



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
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STEVE WESTLY
 Chair

JOHN CHIANG
 Member

MICHAEL C. GENEST
 Member

February 27, 2006
 Information Letter: 2006-0002

RE:

Dear *****:

In your correspondence dated *****, you requested a legal ruling from the Chief Counsel of the Franchise Tax Board on behalf of *****. We are treating your correspondence as a request for a chief counsel ruling under Revenue and Taxation Code section 21012, subdivision (a)(1).

Revenue and Taxation Code section 21012, subdivision (h), provides that "chief counsel rulings shall be issued as provided in published guidelines." On May 10, 1989, the Franchise Tax Board issued FTB Notice 89-277, entitled "Taxpayers' Bill of Rights, Franchise Tax Board Chief Counsel Rulings Guidelines." (Copy attached.) The Notice provides that the Franchise Tax Board will issue advance rulings and advisory information letters to non-corporate taxpayers whenever possible in the interests of sound tax administration. The Notice further requires that in the case of requests made on behalf of corporations or individuals represented by tax professionals, the request must provide the taxpayer's legal analysis and authorities.

We must decline your request for a chief counsel ruling since it calls for a factual determination. This provision is found in paragraph C, subparagraph 6. Although that provision is listed in the context of a corporation, in the interest of sound tax administration, it is our policy not to issue advance rulings in situations where it depends only on a factual determination or where the request asks a question that a reasonably thorough research would answer.

Please specifically note that this letter does not constitute "written advice from the board" within the meaning of Revenue and Taxation Code section 21012,

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subdivision (a), and may not be relied upon within the meaning of that section.

Sincerely,

A. Kent Summers
Tax Counsel III
General Tax Law Bureau

Encl: FTB Notice 89-277