



STEVEN L. BESHEAR
Governor

FINANCE AND ADMINISTRATION CABINET
DEPARTMENT OF REVENUE
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JONATHAN MILLER
Secretary

THOMAS B. MILLER
Commissioner

In the matter of:

██████████, INC.

Contact: ██████████, Inc.

Attn: ██████████
██████████

FINAL RULING NO. 2009-60
December 18, 2009

Tangible Personal Property Tax Refund Request

FINAL RULING

The Kentucky Department of Revenue currently has before it a request by ██████████, Inc. ("██████████") that the taxes due on its current year's assessment be offset by ad valorem or property taxes it appears to have paid, apparently erroneously, a number of years ago.

██████████'s request is in effect a refund claim. Subsection 2 of the applicable refund statute, KRS 134.590, states in relevant part the following:

No state government agency shall authorize a refund unless each taxpayer individually applies for a refund within two (2) years from the date the taxpayer paid the tax. Each claim or application for a refund shall be in writing and state the specific grounds upon which it is based.

All of the prior years' taxes that ██████████ seeks to have offset or credited against the current year's taxes were paid more than two years before the date of its request. ██████████'s request is therefore barred under the plain and unambiguous statutory language quoted above. ██████████ cannot avoid the application of KRS 134.590(2) by characterizing its refund request as a request for a credit. There is no legal authority for what it seeks. See also American Life and Accident Insurance Company of Kentucky v. Commonwealth, 173 S.W.3d 910 (Ky. App. 2004).

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

APPEAL

You may appeal this final 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 final ruling, your petition of appeal must be filed at the principal office of the Kentucky Board of Tax Appeals, 128 Brighton Park Boulevard, Frankfort, Kentucky 40602-2120, within thirty (30) days from the date of this final ruling. The rules of the Kentucky Board of Tax Appeals, which are set forth in 802 KAR 1:010, require that the petition of appeal must:

1. Be filed in quintuplicate;
2. Contain a brief statement of the law and facts in issue;
3. Contain the petitioner's or appellant's position as to the law and facts; and
4. Include a copy of this final ruling with each copy of the petition of appeal.

The petition of appeal must be in writing and signed by the petitioner or appellant. Filings by facsimile or other electronic means shall not be accepted.

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



E. Jeffrey Mosley
Interim Executive Director
Office of Legal Services for Revenue

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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The first part of the paper discusses the importance of the research and the objectives of the study. It then presents a literature review of the existing research on the topic. The second part of the paper describes the methodology used in the study, including the data collection and analysis techniques. The third part of the paper presents the results of the study, and the fourth part discusses the conclusions and implications of the findings.

The research was conducted using a quantitative approach, and the data was collected from a sample of participants. The results of the study show that there is a significant relationship between the variables being studied. The findings have important implications for the field of research, and they provide a basis for further investigation.

In conclusion, the study has shown that the research objectives have been achieved, and the findings are consistent with the hypotheses. The results of the study are presented in the following table:

Variable	Mean	Standard Deviation	Significance Level
Variable 1	1.2	0.5	0.05
Variable 2	1.5	0.6	0.01
Variable 3	1.8	0.7	0.001

The table shows that the mean values for the three variables are 1.2, 1.5, and 1.8, respectively. The standard deviations are 0.5, 0.6, and 0.7, respectively. The significance levels are 0.05, 0.01, and 0.001, respectively. These results indicate that there is a significant relationship between the variables being studied.

The findings of the study have important implications for the field of research. They provide a basis for further investigation, and they suggest that there is a need for more research in this area. The results of the study are presented in the following table:

Variable	Mean	Standard Deviation	Significance Level
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the 1990s, the number of people in the UK who are aged 65 and over has increased by 1.5 million (1990–1999) and is projected to increase by a further 1.5 million by 2010 (Office of National Statistics 2000). The number of people aged 65 and over in the UK is projected to increase from 10.5 million in 1999 to 12.5 million in 2010, with the number of people aged 75 and over increasing from 4.5 million to 5.5 million in the same period (Office of National Statistics 2000).

There is a growing awareness of the need to develop strategies to meet the needs of the ageing population. The Department of Health (2000) has identified the need to develop a 'new paradigm' for the care of the elderly, one that is based on the principles of 'active ageing' and 'positive ageing'. The Department of Health (2000) has identified the need to develop a 'new paradigm' for the care of the elderly, one that is based on the principles of 'active ageing' and 'positive ageing'.

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