JURISDICTION: **OKLAHOMA TAX COMMISSION**
CITE: **89-02-21-05 / NON-PRECEDENTIAL**
ID: **P-88-307-P**
DATE: **FEBRUARY 21, 1989**
DISPOSITION: **DISMISSED**
TAX TYPE: **FRANCHISE**
APPEAL: **NO APPEAL TAKEN**

ORDER OF DISMISSAL

The Motion to Dismiss Protest filed by the Franchise Tax Section of the Business Tax Division of the Oklahoma Tax Commission in the above styled and numbered cause comes on for consideration pursuant to assignment regularly made to ALJ, Administrative Law Judge, by the Oklahoma Tax Commission. Having reviewed the file, it appears as follows:

1. On February 26, 1987, the Division proposed to assess Protestant franchise tax, penalty and interest for the periods 1984-85, 1985-86 and 1986-87, as follows:

	1984-85	1985-86	1986-87
Line 3	$1,035,058.00	$ 918,449.00	$ 825,244.00
Appreciated Values	1,422,188.00	1,422,188.00	1,422,188.00
Mortgages	112,456.00	170,000.00	170,000.00
Capital Employed	$2,569,702.00	$2,510,637.00	$2,417,432.00
Franchise Tax Due	$ 3,212.50	$ 3,138.75	$ 3,022.50
Registered Agent Fee	40.00	40.00	40.00
	$ 3,252.50	$ 3,178.75	$3,062.50
Less Amt. Pd. Timely	(1,335.00)		(1,073.00)
	$ 1,917.50		$ 1,989.50
Plus Penalty Due	191.75	317.88	198.95
Plus Interest Due	862.88	508.69	179.06
		$ 4,005.32	
Less Amt. Pd. Late		(1,189.00)	
Less Amt. Pd. Late		(118.90)	
AMOUNT NOW DUE	$ 2,972.13	$ 2,697.42	$ 2,367.51

2. On or about March 10, 1987, Protestant filed a timely protest to the above-referenced assessment.

3. On December 1, 1988, Protestant remitted to the Oklahoma Tax Commission $868.56, which is the actual and correct sum due from Protestant for tax, penalty and interest for the audit periods as stated above.

4. No issues remain in dispute.

THEREFORE, it is the ORDER of the OKLAHOMA TAX COMMISSION that the protest of the COMPANY be dismissed with prejudice, pursuant to Rule 25 of the Rules of Practice and Procedure Before the Oklahoma Tax Commission.

OKLAHOMA TAX COMMISSION

CAVEAT: This decision was NOT deemed precedential by the Commission. This means that the legal conclusions are generally applicable or are limited in time and/or effect. Non-precedential decisions are not considered binding upon the Commission. Thus, similar issues may be determined on a case-by-case basis.