



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. 2004-22  
June 2, 2004

Individual income tax assessments for  
tax years 1997, 1998, and 1999

**FINAL RULING**

The Kentucky Department of Revenue has issued individual income tax assessments for interest against [REDACTED] due to the late filing of the 1997, 1998, and 1999 individual income tax returns. The bills totaled \$[REDACTED]. The following table provides a breakdown of the amount of interest due as of the date of this final ruling.

Tax Year	Interest
1997	[REDACTED]
1998	[REDACTED]
1999	[REDACTED]
Totals	[REDACTED]

The taxpayer submitted the 1997, 1998, and 1999 individual income tax returns with a check for payment of the tax only on [REDACTED], 2003. The taxpayer was billed for interest under KRS 141.985. A protest was filed requesting for the interest to be waived. However, KRS

131.175 states, “Notwithstanding any other provisions of KRS Chapters 131 to 143A, for all taxes payable directly to the Revenue Cabinet, the sheriff or the county clerk, the secretary shall have authority to waive the penalty, but not interest, where it is shown to the satisfaction of the cabinet that failure to file or pay timely is due to reasonable cause.” Therefore, interest is mandatory and cannot be waived.

After reviewing your protest, and the applicable statutes, it is the position of the Department of Revenue that the individual income tax assessments issued against [REDACTED] for taxable years 1997, 1998, and 1999 are valid liabilities due the Commonwealth of Kentucky.

This letter is the final ruling of the Department of Revenue.

#### **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.

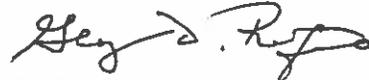
Proceedings before the Kentucky Board of Tax Appeals are conducted in accordance with 103 KAR 1:010, 802 KAR 1:010 and KRS 131.340-131.365 and KRS Chapter 13B. Formal hearings are held by the Board concerning the tax appeals before it, with all testimony and proceedings officially reported. Legal representation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

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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