



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

JOHN CHIANG
State Controller

STEVE SHEA
Acting Member
Fourth District, Los Angeles

RAMON J. HIRSIG
Executive Director

**STATE BOARD OF EQUALIZATION MEETING
August 31 – September 1, 2009**

PRELIMINARY RECORD OF BOARD ACTION

Monday, August 31, 2009

The following is a preliminary record of Board actions taken at the August 31-September 1, 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.

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Board Meeting

A. Homeowner and Renter Property Tax Assistance Hearing

A1. ~~Eddie Tobias, 440644~~

B. Corporate Franchise and Personal Income Tax Hearings

B1. ~~Rosendin Electric, Inc., 358879~~

B2. Thomas G. Haas, 447747

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's appeal partially granted/denied.	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

B3. Paul Katchadourian, 451078

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

C. Sales and Use Tax Appeals Hearings

These items are scheduled for this afternoon session and Tuesday, September 1, 2009.

D. Special Taxes Appeals Hearing

This item is scheduled for Tuesday, September 1, 2009.

E. Property Tax Appeals Hearings
There are no items for this matter.

F. Public Hearing

F1. Approval of Proposed Amendments to Sales and Use Tax Regulation 5237, *BOARD APPROVAL REQUIRED FOR REFUNDS* and Sales and Use Tax Regulation 5266, *APPEALS STAFF RECOMMENDATIONS; REQUESTS FOR RECONSIDERATION; REQUESTS FOR ORAL HEARINGS*

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved the regulation with revisions and referred the regulation to the 15-day file for additional notice and comment.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	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
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Hearing Notice Sent – No Response
 1. Fouad Mohammed Zamzami, 425054 (CH)
 2. Process Construction, Inc., 350404 (KH)
- Hearing Notice Sent – Appearance Waived
 3. Gary L. Smith and Michael L. Smith, 379795, 382294, 421897 (KH)
- Petitions for Release of Seized Property
 4. Phuoc Huu Do, 488197 (ET)
 5. Sital Singh Dosanjh, 488771 (ET)

G2. Franchise and Income Tax Matters

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Ms. Yee	Yes
No final determination on sub item 21.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Decisions
 1. Salvador Arevalo, 421278
 2. Lawrence M. Atencio, 459823
 3. Sherry L. Beamer, 449296
 4. Donovan D. Bolton, 423962
 5. Gladys Brooker, 423274
 6. Chandra Dwivedi, 442522
 7. Stanley Firestone and Maxine N. Firestone, 416529
 8. David Fudge, 419989
 9. Dawn Galdes, 446029
 10. Darlene Hurtado, 417822
 11. Dimitri Komatitsch, 447643
 12. Flora Nwande, 400662
 13. Aldo Ocegueda, 414677
 14. Bruce G. Rossiter, 393432
 15. Yolanda G. Saucedo, 421010
 16. Paul Kenneth Schadler, 450116
 17. Judith Y. Serra, 421018
 18. Brian Simmerman, 431686
 19. Marian M. Snyder, 430738
 20. Kevin Sorenson and Maria Sorenson, 450972
 - ~~21. David H. Ward, 450986~~
- Petition for Rehearing
 22. Lippard Associates, Inc., and Sussex Financial Enterprises, 402128

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
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

➤ Decisions

1. Mikie L. Bell, 426503
2. Silvestre Campos Ortiz, 473089
3. Glenna Delgado, 422944
4. C. Diep, 424027
5. Jacqueline Earl (Deceased), 429721
6. Johnny Finister, 426233
7. Jennifer R. Fragoso, 443868
8. Reginald Dean Franklin, 423003
9. Lloyd N. Garrison (Deceased), 438003
10. Thuy Van Hoang, 425140
11. Ollie Mae Holliday, 426912
12. Nicole Rebecca Hornung, 458659
13. Eugene Olin Jackson, 458951
14. Carolyn Sims Kenyon, 425162
15. Nery Larios, 445863
16. Albert McCowen, 427186
17. Lafayette Medlock, Jr., 463766
18. Amir Milani, 444282
19. Luis Perez, 432303
20. Nicki Phillips, 472849
21. Rene Rivas, 444497
22. Chandar Sudhakar, 441569
23. Vladimir Vorontsov, 423019
24. Martha Jean Washington, 458769
25. C.D. Waters-Brown, 397109
26. David M. Wendell, 436555
27. Verna Lee Wicks, 450040
28. Wei Kang Wu, 437709
29. Cindy Brito Ybarra, 463697

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
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-items 10 and 30

- Redeterminations
 1. Bonhams & Butterfields Auctioneers Corporation, 402646 (BH)
 2. Miller Brewing Company, 433700 (EA)
 3. Siemens Energy & Automation, Inc., 391636 (OH)
 4. Hassan Kazemini, 416859 (JH)
 5. Max Leroy Kistler, 406214 (KH)
 6. Mario Joseph Lucchese, 459479 (AC)
 7. Critical Path, Inc., 381895 (BH)
 8. Thermo Fisher Scientific (Asheville), LLC, 458014 (OH)
 9. All States Glass Centers, Inc., 459922 (CH)
 10. Simplehuman, LLC, 470293 (AS)
 11. First Hospital Products, Inc., 300404 (OH)
 12. Whirlpool Corporation, 426187 (OH)
 13. Business Intl' So. California, 168218 (EA)
 14. Chandy K. Philip, 479514 (BH)
 15. BMC Software Distribution, Inc., 469159 (OH)
 16. Marco Display Specialists, LP, 314488 (OH)
 17. Jerry C. Pak, 469461 (EA)
 18. Navegante Charters, LLC, 342929 (FH)
 19. Sun Automation, Inc., 426741 (OH)
- Relief of Penalty/Interest
 20. Hermes-Beverly Hills, 491468 (OH)
 21. Houghton Mifflin Harcourt Publishing Company, 489295 (OH)
 22. Chanel, Inc., 491203 (OH)
 23. Honeywell, Inc., 490189 (OH)
- Denials of Claims for Refund
 24. Genentech, Inc., 381947 (BH)
 25. Nektar Therapeutics, 484899 (BH)
 26. Triumph Actuation Systems-Valencia, 442336 (AR)
 27. Iherb, Inc., 484916 (AP)
 28. Sierra Central Credit Union, 491799 (KH)
 29. Hitachi Global Storage Tech, Inc., 486661 (GH)
 30. Google Technology, Inc., 330698 (GH)
 31. American Auto Financing, Inc., 420729 (EA)
 32. TCG International, Inc., 447118 (EA)

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
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-items 16 and 56

- Credits and Cancellations
 1. Crown Chevrolet, 490303 (CH)
 2. Sunland Ford, Inc., 490319 (EH)
 3. ABC-NACO, Inc., 491818 (OH)
 4. Phillystran, Inc., 491645 (OH)
 5. Veeco Compound Semiconductor, Inc., 489815 (OH)
 6. Buzl Distribution Northeast, LLC, 489786 (OH)
 7. Golden Mini Mart, Inc., 491555 (AA)
- Refunds
 8. City of Los Angeles-Controller, 489991 (AA)
 9. Studio Image, Inc., 332534 (AC)
 10. Mid State Bank, 441799 (GH)
 11. Michael John Bishop, 491712 (GH)
 12. Monster Cable Products, Inc., 442167 (BH)
 13. Thoratec Laboratories Corporation, 430573 (CH)
 14. Golden Star Technology, Inc., 490158 (AA)
 15. Primary Color Systems Corp., 450705 (EA)
 16. Autodesk, Inc., 489580 (JH)
 17. The Golden 1 Credit Union, 478766 (KH)
 18. Kronos, Inc., 335831 (OH)
 19. Itron, Inc., 373824 (OH)
 20. Sabre, Inc., 489039 (OH)
 21. Ontrack Data International, Inc., 474784 (OH)
 22. Chevrolet Motor Division, 488587 (OH)
 23. Farmers Insurance Group, 381012 (AS)
 24. Kimberly-Clark Worldwide, Inc., 472033 (OH)
 25. SFS 39, Inc., 478129 (BH)
 26. Sunquest Information Systems, Inc., 468408 (OH)
 27. MP Totalcare Medical, Inc., 434324 (AA)
 28. Jay, LLC, 489665 (KH)
 29. Three Man Corporation, 483477 (FH)
 30. Zappos.com, Inc., 461146 (EH)
 31. Nektar Therapeutics, 484899 (BH)
 32. Intergraph Public Safety, Inc., 346714 (OH)
 33. Sonus Networks, Inc., 354143 (OH)
 34. Universal Electronics, Inc., 489438 (EA)
 35. Pilot Travel Centers, LLC, 361683 (OH)
 36. ASD Specialty Healthcare, Inc., 379043 (OH)

- 37. Owens & Minor Distribution, Inc., 460061 (OH)
- 38. Owens & Minor Distribution, Inc., 479859 (OH)
- 39. Owens & Minor Distribution, Inc., 396948 (OH)
- 40. Iherb, Inc., 484916 (AP)
- 41. Raley's, 451328 (JH)
- 42. Palm, Inc., 435693 (GH)
- 43. Vision Advertising, Inc., 351521 (AS)
- 44. Sierra Central Credit Union, 444791 (KH)
- 45. BJ's Restaurants, Inc., 474062 (EA)
- 46. Wescom Credit Union, 484394 (AP)
- 47. Kemiron Pacific, Inc., 312755 (OH)
- 48. Communications & Power Industries, Inc., 477156 (GH)
- 49. Movie Theatre Exhibition & Consulting Serv., Inc., 458752 (JH)
- 50. Americredit Financial Service, Inc., 478141 (OH)
- 51. USE Credit Union, 415290 (FH)
- 52. Colgin Partners, LLC, 470344 (JH)
- 53. Top Auto Finance, Inc., 405476 (AC)
- 54. Hitachi Global Storage Tech, Inc., 486661 (GH)
- 55. Transouth Financial Corporation, 382295 (OH)
- 56. Google Technology, Inc., 330698 (GH)
- 57. Michael Anthony Management, Inc., 458809 (KH)
- 58. Community Trust Credit Union, 441561 (KH)
- 59. American Auto Financing, Inc., 420729 (EA)
- 60. Premier Truss, LLC, 467809 (EH)
- 61. Kern Schools Federal Credit Union, 479368 (AR)
- 62. Linc Government Services, LLC, 474063 (OH)
- 63. TFC Enterprises, Inc., 432571 (EA)
- 64. Intertec Systems, LLC, 470338 (OH)
- 65. United Local Credit Union, 447428 (KH)
- 66. The American Bottling Company, 488219 (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
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-items 3, 4, 5, 6 and 7

➤ Redeterminations

- 1. First Student, Inc., 128513, 129941, 293173 (MT)
- 2. First Student, Inc., 331267, 343391, 343394, 344611, 353993 (MT)
- 3. California Automobile Ins. Co., 343341 (ET) 'CF'
- 4. California Automobile Ins. Co., 343346 (ET) 'CF'

- Relief of Penalty
 - 5. Nationwide Life Insurance Company, 491851 (ET) 'CF'
 - 6. Safeco Insurance Company of America, 488239 (ET) 'CF'
 - 7. Delos Insurance Company, 474955 (ET) 'CF'
 - 8. McLane/Suneast, Inc., 493016 (ET)
- Denial of Claims for Refund
 - 9. Karabetian Import and Export, Inc., 406850 (ET)

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 – except not participating in sub-item 3
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-items 1, 3, 5, 6 and 11

- Credits and Cancellations
 - 1. Sierra Tobacco Distributing, LLC, 213041 (MT) 'CF'
 - 2. Sierra Tobacco Distributing, LLC, 213043 (MT)
- Refunds
 - 3. Conocophillips Company, 449676 (MT) 'CF'
 - 4. First Student, Inc., 353990 (MT)
 - 5. SCPIE Indemnity Company, 166080 (ET) 'CF'
 - 6. Fosters Wine Estates Americas Co., 380190 (ET) 'CF'
 - 7. McLane/Suneast, Inc., 387439 (ET)
 - 8. McLane/Suneast, Inc., 395023 (ET)
 - 9. McLane/Suneast, Inc., 422650 (ET)
 - 10. McLane/Suneast, Inc., 434600 (ET)
 - 11. Diageo North America, Inc., 448267 (ET) 'CF'

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. Vishwa Rup Lakhanpal, 100564, 234649 (AR)

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

➤ Hearing Notice Sent – No Response

2a. Nijjar Brothers Trucking, Inc., 258549 (MT)

2b. NB Trucking, Inc., 284086 (MT)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied. To the extent allowable under law, abate interest of one year.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

3. Conco Paint Company, 57628, 77681, 151419, 165485, 214933, 89000961230, 89000961240, 89000961250, 89000961260 (MT)

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

4. Donald Edward Wood, 397151 (AA)

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

- Hearing Notice Sent – Appearance Waived
5. Arco Terminal Services Corp, 310137 (MT)

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

- Case Heard But Not Decided
6. Ron Sanchez, 283578 (EH)

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

H2. Franchise and Income Tax Matters

- Decisions

1. Leah Lukrich, 391844

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

2. Matt Ward, 431775

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's appeal partially granted/denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Petition for Rehearing
 3. NASSCO Holdings, Inc., 317434

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Respondent's (FTB's) petition for rehearing denied.	Ms. Yee Mr. Leonard Ms. Steel Mr. Shea Mr. Chiang/ Ms. Mandel	Yes Yes Yes Yes Yes
Staff is to draft a Formal Opinion.	Ms. Yee Mr. Leonard Ms. Steel Mr. Shea Mr. Chiang/ Ms. Mandel	Abstain Yes Yes Yes No

- Hearing Notice Sent – No Response
 4. Robin Nottingham Reid, 467218

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

H3. Homeowner and Renter Property Tax Assistance Matters
There are no items for this matter.

H4. Sales and Use Taxes Matters

- Denial of Relief of Penalty/Interest
 1. Brentwood Motors, Inc., 445719 (CH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Ms. Yee Mr. Leonard Ms. Steel Mr. Shea Mr. Chiang/ Ms. Mandel	Yes No No Yes 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
- H9. Cigarette License Fee Matters
- H10. Legal Appeals Property Tax Matters

I. Tax Program Nonappearance Matters

I1. Property Taxes Matters
There are no items for this matter.

I2. Offers-in-Compromise Recommendations

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

- 1. Digby Industries, Inc.
- 2. Ricky D. Wilson
- 3. Roberto Shakiba

Chief Counsel Matters

There are no items for the following matters:

- J. Rulemaking
- K. Business Taxes
- L. Property Taxes

M. Other Chief Counsel Matters

M1. *Grotenhuis (Respondent) v. County of Santa Barbara (Appellant)*, 2nd District Court of Appeal No. B212264, Santa Barbara Superior Court No. 1244393

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved as recommended by staff.	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

Administrative Session

The following items are scheduled for Tuesday, September 1, 2009.

- 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 Tuesday, September 1, 2009.

C. Sales and Use Tax Appeals Hearings**Local Tax Reallocation Hearings**

C1. City of Union City, 469296

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Jurisdiction's petition partially granted/denied.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	No
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

C2. City of Pomona and Town of Los Gatos, 469261

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final Board determination.	Ms. Yee	
	Mr. Leonard	
	Ms. Steel	
	Mr. Shea	
	Mr. Chiang/ Ms. Mandel	



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RAMON J. HIRSIG
Executive Director

**STATE BOARD OF EQUALIZATION MEETING
August 31 – September 1, 2009**

PRELIMINARY RECORD OF BOARD ACTION

Tuesday, September 1, 2009

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C. Sales and Use Tax Appeals Hearings

C3. Werther International, Inc., 290751 (OH)

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

C4. James Bass Smith, 353126 (UT)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final Board determination.	Ms. Yee	Yes
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.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

C5. James M. Heim, 379939 (CH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final Board determination.	Ms. Yee	Yes
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.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

D. Special Taxes Appeals Hearing

D1. Sukhwant S. Sekhon and Amarjit K. Sekhon, 491719 (ET)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
No final Board determination.	Ms. Yee	Yes
The Board deferred consideration to the October Sacramento Meeting.	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

Administrative Session**N. Consent Agenda**

N1. Retirement Resolutions

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

- Grace Garcia
- Philip G. Gonzales
- Richard L. Hess
- Cheryl Hronec
- Christopher C. Lu
- David Pidal
- Sue Scheib
- Adela S. Spangler
- Robert L. Thompson
- Lucia M. Vargas
- Lee James Watkins

N2. Approval of the 2010 Board Workload Plan

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved Calendar A.	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

N3. Approval of Revenue and Taxation Code section 6355, *Coins and Bullion Bulk Sale Adjustment*

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

O. Adoption of Board Committee Reports 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.	Ms. Yee	Yes
	Mr. Leonard	Yes
For details see:	Ms. Steel	Yes
http://www.boe.ca.gov/legdiv/legmeetings09.htm	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

I. 2009 Legislative Proposals**Administration****5-5**

Amend Government Code Sections 17280.1 and 17280.2 to specifically provide that the Board shall accept registered warrants as payment for any tax, fee, or surcharge liability to the Board if the registered warrant is issued specifically to that tax, fee, or surcharge payer.

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Adopt as presented	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

II. 2009 Legislative Bills**Recommendation for Board Position:****1. AB 1506 Acceptance of Registered Warrants, Author: Anderson**

<u>POSITION</u>	<u>MEMBER</u>	<u>COMMITTEE VOTE</u>
Support application of the bill's provisions to the BOE	Ms. Yee	Yes
	Mr. Leonard	Yes
	Ms. Steel	Yes
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

O2. Customer Service and Administrative Efficiency Committee

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Adopted committee report and approved the actions therein.	Ms. Yee	Yes
	Mr. Leonard	Yes
For details see:	Ms. Steel	Yes
http://www.boe.ca.gov/meetings/custsrv/custsrv09.htm	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

P. Other Administrative Matters

P1. Executive Director's Report
 a. 2009/10 Budget Update

P2. Chief Counsel Report
 There are no items for this matter.

P3. Deputy Director's Report

There are no items for the following matters:

- a. Sales and Use Tax
- b. Property and Special Taxes

c. Administration

1. Facilities Update

2. 2010/11 Budget Change Proposals – Draft Budget Change Proposals for Board Action

P3c2a. BOE Headquarters Facilities – Placeholder

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

P3c2b. San Diego District Office

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

P3c2c. Ramp Down—Temporary 1.0 Percent State Sales and Use Tax Rate Increase

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

P3c2d. Increase Revenue through Agricultural Inspection Station Tax Leads

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Ms. Yee	Yes
	Mr. Leonard	No
	Ms. Steel	No
	Mr. Shea	Yes
	Mr. Chiang/ Ms. Mandel	Yes

P3c2e. Ensuring Fuel Tax Compliance

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

P3c2f. Budget Restoration – Placeholder

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

- d. Technology
There are no items for this matter.

Q. Closed Session