



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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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
December 11-13, 2007
NOTICE AND AGENDA
Meeting Agenda (as of 8:00 a.m. 12/13/07)
Agenda Changes

Recorded Audio from Tuesday, December 11, 2007

Tuesday, December 11, 2007

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

Board Meeting Convenes upon Adjournment of the Board Committee Meeting**

Agenda items occur in the order in which they appear on the agenda. When circumstances warrant, the Board's Chairwoman, Ms. Yee, may modify the order of the items on the agenda. Items scheduled for the first or second day may be postponed to the subsequent day; however, items will not be moved to an earlier day.

Board Committee Meeting*

Customer Services and Administrative

Efficiency Committee+ Mr. Leonard, Committee Chair

1. E-Services Update
 - The current status of electronic services projects/activities and the 2007-08 E-filing infrastructure projects/activities.
2. Tax Appeals Publications Update on Revisions
 - The status of current revisions to publications offered by the BOE to assist the taxpayer in the appeals/hearing process.

Board meeting**

Oral hearings

- 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. ~~Rechelle M. Dorfler, 306426~~
~~For Appellant: C. Henry Veit, Representative~~
~~For Franchise Tax Board: Mark McEvelly, Tax Counsel~~
- B2. Vivian Fontenot, 391245
 For Appellant: Rita Madgett-Scott, Representative
 For Franchise Tax Board: Mark McEvelly, Tax Counsel
- B3. John Nelson and Ivy C. Nelson, 393411
 For Appellant: Rita Madgett-Scott, Representative
 For Franchise Tax Board: Mark McEvelly, Tax Counsel
- B4. Nemat Maleksalehi and Maryam Maleksalehi, 395817
 For Appellant: Jerome A. Bellotti, CPA
 Nemat Maleksalehi, Taxpayer
 For Franchise Tax Board: Raul Escatel, Tax Counsel
- B5. ~~H.J. Heinz Company and Subsidiaries, 311701~~
~~For Appellant: Barbara Deem, Representative~~
~~Derick Brannan, Representative~~
~~Christopher Whitney, Representative~~
~~For Franchise Tax Board: Daniel Biedler, Tax Counsel~~

1:30 p.m. Board Meeting Reconvenes in Room 121**

C. Sales and Use Tax Appeals Hearings
(Contribution Disclosure forms required pursuant to Gov. Code § 15626.)

- C1. Aerolease of America, Inc., 282309, 296191 (UT)
 For Petitioner: S.E. Shaw, Representative
 For Department: Carla Caruso, Tax Counsel
- C2. Vilumina M. Rico, 345435, 318330 (KH)
 For Petitioner: Larry Frederick, Representative
 Pedro Rico, Witness
 For Department: Cary Huxsoll, Tax Counsel
- C3. Richard Earl O'Rourke, 216557 (BH)
 For Petitioner: Richard O'Rourke, Taxpayer
 Graham Hoad, Representative
 Gary Goodman, CPA
 For Department: Robert, Tucker, Tax Counsel

- C4. John Richard Dudley, 253691 (KH)
For Petitioner: John Dudley, Taxpayer
For Department: Christine Bisauta, Tax Counsel
- C5. AADIJ Investment, Inc., 334276 (GH)
For Petitioner: Jayesh Parikh, Taxpayer
Edwin Oshika, Attorney
Jayant C. Trivedi, CPA
For Department: Cary Huxsoll, Tax Counsel

The following items are scheduled for Wednesday, December 12, 2007:

- D. Special Taxes Appeals Hearings
- E. Property Tax Appeals Hearings
- F. Public Hearings
- G. Tax Program Nonappearance Matters – Consent
- H. Tax Program Nonappearance Matters – Adjudicatory
- I. Tax Program Nonappearance Matters
There are no items for this matter.

Chief Counsel Matters

The following items are scheduled for Wednesday, December 12, 2007:

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

Administrative Session

These items are scheduled for Wednesday, December 12, 2007.

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

Q. Closed Session

These items are scheduled for Wednesday, December 12, 2007.

Adjourn - The meeting will reconvene on Wednesday, December 12, 2007, at 9:30 a.m.

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Diane G. Olson, Chief
Board Proceedings Division

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- + Material is available for this Item.
- ++ Material will be available at a later date.
- "CF" Constitutional Function – The Deputy State Controller may not participate in this matter under Government Code section 7.9.



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Board meeting**

Oral hearings

A. Homeowner and Renter Property Tax Assistance Hearings

There are no items for this matter.

B. Corporate Franchise and Personal Income Tax Hearings

These items are scheduled for Tuesday, December 11, 2007.

C. Sales and Use Tax Appeals Hearings

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

C6. Chung Im Kim, 358090 (KH)

For Petitioner: Chung Im Choi (Kim), Taxpayer
For Department: Robert Tucker, Tax Counsel

C7. GE Engine Services-Corporate Aviation, Inc., 166340 (AS)

For Petitioner: Kevin S. Berry, Taxpayer
Joseph Vinatieri, Attorney
For Department: Kevin Hanks, Hearing Representative

D. Special Taxes Appeals Hearings

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

- D1. Cigars by Chivas, Inc., 334787, 334876 (AP)
 For Petitioner: Mark J. Geragos, Attorney
 David Connelly, CPA
 For Department: Tim Treichelt, Tax Counsel

E. Property Tax Hearings

These items are scheduled for the afternoon session.

F. Public Hearings**F1. Timber Yield Tax Rate+.....Mr. Hayes**

Revenue and Taxation Code, section 38202 requires that the Board adjust the timber yield tax rate in December of each year to the nearest one-tenth of one percent for the next calendar year. The adjustment is to be in the same proportion as the change from the previous tax year to the present one of the average general property tax rate in the rate adjustment counties.

F2. Timber Harvest Values+Mr. Tang

On or before December 31, 2007, the Board shall estimate the immediate harvest values of and adopt schedules for timber harvested between January 1, 2008 and June 30, 2008. (Rev. & Tax. Code, § 38204.)

G. Tax Program Nonappearance Matters – Consent(Contribution Disclosure forms not required pursuant to Gov. Code § 15626.)**G1 Legal Appeals MattersMr. Angeja**

- Petition for Rehearing
 1. Ed Emadi, Inc., 249588, 273019 (GH)
- Petitions for Release of Seized Property
 2. Rafik M. Assad, 420480 (ET)
 3. Francois Alexandre, 421658 (ET)

G2 Franchise and Income Tax Matters.....Ms. Kelly

- Decisions
 1. R. Keith Brewster, 382894
 2. Robert K. Castillon, 349008
 3. Michael P. Goodman, 383411
 4. Robin D. Granger, 357603
 5. Sherrie Seng Savang, 378530
 6. David W. Shaw, 382224

7. Scott C. Tonne, 384451
8. Marvin W. Ward, 378098
9. Herkie Lee Williams, M.D., 379653
- Petitions for Rehearing
 10. Timothy Jenkins, 348922
 11. Lionel Kolker, 334482
 12. Cedo Popovic and Mirjana Popovic, 353602

G3 Homeowner and Renter Property Tax

Assistance Matters.....Ms. Kelly

- Decisions
 1. Knarik Abadzhyan (Deceased), 389709
 2. Eugene Anderson, 394691
 3. Tanya Berry, 395705
 4. Paul W. Bloom, 381217
 5. Hung Jae Chang, 380744
 6. Alfred de Bartolo, 390549
 7. Grace Devico, 378106
 8. Romelia Gould, 383276
 9. Gracie L. Harris, 383481
 10. Brenda Hawkins, 394376
 11. Angela Jenkins, 396056
 12. Shirley Koppi, 383506
 13. Velga Laivenieks, 378347
 14. Clara Scott Terry, 379149
 15. Pho Van Tran, 372794

G4 Sales and Use Taxes Matters Ms. Henry

- Redeterminations
 1. Dan Gamel, Inc., 312448 (KHO)
 2. Ki Hong Park, 342932 (EAA)
 3. Daniel A. Frahm, 399410 (AR)
 4. Willy Alfredo Phillips, 329910 (AS)
 5. Medtronic Sofamor Danek USA, Inc., 389559 (OHA)
 6. Equistar Chemicals, LP, 389560 (OHC)
 7. Lyondell Chemical Company, 389561 (OHC)
 8. Pass Avenue Associates, LLC, 404533 (AC)
 9. Sears-Roebuck and Company, 299496 (OHA)
- Relief of Penalty/Interest
 10. Baker Petrolite Corporation, 421549 (OHC)
 11. UPS Oasis Supply Corporation, 418332 (OHA)
 12. Infinera Corporation, 418441 (GH)
 13. Baja Fresh Westlake Village, Inc., 421550 (EA)

- Denials of Claims for Refund
 14. Aramark Uniform & Career Apparel, 300481 (AC)
 15. Professional Hospital Supply, Inc., 317682 (EH)
 16. American International Group, Inc., 359344 (OHB)
- Denial of Relief of Penalty/Interest
 17. Caddo Design & Office Products, 421105 (OH)

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

- Credits and Cancellations
 1. Enclos Corporation, 421650 (OHA)
 2. Larry M. Hayes, Inc., 420916 (AR)
- Refunds
 3. American Isuzu Motors, Inc., 299346 (AA)
 4. Metro-Med, Inc., 418127 (AC)
 5. Hertz Equipment Rental Corporation, 418334 (OHB)
 6. All American Asphalt, 418268 (EH)
 7. Primary Color Systems Corporation, 417771 (EAA)
 8. Hawthorne Machinery Company, 415254 (FHB)
 9. Professional Hospital Supply, Inc., 317682 (EH)
 10. EMC Corporation, 394229 (OHB)
 11. Ford Motor Company, 420067 (OHA)
 12. Sunamerica Life Insurance Company, 360459 (AS)
 13. Crossbow 50, LLC, 420077 (UT)
 14. Election Systems & Software, Inc., 394819 (OHA)
 15. Genis Productions, Inc., 418057 (AC)
 16. Man Roland, Inc., 414298 (OHA)
 17. Wachovia Dealer Services, Inc., 415510 (EAA)
 18. Nintendo of America, Inc., 340932 (OH)
 19. MTI Technology Corporation, 417770 (EA)
 20. General Atomics Aeronautical Systems, Inc., 395651 (FHB)
 21. Wescom Credit Union, 415511 (AP)
 22. Eisenhower Health Services, 416342 (EHC)
 23. Schlumberger Technology Corporation, 405005 (OHC)
 24. Westlake Services, Inc., 414674 (AS)
 25. Mission Financial Services Corporation, 404540 (EA)
 26. Long Beach Acceptance Corporation, 380440 (EA)
 27. Rancho Santa Fe Thrift & Loan, 402670
 28. Truman Fuel, LLC, 420420 (AC)
 29. Lowell, Inc., 404504 (OHA)
 30. Hayernik Ghazarian, 420421 (AC)
 31. W2005 New Century Hotel Portfolio, LP, 419983 (OHC)

G6 Special Taxes Matters Mr. Gau

- Denial of Relief of Penalty
 1. Republic Indemnity Company of California, 298649 (ET)

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

- Refund
 1. Affirmative Insurance Company, 422227 (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
(Contribution Disclosure forms required pursuant to Gov. Code § 15626.)

H1 Legal Appeals Matters Mr. Angeja

- Hearing Notice Sent – No Response
 1. Thomas D. Thomas, 315849 (UT)
- Cases Heard But Not Decided
 2. Rogelio G. Cisneros, 343638 (GH)
 3. FMF Racing, 295383 (AA)
 - 4a. Jalal Odish Zora, 203825 (FH)
 - 4b. Jalal Odish Zora, 203824 (FHB)

H2 Franchise and Income Tax Matters..... Ms. Kelly

- Formal Opinions
 1. Larry Geisel, 358724
 2. Paul L. Mickelsen, 343108
- Decision
 3. Downey Toy Company, 306793
 4. John J. Gannitto, 378805

H3 Homeowner and Renter Property Tax Assistance Matters

There are no items for this matter.

H4 Sales and Use Taxes Matters Ms. Henry

- Relief of Penalty/Interest
 1. Christies, Inc., 404723 (OHB)
 2. Tandus US, Inc. 421563 (OHA)
- Denials of Claims for Refund
 3. Ford Motor Credit Company, 383620 (OHA)

H5 Sales and Use Taxes Matters – Credits, Cancellations, and Refunds..... Ms. Henry

- Refunds
 1. Kaiser Foundation Health Plan, Inc., 398517 (AP)
 2. Time Warner Entertainment Company, LP, 312205 (AC)
 3. Kaiser Foundation Hospitals, 398554 (AP)
 4. Oliver A. Goldsmith, 395912 (AP)
 5. Ford Motor Credit Company, 262540 (OHA)
 6. Capital One Auto Finance, Inc., 341976 (OHA)

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 Mr. Ambrose

- Petitions for Reassessment of Unitary Value
 1. San Diego Gas & Electric Company (141), 414848 – “CF”
 2. Mountain Utilities, LLC (185), 414760 – “CF”
 3. Wild Goose Storage, LLC (195), 415369 – “CF”
 4. Calpine Pittsburg, Inc. (406), 414979 – “CF”
 5. CPN Pipeline Company (428), 414983 – “CF”
 6. Calpine Pipeline Corporation (484), 414984 – “CF”
 7. Duke Energy Moss Landing (1103), 415122 – “CF”
 8. Reliant Energy Mandalay, LLC (1114), 414223 – “CF”
 9. Reliant Energy Ormond Beach, LLC (1115), 414224 – “CF”
 10. Mountainview Power Company (1119), 414758 – “CF”
 11. Delta Energy Center, LLC (1128), 415120 – “CF”
 - Pastoria Energy Center, LLC (1131), 415660 – “CF”
 - Calpine Construction Finance Company, LP (1132), 415661 – “CF”
 - Metcalf Energy Center (1133), 415662 – “CF”
 12. Los Esteros Critical Energy Facility, LLC (1143), 415659 – “CF”
 13. Qwest Communications Corporation (2463), 415366 – “CF”
 14. U.S. Telepacific Corporation (7757), 414208 – “CF”
- Petitions for Penalty Abatement of Unitary Value
 15. Globalstar USA, LLC (2772), 414759 – “CF”
 16. Astound Broadband, LLC (7832), 414386 – “CF”
- Petition for Reassessment and Penalty Abatement of Unitary Escape Assessments
 17. OmniPoint Communications, Inc. (2748), 388350 – “CF”

- I. Tax Program Nonappearance 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 Mr. Ambrose

- M1. Untimely or Late-filed Property Tax Appeals Materials
Staff recommendation for Board distribution policy.+

Administrative Session

N. Consent Agenda Ms. Olson

N1. Approval of Board Employee Retirement Resolutions+

- Larry Fogerson
- George T. Ito
- Norman W. Rice
- Edward W. Schoelz
- Paula Spreitzer
- David Sherman
- Marilyn Varon
- Stan Young

N2. Approval of Board Retirement Resolution+

- Jose M. Rodriguez, Jr.

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

- O1. Customer Services and Administrative Efficiency Committee

P. Other Administrative Matters

P1. Executive Director’s Report+ Mr. Hirsig

- a. Headquarters Building Update
- b. 2008 Board Organization

P2. Chief Counsel Report

There are no items for this matter.

P3. Deputy Director’s Report

a. Sales and Use Tax+ Ms. Henry

- 1. Electronic Funds Transfer Bank Conversion 2008
- 2. Update on Completion of the Sales and Use Tax Department’s Realignment

b. Property and Special Taxes

There are no items for this matter.

c. Administration+..... Ms. Houser

- Budget Update 2007-2008
Budget Update 2008-2009
Budget Preparation 2009-2010

1:30 p.m. Board Meeting Reconvenes in Room 121****E. Property Tax Hearings**

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

- E1. Pacific Bell (279), 406929 - **“CF”**
For Petitioner: Eric Miethke, Attorney
Robert Strong, Taxpayer
Earl Robinson, Witness
Dr. Lawrence Vanston, Witness
For Department: Daniel Paul, Tax Counsel
- E2. AT&T Communications (2310) 406930 - **“CF”**
For Petitioner: Eric Miethke, Attorney
Robert Strong, Taxpayer
Jerry Weinert, Witness
For Department: Daniel Paul, Tax Counsel
- E3. SureWest Telephone Company (294), 414763 - **“CF”**
For Petitioner: Appearance Waived
For Department: Andrew Jacobson, Tax Counsel
- E4. SureWest Televideo (7961), 414765 - **“CF”**
For Petitioner: Appearance Waived
For Department: Andrew Jacobson, Tax Counsel
- E5. West Coast P.C.S. (2745), 414764 - **“CF”**
For Petitioner: Appearance Waived
For Department: Andrew Jacobson, Tax Counsel
- E6. Lodi Gas Storage, LLC (198), 414766 - **“CF”**
For Petitioner: Appearance Waived
For Department: Denise Riley, Tax Counsel

- E7. Covad Communications Company (7706), 414850 - “CF”
 For Petitioner: Todd Heinrichs, Representative
 Amy Haste, Representative
 For Department: Denise Riley, Tax Counsel

- E8. Intelsat Global Service Corporation (7969), 415123 - “CF”
 For Petitioner: Georgina Eckman, Representative
 For Department: Matthew Burke, Tax Counsel

- E9.a Metro PCS California/Florida, Inc. (2733), 415368 - “CF”
 E9.b Royal Street Communications, LLC (2779), 415367 - “CF”
 For Petitioner: Appearance Waived
 For Department: Bradley Heller, Tax Counsel

- E10. Nextel of California, Inc. (2737), 415663 - “CF”
 For Petitioner: Richard Wiley, Attorney
 Michael Heaton, Taxpayer
 Walter (Gene) Harris, Taxpayer
 For Department: Bradley Heller, Tax Counsel

Announcement of Closed Session Ms. Olson

Q. Closed Session

- Q1. Pending litigation: *Harwood v. Vanguard Car Rental USA, Inc., State Board of Equalization*, San Francisco County Superior Court, Case Number CGC 05-447786 (Gov. Code § 11126(e))
- Q2. Pending litigation: *Schroeder, et al. v. State Board of Equalization, et al.* (Gov. Code § 11126(e)(2)(B)(i))
- Q3. Discussion and action on personnel matters (Gov. Code § 11126(a))

Announcement of Open Session Ms. Olson

Adjourn

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