



MISCELLANEOUS TAX BULLETIN 2011-01

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Filing Security in Court Appeals of Board of Finance and Revenue Decisions

Effective immediately, the Pennsylvania Department of Revenue ("the department") is changing its policy concerning security to be filed in cases where taxpayers appeal Board of Finance and Revenue decisions on petitions for reassessment.

Upon filing a petition for review to the Pennsylvania Commonwealth Court in which a taxpayer seeks review of a Board of Finance and Revenue decision, the taxpayer may submit a current financial statement to:

Board of Appeals (Attn: Financial Security)
Pennsylvania Department of Revenue
10th Floor, Strawberry Square
P.O. Box 281021
Harrisburg, Pennsylvania 17128-1021

The taxpayer should submit the most recent financial statements available which should include a balance sheet, income statement and all notes pertaining to the statements. A copy of the taxpayer's most recent federal tax return, including Schedule L, with applicable notes, would also be acceptable. An individual may be required to submit a personal balance sheet. The current financial statement should demonstrate that ultimate collection of the unpaid amount contested is not in jeopardy. If the department determines, based on the financial statement submitted, that the unpaid amount under appeal is not in jeopardy, the department will not pursue any collection action, including the filing of any lien, pending resolution of the appeal even though the taxpayer does not file "appropriate security" with the Prothonotary of the Pennsylvania Commonwealth Court pursuant to Rule 1782 of the Pennsylvania Rules of Appellate Procedure. If the taxpayer fails to submit a financial statement, the department may pursue any collection action as stated above.

The following procedure will be used to implement this change:

1. The taxpayer will be requested to provide a current financial statement within 30 days of filing its appeal at the Pennsylvania Commonwealth Court as outlined above.
2. The Department of Revenue will notify the taxpayer, based on the financial statement submitted or the failure to submit a financial statement, whether the department intends to file a lien or pursue other collection action. If the department intends to file a lien or pursue collection action, it will provide the taxpayer 15 days to file appropriate security with the Pennsylvania Commonwealth Court Prothonotary pursuant to Rule 1782 before filing a lien or pursuing any other collection action.