



BEFORE THE STATE BOARD OF EQUALIZATION  
OF THE STATE OF CALIFORNIA

In the Matter of the Appeal of )  
WILLIAM SHOPE )

For Appellant: William Shope,  
in pro. per.

For Respondent: James T. **Philbin**  
Supervising Counsel

O P I N I O N

This appeal is made pursuant to section 18593 of the Revenue and Taxation Code from the action of the Franchise Tax Board on the protest of William Shope against proposed assessments of personal income tax and penalties in the total amounts of **\$1,594.25, \$2,566.79, and \$2,339.64** for the years 1974, 1976, and 1977, respectively.

Appeal of William Shope

The question for determination is whether appellant has established any error in respondent's proposed assessments of personal income tax and penalties.

Appellant did not file California personal income tax returns for the years in issue. Respondent obtained information indicating that appellant had gross income in the amounts of **\$18,491.00, \$23,841.00, and \$22,362.00** for the years 1974, 1976, and 1977, respectively. Based upon this information, respondent demanded that appellant file returns for the years in issue. Appellant refused to file **and respondent** issued the proposed assessments which are the subject of this appeal. Included in the proposed assessments for each year are penalties for failure to file a return, failure to file a return after notice and demand, negligence, and failure to pay estimated tax.

Respondent's determinations of additional tax and penalties are presumptively correct, and appellant has the burden of proving them **erroneus**. (Appeal of K. L. Durham, Cal. St. Bd. of Equal., March 4, 1980; Appeal of Harold G. Jindrich, Cal. St. Bd. of Equal., April 6, 1977.) **No such** proof has been presented. Appellant's sole argument, which is an attack on the validity of Federal Reserve notes has been rejected as frivolous in prior cases (see Appeal of Iris E. Clark, Cal. St. Bd. of Equal., March 8, 1976; Appeal of Donald H. Lichte, Cal. St. Bd. of Equal., Oct. 6, 1976; Appeal of Armen B. Condo, Cal. St. Bd. of Equal., July 26, 1977), and is obviously insufficient to overturn respondent's assessments.

It appears from the record that appellant has withholding credits of \$77.73 and \$94.37 for 1974 and **1976**, respectively. There is also a \$13.00 credit due for overpayment of State Disability Insurance in 1976. Respondent has agreed to make appropriate adjustments to the tax due. Additionally, appropriate adjustments to reflect the amount of withholding will also have to be made in the penalties imposed for failure to file a timely return and for failure to pay estimated tax.

For these reasons, respondent's action, as modified, must be sustained.

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