kentucky resident during the years 1995, 1999 and 2000 or that you did not receive the income assessed by the Department.

KRS 141.020(1)(a) states, in part, as follows:

"An annual tax shall be paid for each taxable year by every resident individual of this state upon his entire net income as defined in this chapter..."

KRS 131.110(1) and (3) state in part, as follows:

- (1) The Revenue Cabinet shall mail to the taxpayer a notice of any tax assessed by it. The assessments shall be due and payable if not protested in writing to the cabinet within forty-five (45) days from the date of notice. The protest shall be accompanied by a supporting

statement setting forth the grounds upon which the protest is made...”

- (3) After considering the taxpayer’s protest, including any matters presented at the final conference, the cabinet shall issue a final ruling on any matter which may still be in controversy, which shall be mailed to the taxpayer...”

It is the opinion of the Revenue Cabinet that the assessment of tax is authorized by the provisions of KRS Chapter 141. The only responses you have made to the assessments contain no information to indicate the assessments or the information in the Department’s possession is incorrect. In your letter of [REDACTED], 2003, you appear to be making a distinction between the spelling of your name based upon whether it is spelled in all capital letters or in both capital and small letters. The Department does not agree that any such distinction is proper. You are liable for income taxes on any income received by you during the tax years in question. The method of spelling your name is irrelevant to such liability. See, e.g., United States v. Washington, 947 F. Supp. 87 (S.D.N.Y. 1996); Russell v. United States, 969 F. Supp. 24 (W.D. Mich. 1997); Jaeger v. DuBuque Co., 880 F. Supp 640 (N.D. Iowa 1995).

For the reasons provided above, the individual income tax assessments issued against you for taxable years 1995, 1999 and 2000 are valid liabilities due the Commonwealth of Kentucky. After reviewing your protest, and the applicable statutes and case law, this is the final ruling of the Department.

### APPEAL

You may appeal this ruling to the Kentucky Board of Tax Appeals pursuant to the provisions of KRS 131.110, KRS 131.340-131.365, 103 KAR 1:010 and 802 KAR 1:010. If you decide to appeal this ruling, you must file your complaint or petition of appeal with the Clerk, Kentucky Board of Tax Appeals, 128 Brighton Park Boulevard, Frankfort, Kentucky 40601, within thirty (30) days from the date of this letter. The rules of the Kentucky Board of Tax Appeals, which are set forth in 802 KAR 1:010, require that the complaint or petition of appeal must:

1. Be filed in quintuplicate;
2. Contain a brief statement of the law and facts in issue;
3. State the petitioner’s position regarding the law, facts or both; and
4. Include a copy of this final ruling letter with each copy of the complaint or petition.

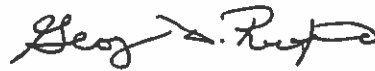
Proceedings before the Kentucky Board of Tax Appeals are conducted in accordance with 103 KAR 1:010, 802 KAR 1:010 and KRS 131.340-131.365 and KRS Chapter 13B. Formal hearings are held by the Board concerning the tax appeals before it, with all testimony and

proceedings officially reported. Legal representation of parties to appeals before the Board is governed by the following rules set forth in Section 2 (3) of 802 KAR 1:010:

1. An individual may represent himself in hearings before the Board;
2. An individual who is not an attorney may not represent any other individual, corporation, trust, estate, or partnership before the Board; and
3. An attorney who is not licensed to practice in Kentucky may practice before the Board if he complies with Rule 3.030(2) of the Rules of the Kentucky Supreme Court.

You will be notified by the Clerk of the Board of the date and time set for any hearing.

Sincerely,  
FINANCE AND ADMINISTRATION CABINET



GEORGE D. RENFRO  
Assistant Director  
Division of Protest Resolution

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED