

## CHAPTER 271

## BOARD OF TAX APPEALS

**271.01 CREATION.**

Issues before the board of tax appeals are tried de novo. *Village of Aurora v Commissioner*, 217 M 64, 14 (2d) 292.

**271.06 APPEALS FROM ORDERS.**

Under section 271.06 the legislature has afforded an opportunity for municipalities to have the issue of undervaluation considered by the board and has also authorized taxpayers, if they so desire, to enter a cross-bill claiming over assessment. *Village of Aurora v Commissioner*, 217 M 64, 14 NW(2d) 292.

The burden of establishing the invalidity of an additional income tax assessment is upon the taxpayer. The order of the commissioner is presumed to be valid. *Re Purity Baking Co. MBTA*, Aug. 30, 1945 (211) (212).

Taxpayer, a single person, claimed credit and asked to be classed as head of a household because she supported and maintained her mother therein. The taxpayer having failed to furnish the commissioner the needed information as to the facts, was assessed an additional tax based on disallowance of the claim for credit. The taxpayer having failed to appear before the board and having filed no brief, the order of the commissioner is sustained by default. *McIvor v Commissioner*, MBTA, Sept. 24, 1945 (262).

Sections 271.01 to 271.20 cover the powers of the board of tax appeals and set out the manner in which appeals from orders of the commissioner should be taken. The instant appeal was properly filed by the taxpayer and the return and answer properly submitted by the commissioner. The order of the commissioner is prima facie valid. Where no appearance is made by the taxpayer the law requires an affirmation of the order appealed from. *Midway Nat'l v Commissioner*, MBTA, May 23, 1946 (198).

**271.09 APPEALS AND REVIEWS.**

The issue of undervaluation before the board of tax appeals and that of overvaluation in the district court in a district court action, commenced under section 278.01, were not the same as contemplated by section 271.09 so as to permit a stay of proceedings before the board, and the taxpayer's motion for such stay was properly denied. *Village of Aurora v Commissioner*, 217 M 64, 14 NW(2d) 292.

**271.10 REVIEW BY SUPREME COURT.**

The prima facie validity of an assessment of personal property for general taxation is not overcome by a well-grounded claim of over-valuation. Courts do not interfere therewith except when tax officials have acted fraudulently or maliciously to the substantial prejudice of the taxpayer, or have made a mistake so gross as to be inconsistent with fair and honest judgment, or when they have proceeded on an erroneous rule of law, and then only upon sufficient proof addressed to proper legal standard of valuation. *State v Western Union*, 96 M 13, 104 NW 567.

The determination of tax officials, if reasonably supported by competent evidence and permissible inferences therefrom will be sustained under the rule that findings of administrative officers, when made upon such proofs, are final on review. *State ex rel v Board of Education*, 213 M 550, 7 NW(2d) 544; *Estate of Calisch*, 244 M 292, 8 NW(2d) 337; *Cargill v Spaeth*, 215 M 540, 10 NW(2d) 728; *Village of Aurora v Commissioner*, 217 M 64, 14 NW(2d) 292; *Duluth-Superior Dredge Co. v*

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Commissioner, 217 M 346, 14 NW(2d) 439; Village of Hibbing v Commissioner, 217 M 528, 14 NW(2d) 923.

Application by the community hospital association to the county board to have real estate declared exempt from taxation, and the board's denial, did not constitute judgment and determination barring proceedings in the district court to exempt its real estate from taxes levied by the state. Fairmont Assn. v State, 221 M 107, 21 NW(2d) 250.

**271.11 ORDERS TO BE PRIMA FACIE EVIDENCE OF FACTS.**

The scope of supreme court review of a decision of the board of tax appeals is limited to determining whether there is any reasonable basis for it in law. Village of Hibbing v Commissioner, 217 M 528, 14 NW(2d) 923.