

BEFORE THE STATE BOARD OF EQUALIZATION
OF THE STATE OF CALIFORNIA

In the Matter of the Appeal of j
LEON STEINHARDT)
)

Appearances:

For Appellant: Leon Steinhardt,
 in pro. per.

For Respondent: Michael E. **Brownell**
 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 Leon Steinhardt against a proposed assessment of additional personal income tax and penalty in the total amount of \$186.65 for the year 1976.

Appeal of Leon Steinhardt

The sole issue in this appeal is whether appellant has shown respondent's determination to be incorrect.

Appellant did not file a California personal income tax return for 1976. Respondent received information from appellant's former employer that appellant had received income in that year and demand was made on appellant to file the required return. When no return was filed, the subject assessment was issued and penalties for failure -to file, failure to file after notice and demand, and negligence were imposed. It appears that \$34.61 was withheld from 'appellant's wages in 1976 and respondent has agreed that this amount should be credited against the deficiency,

Appellant states that he acted in his employment as an agent of his church and the checks he received were immediately signed over to the church. He also signed a, vow of poverty, stating that he was making a gift of all his present and future possessions and income to his church. He contends, therefore, that he had no taxable income. In any case, he states, he **never** received anything which constituted legal tender, that he received no "dollars", and that wages are riot'income. Appellant also contends that a decision against him will violate his rights under the Seventh Amendment to the U.S. Constitution.

In Appeal of Jack V. and Allene J. Offord, decided June **23 1981**, we considered and rejected the same "vow of poverty" and "agent of the church" arguments in a factual situation almost identical to appellant's, Our analysis in Offord, supra, is entirely applicable to this appeal and **we reject appellant's** contention on that basis.

The remaining arguments advanced by appellant have also been rejected as meritless in the recent: Appeals of Fred R. Dauberger, et al., decided by this board on March 31 **1982**. They have no more merit in this appeal than the; had in Dauberger.

Respondent's action, therefore, is sustained.

Appeal of Leon Steinhardt

O R D E R

Pursuant to the views expressed in the opinion of the board on file in this proceeding, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, pursuant to section 18595 of the Revenue and Taxation Code, that the action of the Franchise Tax Board on the protest of Leon Steinhardt against a proposed assessment of additional personal income tax and penalty in the total amount of \$186.65 for the year 1976, be and the same is hereby sustained.

Done at Sacramento, California, this **26th day**
of July, '1982, by the State Board of Equalization,
with Board Members Mr. Bennett, Mr. Dracenburg and
Mr. Nevins present.

William M. Bennett, Chairman

Ernest J. Dronenburg, Jr., Member

Richard Nevins, Member

_____, Member

Member