



STATE BOARD OF EQUALIZATION
450 N STREET, SACRAMENTO, CALIFORNIA
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BETTY T. YEE
First District, San Francisco

BILL LEONARD
Second District, Ontario/Sacramento

MICHELLE STEEL
Third District, Rolling Hills Estates

JUDY CHU, Ph.D.
Fourth District, Los Angeles

JOHN CHIANG
State Controller

RAMON J. HIRSIG
Executive Director

**STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento**

PRELIMINARY RECORD OF BOARD ACTION

Wednesday, May 27, 2009

The following is a preliminary record of Board actions taken at the May 27, 2009 Board Meeting. This is not an official record and is subject to correction or modification. The official record of the Board's actions is the minutes of the Board, which will be adopted at a subsequent meeting.

The Board's decision reflects only the issues resolved by the Board at the meeting. Issues resolved prior to the meeting are not reflected in this document.

If you would like specific information regarding items on this Preliminary Record of Board Action, please telephone Joann Richmond at (916) 322-1931 or e-mail: Joann.Richmond@boe.ca.gov. Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

Board Committee Meeting – Please see Page 17, O., Adoption of Board Committee Report and Approval of Committee Actions, for voting results.

Board Meeting

Board Member Annual Photograph

State Assessed Properties Value Setting

Property Tax Matter - 'CF'

Electric Generation Facilities
SBE Company Nos. 1100-1153

Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Non-Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Energy Companies
SBE Company Nos. 101-198

Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Non-Consent Agenda Items except SBE Company No. 135

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

SBE Company No. 135

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendation	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Pipeline Companies
SBE Company Nos. 402-490

Consent Agenda Items except SBE Company Nos. 465, 467, 480 and 488

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Consent Agenda SBE Company Nos. 465, 467, 480 and 488, and
Non-Consent Agenda SBE Company No. 486 (revised for clarity 07/07/09)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Not Participating
	Dr. Chu	Yes
	Mr. Chiang	Yes

Railroad Companies
SBE Company Nos. 800-899

Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Non-Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Radio Telephone and Paging Companies
SBE Company Nos. 3002-3434

Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Interexchange Telephone Companies
Company Nos. 2014-8103

Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Non-Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Wireless Telephone Companies
SBE Companies Nos. 2532-2780

Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Non-Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Local Exchange Telephone Companies
SBE Company Nos. 201-330

Consent Agenda Items

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Staff Value Recommendations	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

Special Presentation

- Presentation of Retirement Resolution
Robert Stipe

A. Homeowner and Renter Property Tax Assistance Hearings
There are no items for this matter.

B. Corporate Franchise and Personal Income Tax Hearing

B1. ~~URS Corporation, 389145~~

C. Sales and Use Tax Appeals Hearings

C1. Ultradent Products, Inc., 215829 (OH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	No
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

C2. Shirley Everett-Dicko and Donald Ray White, 342570 (CH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' petition partially granted/denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

C3. Ahmed Bahman Lari, 406718 (AR)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

D. Special Taxes Appeals Hearing

This item is scheduled for the afternoon session.

E. Property Tax Appeals Hearings

There are no items for this matter.

F. Public HearingF1. Sales and Use Tax Regulation 1668, *Sales for Resale*

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved amendments as recommended by staff.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

G. Tax Program Nonappearance Matters – Consent**G1. Legal Appeals Matters**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Petitions for Release of Seized Property
 1. Kanhaiya Naidu and Gangamma Kanhaiya Naidu, 474048 (ET)
 2. Chhunra Kroeu, 479755 (ET)
 3. Agoura Liquor & Wine Cellar, Inc., 482981 (ET)
 4. Oaks Liquor, Inc., 479765 (ET)

G2. Franchise and Income Tax Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Decisions
 1. Vera S. Hall, 439811
 2. Inja Han, 424373

G3. Homeowner and Renter Property Tax Assistance Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Decisions
 1. B. K. Anderson, 436139
 2. Carolyn Basey, 437703
 3. Hoi Sun Bui, 426199
 4. Rebecca B. Cabrera, 424186
 5. Mavis Craig, 437566
 6. Bill Dixon, 436037
 7. Gregory V. George, 437560
 8. Panah Havil, 423602
 9. Cathy Ho, 437590

10. Amber Leslie, 424207
11. Carmen J. Lotito III, 426558
12. Michele R. Mitchell, 426525
13. Jessica Selby, 378356
14. Tyrone Stough, 425547
- Petition for Rehearing
15. Steven G. Lee, 387881
- Hearing Notice Sent – Appearance Waived
16. Reginald Patrick, 426678

G4. Sales and Use Taxes Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes, except not participating in sub-items 1 and 4.

- Redeterminations
 1. NEC Business Network Solutions, Inc., 422975 (OH)
 2. Computer Giants.Com, Inc., 420934 (OH)
- Denials of Claims for Refund
 3. Verizon Media Ventures, Inc., 333126 (OH)
 4. CIT Funding Company, LLC, 401687 (OH)
 5. Siemens Carrier Networks, LLC, 233377 (OH)
 6. STMicroelectronics (RB), Inc., 482385 (OH)
 7. Excellence in Motivation, Inc., 383894 (OH)
 8. Capital One Auto Finance, Inc., 470352 (OH)
 9. Laboratory Corporation of America, 381277 (OH)

G5. Sales and Use Taxes Matters – Credits, Cancellations, and Refunds

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Credits and Cancellations
 1. Wet Enterprises, Inc., 482264 (AC)
 2. Divine Aviation, LLC, 480993 (UT)
 3. Great Circle Family Foods, LLC, 480427 (AS)
 4. NKS Enterprises, Inc., 479318 (FH)
 5. Kemira Water Solutions, Inc., 482331 (OH)
- Refunds
 6. Graphic Color Systems, Inc., 351404 (AA)

7. Fireside Bank, 448946 (CH)
8. Guthy-Renker Corporation, 406639 (EA)
9. Siliconix Incorporated, 395247 (GH)
10. KLA-Tencor Corporation, 288546 (GH)
11. Advanced Polymer Systems, Inc., 468195 (BH)
12. Ford Construction Company, Inc., 399728 (KH)
13. Northwest Airlines, Inc., 359464 (OH)
14. Rohm & Haas Company, 435119 (OH)
15. Goss International Americas, Inc., 468777 (OH)
16. STMicroelectronics, Inc., 374890 (CH)
17. Verizon Media Ventures, Inc., 333126 (OH)
18. Marlin Leasing Corporation, 475681 (OH)
19. D. Jenkins Enterprises, Inc., 404291 (GH)
20. Ann Taylor Retail, Inc., 444342 (OH)
21. Wachovia Dealer Services, Inc., 470335 (EA)
22. Tastea, LLC, 435279 (EA)
23. Beverages & More, Inc., 440265 (CH)
24. STMicroelectronics (RB), Inc., 374889 (OH)
25. Weatherford U S, LP, 341682 (OH)
26. Americredit Financial Services, Inc., 470371 (OH)
27. Lobel Financial Corporation, 470339 (EA)
28. Excellence in Motivation, Inc., 383894 (OH)
29. Balboa Thrift & Loan Association, 470354 (FH)
30. Capital One Auto Finance, Inc., 470352 (OH)
31. Premier America Credit Union, 461705 (AC)
32. Russell-Newman, Inc., 391021 (OH)
33. CIG Financial, 469764 (EA)
34. Schawk USA, Inc., 360148 (BH)
35. ATCO Noise Management, Inc., 442175 (KH)
36. Medcal Sales, LLC, 459863 (EH)
37. Kern Schools Federal Credit Union, 470393 (AR)
38. Eagle Windows Coverings, Inc., 466655 (BH)
39. Schawk USA, Inc., 479845 (OH)
40. Siemens Government Services, Inc., 457644 (OH)

G6. Special Taxes Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

➤ Redeterminations

1. Conco Paint Company, 259626 (MT)
2. Conco Paint Company, 306859 (MT)

G7. Special Taxes Matters – Credits, Cancellations, and Refunds

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

➤ Refunds

1. Inter-State Oil Company, Inc., 447100 (MT)
2. BP West Coast Products, LLC, 443021 (MT) – ‘CF’
3. California State Automobile Association, 348182 (ET) –‘CF’
4. Mclane/Suneast, Inc., 447045 (ET)
5. Basso Distributing Company, Inc., 451500 (ET) – ‘CF’
6. Verizon California, Inc., 444045 (ET)

There are no items for the following matters:

G8. Property Tax Matters

G9. Cigarette License Fee Matters

G10. Legal Appeals Property Tax Matters

H. Tax Program Nonappearance Matters – Adjudicatory

H1. Legal Appeals Matters

➤ Petition for Rehearing

1. Ravi Singh Sekhon, 329684 (ET)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer’s petition denied.	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

➤ Hearing Notice Sent – No Response

2. Ga Na Bang U.S.A., Inc., 401792 (AS)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer’s petition denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	No
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Cases Heard But Not Decided
3. ABC–NACO, Inc., 167411 (OH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- 4a. Norman P. Shockley, Jr., 306953 (GH)
4b. Acclaim Technology, Inc., 341204 (GH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted and taxpayer's claim denied. (Corrected 07/07/09)	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

5. John F. Steele and Gayle Jeanine Steele, 333230 (UT)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' petition denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Petition for Release of Seized Property
6. Zuma Arc, Inc., 466074 (ET)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final Board determination. The Board ordered that the petition be submitted for decision, granting the petitioner 30 days to file supporting documents, the Department 30 days to respond, and the Appeals Division 30 days thereafter to review the petitioner's supporting documents, the Department's response and provide its recommendation to the Board.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Local Tax Reallocation Hearing
- 7. City of Stockton, 472908

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Jurisdiction's petition granted.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

H2. Franchise and Income Tax Matters

- Opinion
- 1. James A. Alyn and Lisa E. Alyn, 258065

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' appeal denied. Approved Formal Opinion.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes, except no on the Formal Opinion.

- Decision
- 2. ~~John D. Bogdanoff and Janora G. Bogdanoff, 440634~~
- Petitions for Rehearing
- 3a. Granite Rock Company, 420038
- 3b. Bruce W. Woolpert and Rose Ann Woolpert, 420171
- 3c. Bruce G. Woolpert and Mary E. Woolpert, 420181
- 3d. Arthur Woolpert, 420187
- 3e. Marianne Woolpert, 420219
- 3f. Stephen G. Woolpert and Elizabeth M. Woolpert, 420221
- 3g. Joseph Woolpert, 420222
- 3h. Melissa E. Woolpert, 420223

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' petitions granted.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

H3. Homeowner and Renter Property Tax Assistance Matters

➤ Decisions

1a. Sharon A. Maniaci, 406657

~~1b. Arlene Send, 403763~~

1c. Cheryl A. Thomas, 404987

1d. Nga Phan, 406782

1e. Louise Courtney, 414112

1f. Felicita S. Ibarra, 414184

1g. Ira N. Kanarek, 414863

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayers' petitions granted.	Ms. Yee	Yes
No Final Determination on sub item 1b.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

2. Catherine H. Ung, 423820

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

H4. Sales and Use Taxes Matters

➤ Redeterminations

1. Richard W. Boothman, 348231 (OH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

2. Joyce M. Wooley, 348230 (OH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Relief of Penalty/Interest
- 3. FFPE, LLC, 479433 (FH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

There are no items for the following matters:

- H5. Sales and Use Taxes Matters – Credits, Cancellations, and Refunds
- H6. Special Taxes Matters
- H7. Special Taxes Matters – Credits, Cancellations, and Refunds

H8. Property Tax Matters

- Petition for Reassessment and Penalty Abatement on Unitary Escape Assessment
- 1. Pacific Bell, 406931 (279) – 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

There are no items for the following matters:

- H9. Cigarette License Fee Matters
- H10. Legal Appeals Property Tax Matters

I. Tax Program Nonappearance Matters

I1. Property Taxes Matters

- Audits
- 1. Golden State Water Company (101) – 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Yes

2. Pacific Bell Telephone Company (279) – ‘CF’

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Not participating
	Dr. Chu	Yes
	Mr. Chiang	Yes

➤ Unitary Land Escaped Assessments

3. OmniPoint Communications, Inc., (2748) – ‘CF’

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Absent (Corrected 07/16/09)

4a. AT&T California (279) – ‘CF’

4b. Verizon Wireless (2559) – ‘CF’

4c. Verizon California (201) – ‘CF’

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Absent (Corrected 07/16/09)

➤ Board Roll Changes

5. 2005, 2006, 2007 and 2008 Board Rolls of State-Assessed Property –‘CF’

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang	Absent (Corrected 07/16/09)

12. Offers-in-Compromise Recommendations
There are no items for this matter.

C. Sales and Use Tax Appeals Hearings**C4. Softbyte, LLC, 436211 (GH)**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied. (Corrected 07/16/09)	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

~~C5a. Smoke Rings, Inc., 391126 (AR)~~~~C5b. Rami Michell Darghalli, 402639 (AR)~~~~C5c. Rami Michell Darghalli and Faiz Mohamed Munassar, 404172 (AR)~~**D. Special Taxes Appeals Hearing****Seized Property Appeal Hearing****D1. U.S. Business Associates, Inc., 469810 (ET)**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

Chief Counsel Matters

There are no items for the following matters:

- J. Rulemaking
- K. Business Taxes
- L. Property Taxes
- M. Other Chief Counsel Matters

Administrative Session**N. Consent Agenda**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

N1. Retirement Resolutions

Board approval of employee retirement resolutions.

- Jose (Joe) C. DeLeon
- Wayne Fortier
- Carl L. Herth
- Craig Kisro
- Roy Warren, Jr.

N2. Approval of Board Meeting Minutes

- February 25-26, 2009
- March 16-17, 2009

N3. Adoption of 4-R Act Equalization Ratio for 2009-10**N4. Approval of Proposed New Audit Manual section 1208.50, Solar Energy Systems****O. Adoption of Board Committee Report and Approval of Committee Actions****O1. Legislative Committee**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Adopted committee report and approved the actions therein. For details see: http://www.boe.ca.gov/legdiv/legmeetings09.htm	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

2009 Legislative Proposals

I. Administration

- 5-3 Add section 14673.11 to the Government Code to sell, exchange, lease, or any combination thereof the current headquarters building of the State Board of Equalization.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Adopted as recommended by staff.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- ~~5-4 Add Chapter 11 (commencing with section 30491) to Part 13 of Division 2 of section 30491 to the Revenue and Taxation Code to limit litigation costs, including attorneys' fees, under the Cigarette and Tobacco Products Tax Law in the same manner that litigation costs are limited under the Sales and Use Tax Law. This same provision would be added to the property tax law, the Franchise and Income Tax Law, and all of the Board-administered special tax and fee programs. In addition, section 7156 of the Sales and Use Tax Law would be moved to its own chapter.~~

II. Recommendation for Board Position:

1. AB 15 Property Tax: Disaster Relief: Los Angeles and Ventura, Author: Fuentes

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation of support. (Consent)	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

2. AB 50 Property Tax: Disaster Relief: Santa Barbara, Author: Nava

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation of support. (Consent)	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

3. AB 79 Property Tax: Disaster Relief: Orange, Riverside and San Bernardino, Author: Duvall

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation of support. (Consent)	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

4. AB 157 Property Tax: Base Year Value Transfer: Disaster, Author: Anderson

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation of support. (Consent)	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

5. AB 311 Property Tax: Certificated Aircraft Assessment, Author: Ma

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Approved staff recommendation of support. (Consent)	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

6. AB 852 Property Tax: Statements: Electronic Filing, Author: Fong

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Adopted as recommended by staff.	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

P. Other Administrative Matters**P1. Executive Director's Report**

- a. Report on time extensions to Butte, Kern, Kings, Lassen, Los Angeles, Madera, Mariposa, Monterey, Orange, Placer, Sacramento, San Diego, San Luis Obispo, Santa Cruz, Sierra, Sonoma, Sutter, Tehama, Trinity, Tulare and Yolo Counties to complete and submit 2009-10 Local Assessment Roll, pursuant to Revenue and Taxation Code section 155.
- b. Acknowledgement of selection of Board of Equalization's Taxpayer Appeals Assistance Program by the Federation of Tax Administrators (FTA) as a co-winner of the 2009 FTA Award for Taxpayer Service and Education.

P2. Chief Counsel Report

There are no items for this matter.

P3. Deputy Director's Report**a. Sales and Use Tax**

1. Issue Paper 08-014, Proposal to Raise the Threshold for Board Member Approval of Refunds in Excess of \$50,000

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Alternative 1 as recommended by staff.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- b. Property and Special Taxes
There are no items for this matter.

c. Administration

1. Contracts Over \$1 Million

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Dr. Chu	Yes
	Mr. Chiang/ Ms. Mandel	Yes

2. Facilities Update and Direction
 3. 2009/10 Budget Update and Furlough Plan
- d. Technology Services
1. Update on Digital BOE Activities

Q. Closed Session

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STATE BOARD OF EQUALIZATION

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Fourth District, Los Angeles

JOHN CHIANG
State Controller

RAMON J. HIRSIG
Executive Director

**STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento**

PRELIMINARY RECORD OF BOARD ACTION

Thursday, May 28, 2009

The Board concluded its business on May 27, 2009 so this day was cancelled.

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