



STATE BOARD OF EQUALIZATION

450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0080
(916) 322-2270 • FAX (916) 324-3984
www.boe.ca.gov

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Third District, Rolling Hills Estates

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Fourth District, Los Angeles

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State Controller

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Acting Member
Second District, Sacramento

RAMON J. HIRSIG
Executive Director

STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento
August 24-25, 2010
NOTICE AND AGENDA
Meeting Agenda (as of 9:30 a.m., 08/25/10)

[Agenda Changes](#)

Tuesday, August 24, 2010

Board Committee Meetings*

These items are scheduled for Wednesday, August 25, 2010.

10:00 a.m. Board Meeting Convenes**

Agenda items occur in the order in which they appear on the agenda. When circumstances warrant, the Board's Chair may modify the order of the items on the agenda. Items may be postponed to a subsequent day; however, items will not be moved to an earlier day.

Board Meeting**

- A. Homeowner and Renter Property Tax Assistance Hearings
There are no items for this matter.
- B. **Corporate Franchise and Personal Income Tax Hearings**
(Contribution Disclosure forms required pursuant to Gov. Code § 15626.)
 - B1. [Christopher J. Hadsell and Catherine C. Hadsell, 477797 +](#)
For Appellant: Christopher J. Hadsell, Taxpayer
Catherine C. Hadsell, Taxpayer
For Franchise Tax Board: Chris Haskins, Tax Counsel
Ron Hofsdal, Tax Counsel
 - B2. [Noel Yi and Meiling Yi, 479854 +](#)
For Appellant: Noel Yi, Taxpayer
Meiling Yi, Taxpayer
Steven Dorough, Representative
For Franchise Tax Board: Delinda Tamagni, Tax Counsel
Michael Cornez, Tax Counsel

- B3. [Brent C. Welling and Viki Lee Welling, 348029 +](#)
 For Appellant: Brent Welling, Taxpayer
 Viki Welling, Taxpayer
 For Franchise Tax Board: Raul Escatel, Tax Counsel
 Bill Hilson, Tax Counsel
- B4. [Maureen T. Scarbery and Brian E. Scarbery, 480106 +](#)
 For Appellant: Maureen Scarbery, Taxpayer
 Curtis Alexander, Representative
 For Franchise Tax Board: Raul Escatel, Tax Counsel
 Bill Hilson, Tax Counsel

C. Sales and Use Tax Appeals Hearings

These items are scheduled for Wednesday, August 25, 2010.

There are no items for the following matters:

- D. Special Taxes Appeals Hearings
 E. Property Tax Appeals Hearings

F. Public Hearing

This item is scheduled for the afternoon session.

G. Tax Program Nonappearance Matters – Consent

(Contribution Disclosure forms not required pursuant to Gov. Code § 15626.)

- G1. Legal Appeals MattersMr. Levine
- Hearing Notice Sent – No Response
 1. ~~Mark S. Harris, 382766, 382767 (ET)~~
 2. Surinderjeet S. Hundal, 448324 (KH)
 3. Ronnie A. Margolis, 343234 (AC)
 4. Paul L. Swanson, 417810 (GH)
 5. Ron Dixon, 373224 (KH)
 6. Ron J. Keifer, 436183 (KH)
 - 7a. MHCS, Inc., 392204 (OH)
 - 7b. ABC Medical Supply, Inc., 392205 (KH)
 - Hearing Notice Sent – Appearance Waived
 8. Frank's Foreign Car Service, Inc., 336170, 353594 (EA)
 9. Stephen Anthony Fernando and Vivina B. Fernando, 468671, 489812 (EH)
 - Petitions for Release of Seized Property
 10. Sor Lo, 524507 (ET)
 11. Prasad Leon Pollayil, 528874 (ET)
 12. Mahana Askandafi, 530882 (ET)
 13. David Odom, et al., 530188 (ET)
 14. Alla Eddine Beddar Benhamimi, 524525 (ET)
 15. Adel Mubaraka and Mountaha Mubaraka, 530896 (ET)

16. Adellita Adel Kurdi, 530199 (ET)
 17. Yong Joa Lee, 527350 (ET)
 18. Yen Oanh Thi Pham, 527340 (ET)
 19. First Funding Capital, Inc., 527319 (ET)
 20. Karen Bau, 530195 (ET)
 21. Jesus Adabache Ortiz and Armando Flores Esquivel, 529430 (ET)
 - Petitions for Rehearing
 - 22a. Eric Brian Scherz, 401795 (CH)
 - 22b. Rebecca Ann Scherz, 416659 (CH)
 23. Testout Corporation, 400769 (OH)
- G2. Franchise and Income Tax MattersMs. Kelly
- Decisions
 1. Claude Boehm, 470273
 2. Ronald R. Diamond and Elaine Diamond, 472937
 3. DRC Properties, LLC, 473517
 4. Michael R. Forbes, 479662
 5. Thomas P. Jones II, 472660
 6. Kenneth W. Knutson and Angela M. Knutson, 440749
 7. Michele C. Kunz, 488148
 8. Edward Martinez, 473585
 9. John Mauricio (Deceased), 467789
 10. Third Step Productions, LLC, 351210
 11. Nayankumar Patel and Ragini Patel, 493155
 12. Gwendolyn A. Webber, 485103
 - Petitions for Rehearing
 13. Bruce Culver and Donna Turner Culver, 480448
 14. Jerry Douglas and Annamaria Douglas, 423815
 15. Donald A. Wattson and Christine A. Wattson, 446005
- G3. Homeowner and Renter Property Tax Assistance MattersMs. Kelly
- Decisions
 1. Ronnie Crawford, 444023
 2. Maria Dodos, 484589
 3. Frank Gaines, 478805
 4. Scott W. Hanks, 444212
 5. Lillie Hinton, 437554
 6. Jimmy Hooper, 425151
 7. Bridget E. Johnson, 434339
 8. Carlos Mercado, 398640
 9. Jose Munetones, 480381
 10. Maria Elena Padilla, 442545
 11. Moises Perea Romo, 449941
 12. Elizabeth Rowland, 480584
 13. Kenneth Savidge, 441583
 - Petition for Rehearing
 14. A. Woods, 443186

- G4. Sales and Use Taxes Matters Ms. Henry
- Redeterminations
 1. Fleetwood Enterprises, Inc., 513910 (EH)
 2. Synthes North America, Inc., 488961 (OH)
 3. Mark Glassman, 430594 (JH)
 4. Mark Hayes Stuart, 523244 (EH)
 5. Imax Corporation, 464386 (OH)
 6. Chrysler Financial Company, LLC, 263012 (OH)
 7. Autohaus West, LLC, 489021 (EA)
 8. American Apparel, LLC, 489340 (AA)
 9. Cellco Partnership, 487055 (OH)
 10. Steve Lee, 467788 (GH)
 11. Nextel of California, Inc., 482477 (OH)
 12. GTE Mobilnet of Santa Barbara, LP, 479518 (OH)
 13. Cenvo Corporation, 483493 (OH)
 14. Serco Management Services, Inc., 400359 (OH)
 15. Arredondo Group, Inc., 459784 (AA)
 16. American Apparel, Inc., 489343 (AA)
 17. Windorware, LLC, 509660 (AR)
 - Relief of Penalty/Interest
 18. Tesoro Refining and Marketing Company, 533375 (OH)
 19. Cardinal Health 200, Inc., 530784 (OH)
 - Denials of Claims for Refund
 20. Callidus Technologies, 479649 (OH)
 21. Century Steel Holdings, Inc., 352041 (AA)
 22. Corona Networks, Inc., 224524 (GH)
 23. Institutional Superstore, LP, 450879 (OH)
- G5. Sales and Use Taxes Matters – Credits, Cancellations, and Refunds Ms. Henry
- Credits and Cancellations
 1. Paramount Petroleum Corporation, 487706 (AA)
 2. Beverly Hills Antiques, Inc., 532027 (AS)
 3. Qiagen Operon, Inc., 523749 (CH)
 4. Fullerton Dodge, Inc., 531720 (EA)
 5. Gold Key Lease, Inc., 203924 (OH)
 6. Hanes & Associates, Inc., 496292 (AR)
 - Refunds
 7. Toyota Motor Sales, U.S.A., Inc., 490630 (AS)
 8. Advance Business Graphics, 416034 (EH)
 9. Nissan North America, Inc., 532365 (OH)
 10. Bank of the West, 361937 (CH)
 11. Redwood Credit Union, 515872 (JH)
 12. United States Pipe & Foundry Company, 480716 (OH)
 13. Chrysler, LLC, 532990 (OH)
 14. Sprint Spectrum Equipment Company, LP, 463894 (OH)
 15. Plavan Commercial Fueling, Inc., 533523 (FH)
 16. Mirant California, LLC, 531393 (CH)

17. Amphastar Pharmaceuticals, Inc., 529209 (EH)
18. Metso Paper USA, Inc., 478145 (OH)
19. Wells Fargo Dealer Services, Inc., 515828 (EA)
20. Calpine Corporation, 438009 (GH)
21. Hansen Beverage Company, 448412 (EH)
22. Travis Credit Union, 515860 (JH)
23. Wescom Credit Union, 519018 (AP)
24. Arcadia Financial, Ltd, 515831 (OH)
25. California Coast Credit Union, 465442 (FH)
26. Transouth Financial Corporation, 515844 (OH)
27. American Finance & Associates Corp., 479659 (AC)
28. The Trizetto Group, Inc., 531991 (EA)
29. Bay Federal Credit Union, 515859 (GH)
30. Nextel Systems Corporation, 479249 (OH)
31. KC Employees Federal Credit Union, 509991 (AR)
32. Bio-Medical Applications of California, 468191 (OH)
33. Redbox Automated Retail, LLC, 520130 (OH)
34. ABG Acquisition Corporation, 530336 (EH)

There are no items for the following matters:

- G6. Special Taxes Matters
- G7. Special Taxes Matters – Credits, Cancellations, and Refunds
- G8. Property Tax Matters
- G9. Cigarette License Fee Matters
- G10. Legal Appeals Property Tax Matters

H. Tax Program Nonappearance Matters – Adjudicatory

(Contribution Disclosure forms required pursuant to Gov. Code § 15626.)

- H1. Legal Appeals MattersMr. Levine
 - ~~Hearing Notice Sent – No Response~~
 - 1. ~~John Ray James Ford, 436515 (JH) +~~
 - Cases Heard But Not Decided
 - 2a. Elizabeth Wardley Kwong, 316054 (AP) +
 - 2b. Raymond Wah Kwong, 316055 (AP) +
 - 3. Medical Equipment & Supplies Discount Center, Inc., 400764 (EH) +
 - 4. A Realty Publications, Inc., 343231, 373181, 379332, 391653 (EH) +
- H2. Franchise and Income Tax MattersMs. Kelly
 - Decisions
 - 1. James R. Evans and Robin B. Evans, 416415
 - 2. Adele J. Fasano, 474165
 - 3. Kenneth K. Low and Linda Marissa Low, 474345

- Petitions for Rehearing
 - 4. Joe L. Santos, 445970
 - 5. Klaus W. Wang, 441035
- H3. Homeowner and Renter Property Tax Assistance MattersMs. Kelly
 - Decision
 - 1. Melva M. Johnson, 443872
- H4. Sales and Use Taxes Matters
There are no items for this matter.
- H5. Sales and Use Taxes Matters – Credits, Cancellations,
and Refunds Ms. Henry
 - Refund
 - 1. Wells Fargo Dealer Services, Inc., 492529 (EA)

There are no items for the following matters:

- H6. Special Taxes Matters
- H7. Special Taxes Matters – Credits, Cancellations, and Refunds
- H8. Property Tax Matters
- H9. Cigarette License Fee Matters
- H10. Legal Appeals Property Tax Matters

I. Tax Program Nonappearance Matters

(Contribution Disclosure forms not required pursuant to Gov. Code § 15626.)

- I1. Property Taxes Matters
There are no items for this matter.
- I2. Offers in Compromise Recommendations Ms. Ograd/ Ms. Swanson
 - 1. Mal-Wal of Southern California
 - 2. George and Magee Bralla
 - 3. Paul Spraetz
 - 4. Hiep Tu Thai and Russell's Seafood Palace Corp.
 - 5. Bobby Ross Willis and Sandra Mae Willis
 - 6. Kwang Min Lee and Myung Suk Lee
- I3. Local Tax Reallocation Matters
There are no items for this matter.

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

The following items are scheduled for Wednesday, August 25, 2010.

- N. Consent Agenda
- O. Adoption of Board Committee Reports and Approval of Committee Actions
- P. Other Administrative Matters

Q. Closed Session

These items are scheduled for Wednesday, August 25, 2010.

1:30 p.m. Board Meeting Reconvenes**

B. Corporate Franchise and Personal Income Tax Hearings

(Contribution Disclosure forms required pursuant to Gov. Code § 15626.)

B5. [George Daniel, 518507 +](#)

For Appellant: George Daniel, Taxpayer
 For Franchise Tax Board: Jaclyn Appleby, Tax Counsel
 Karen Smith, Tax Counsel

B6. [Judith Rich, 505587 +](#)

For Appellant: Judith Rich, Taxpayer
 For Franchise Tax Board: Craig Scott, Tax Counsel
 Karen Smith, Tax Counsel

~~B7. [Isaac Contreras, 519049 +](#)~~

~~For Appellant: Isaac Contreras, Taxpayer
 Doug Smith, Representative
 For Franchise Tax Board: Jaclyn Appleby, Tax Counsel
 Diane Ewing, Tax Counsel~~

F. Public Hearing

- F1. [Proposed repeal of Property Tax Rule 471, *Timberland*, and the proposed amendments of Property Tax Rule 1020, *Timber Value Areas* +](#)Mr. Heller

Public hearing regarding the adoption of the proposed repeal of Rule 471, *Timberland*, and the proposed amendments to Rule 1020, *Timber Value Areas*.

Adjourn - The meeting will reconvene on Wednesday, August 25, 2010, at 9:30 a.m.

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Diane G. Olson, Chief
Board Proceedings Division

- * Public comment on any committee agenda item will be accepted at the beginning of the committee meeting.
- ** Public comment on any agenda item, other than a Closed Session item or an item which has already been considered by a Board Committee, will be accepted at that meeting.
- + Material is available for this Item.
- ++ Material will be available at a later date.



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450 N Street, Room 121, Sacramento
August 24-25, 2010
NOTICE AND AGENDA
Meeting Agenda (as of 9:30 a.m., 08/25/10)

Agenda Changes

Wednesday, August 25, 2010

9:30 a.m. Board Committee Meetings Convenes*

Board Meeting reconvenes upon Adjournment of the Board Committee Meetings**

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Board Committee Meetings*

Legislative CommitteeMr. Horton, Committee Chair

I. Status Report on the 2010 Board-Sponsored Legislation Package:

- AB 151 Authorizes the sale, exchange, lease, or any combination thereof, of the current BOE headquarters building in Sacramento; Author: Jones
AB 2314 Related to the retroactive granting of a disabled veterans' property tax exemption; Author: Block
AB 2332 Authorizes the BOE to request the Contractor's State License Board for a denial or suspension of a contractor's license for failure to resolve any outstanding final tax or fee liabilities; Author: Eng
AB 2433 Authorizes the BOE to admit into evidence EDD's confidential employment tax information in hearings and court proceedings to resolve disputes regarding the BOE's administration of a tax law, amount owed by a taxpayer, or a refund; Author: Ruskin
AB 2676 Board-sponsored Business Tax provisions; Author: Ma
AB 2733 Related to the Cigarette and Tobacco Products Licensing Act; Author: Ruskin

[SB 1028](#) Imposes interest on a daily basis in cases where the BOE, itself, meeting as a public body, finds that it would be inequitable to impose an entire month's interest on a prepayment or payment made one day late, under specified circumstances; Author: Correa

[SB 1494](#) Property Tax omnibus and tax administration bill; Author: SR&T

~~II. 2010 Legislative Bills~~

~~Recommendation for Board Position~~

- ~~1. [AB 2545](#) Telephone Taxes: Equitable and Uniform Statewide Standards: BOE Public Hearings; Author: De La Torre~~

[Customer Service and Administrative Efficiency Committee](#)

.....Ms. Alby, Committee Chair

- ~~1. Transparency at the Board of Equalization – Summary Report
Update on Board of Equalization's ongoing activities to become more transparent to taxpayers and the public.~~

Board Meeting Reconvenes**

C. Sales and Use Tax Appeals Hearings

(Contribution Disclosure forms required pursuant to Gov. Code § 15626.)

- C1. [Grimmway Enterprises, Inc., 379508, 379965 \(AR\) +](#)
For Petitioner/Claimant: Steve Barnes, Taxpayer
Joseph A. Vinatieri, Attorney
Richard Carlson, Representative
For Department: Chris Schutz, Tax Counsel
- C2. [Main Street California, Inc., 224746 \(OH\) +](#)
For Petitioner: Charles J. Moll III, Attorney
Troy M. Van Dongen, Attorney
Dave Zielinski, Witness
For Department: Cary Huxsoll, Tax Counsel
- ~~C3. [Eric Thomas Welch, 325518 \(KH\) +](#)
For Petitioner: Eric T. Welch, Taxpayer
For Department: Pamela Mash, Tax Counsel~~
- C4. [Eugenia D. Valdez, 482782 \(KH\) +](#)
For Petitioner: Eugenia Valdez, Taxpayer
For Department: Scott Lambert, Hearing Representative

1:30 p.m. Board Meeting Reconvenes****C. Sales and Use Tax Appeals Hearings**

(Contribution Disclosure forms required pursuant to Gov. Code § 15626.)

C5. [Lynne Marie Gallagher and Francis Xavier Gallagher, 459368 \(BH\) +](#)

For Petitioner: Francis Gallagher, Taxpayer
Jonathan Wexler, Representative

For Department: Stephen Smith, Tax Counsel

C6. [Jen Kubala and Sharon Stencil, 473195 \(KH\) +](#)

For Petitioner: Jen Kubala, Taxpayer
Sharon Stencil, Taxpayer
Frederick W. Smith, Jr., Attorney

For Department: Cary Huxsoll, Tax Counsel

Administrative Session**N. Consent Agenda** Ms. Olson
(Contribution Disclosure forms not required pursuant to Gov. Code § 15626.)N1. [Retirement Resolutions +](#)

- Irene Johnson (Amendment)
- Barbara A. Lee
- Michelle Maciel
- Patricia Molina
- Gloria Reid

N2. [Approval of the 2011 Board Workload Plan +](#)

The plan consists of the 2011 Board meeting calendar, annual property tax calendars, and significant dates considered in setting Board meeting dates.

N3. [Approval of Coins and Bullion Bulk Sale Adjustment pursuant to Revenue and Taxation Code section 6355 +](#)

Approval to continue the current bulk sale exemption threshold of \$1,500 in Sales and Use Tax Regulation 1599, *Coins and Bullion*

N4. [Adoption of Property Tax Forms +](#)

- BOE-566-K *Oil and Gas Operating Expense Data for 20__*
Revised to request description of new equipment and structures, maintenance, repair, and overhauls.
- BOE-566-D *Oil and Dissolved Gas Production Report for 20__*
Revised to request heat content of produced gas.

O. Adoption of Board Committee Reports and Approval of Committee Actions

O1.1. Legislative Committee - July 13, 2010

O1.2. Legislative Committee – August 25, 2010

~~O2. Customer Service and Administrative Efficiency Committee – August 25, 2010~~**P. Other Administrative Matters**

P1. Executive Director's Report Mr. Hirsig

1. **BOE 2010-15 Final Strategic Plan and 3-Year Business Plan 2010-13 +**

Briefing on the Final BOE 2010-2015 Strategic Plan and accompanying 3-Year Business Plan. No Board action required.

P2. Chief Counsel Report

There are no items for this matter.

P3. Sales and Use Tax Deputy Director's Report Ms. Henry

1. **Informal Discussion Paper on the Field Office of the Future +**

A discussion of the way the BOE field offices can look and function in the future.

P4. Special Taxes and Fees Deputy Director's Report

There are no items for this matter.

P5. **Administration Deputy Director's Report +** Ms. Houser

1. Facilities Update

These items provide information and may require Board action.

a. Headquarters Facilities

There will be an update on the Headquarters remediation project.

b. Headquarters Annex

There will be an update on the Headquarters annex locations.

2. 2010/11 and 2011/12 Budget Update, Furlough Plan and Layoffs

These items provide information and may require Board action or direction.

a. Information may be provided to the Board regarding the Governor's 2010/11 Budget, Governor's Executive Order S-1210, State Employee Furlough, and layoffs.

3. **2011/12 DRAFT Budget Change Proposals (BCPs) +**

An oral presentation of the DRAFT 2011/12 Budget Change Proposals (BCP's) for Board action.

a. **Permanent Establishment of the Statewide Compliance and Outreach Program (SCOP) – this proposal requests**

- b. funding to convert 147.0 limited-term positions to permanent in order to continue the SCOP program. +
- b. Enhancing Tax Compliance – request funding to expand the audit and collection programs, and resources to allow participation in the High Intensity Financial Crimes Area (HIFCA) task force; and for agreements with out-of-state attorneys to collect debt. +
- c. Board of Equalization (BOE) Offices of the Future - requests funding to begin the journey to relocate BOE Headquarters, and implement new district and field office footprints, starting with the San Diego and San Marcos offices. +
- d. BOE Rent Increase (Placeholder) - requests funding for an increase in BOE headquarters rent should the State sell bonds in the Fall of 2010. +

P6. Technology Deputy Director’s Report
 There are no items for this matter.

Announcement of Closed Session Ms. Olson

Q. Closed Session

- Q1. Discussion and approval of staff recommendations regarding settlement cases (Rev. & Tax. Code §§ 6901, 7093.5, 30459.1 and 50156.11)
- Q2. Pending litigation: *Mohan et al. v. Dell, Inc., et al.; Dell, Inc. et al. v. State Board of Equalization*, San Francisco County Superior Court No. CGC 03 419192, Computer Service Tax Cases, JCCP No. 4442 (Gov. Code § 11126(e))
- Q3. Pending litigation: *US Smokeless Tobacco Brands, Inc. v. State Board of Equalization*, San Francisco Superior Court, Case No. CGC-07-463592 (Gov. Code § 11126(e))
- Q4. Pending litigation: *Governor Arnold Schwarzenegger, et al. v. State Controller John Chiang, et al.*, Sacramento County Superior Court, Case No. 34-2009-80000158 (Gov. Code § 11126(e))
- Q5. Pending litigation: *Schroeder, et al. v. State Board of Equalization, et al.* Sacramento Superior Court Case No. 34-2008-00004467-CU-MT-GDS; *Frankot, et al. v. State Board of Equalization, et al.*, Sacramento Superior Court Case No. 34-2008-00012174-CU-PO-GDS; and, *Allen, et al. v. State Board of Equalization, et al.*, Sacramento Superior Court, Case No. 34-2008-00017014-CU-TT-GDS (Gov. Code § 11126(e)(2)(B)(i))
- Q6. Discussion and action on personnel matters (Gov. Code § 11126(a))

Announcement of Open Session..... Ms. Olson

Adjourn

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