



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

BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Sacramento/Ontario

CLAUDE PARRISH
Third District, Long Beach

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
State Controller, Sacramento

RAMON J. HIRSIG
Executive Director

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

**December 12-13, 2006
PRELIMINARY RECORD OF BOARD ACTION**

Tuesday, December 12, 2006

The following is a preliminary record of Board actions taken at the December 12, 2006 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 Rose Smith at (916) 323-9656 or e-mail: Rose.Smith@boe.ca.gov. Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

Board Committee Meetings – Please see Page 22, **O. Approval of Board Committee Minutes, for voting results.**

A. HOMEOWNER AND RENTER PROPERTY TAX ASSISTANCE HEARINGS

There were no items for this matter.

B. CORPORATE FRANCHISE AND PERSONAL INCOME TAX HEARINGS

B1. Mark S. Collins and Marcia L. Collins, 312870

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------|-----------------------|-------------------|
| Taxpayers' Appeal Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Absent |
| | Mr. Westly/Ms. Mandel | Not Participating |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

- B2. Ronald Tomsic, 294757
DEFERRED TO MARCH SACRAMENTO
- B3. Nassco Holdings, Inc., 317434
DEFERRED

C. SALES AND USE TAX APPEALS HEARINGS

- C1. James W. McKenney, 283203 (KHO)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|-----------------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Absent |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

- C2. Fireside-Corkwood, Inc., 252969 (KH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|-----------------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Absent |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

- C3. P J Helicopters, Inc., 224188 (UT)
Appearance Waived

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|-----------------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Absent |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

C4. Shannon McKelvey and Clarence McKelvey, 242685 (KH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|-----------------------|-------------------|
| No Final Board Determination | Mr. Leonard | Yes |
| Ordered that Taxpayers be granted 30 days to submit post hearing documentation, the Department 30 days to respond and the Appeals Division 30 days to prepare a recommendation to the Board | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

C5. Parquette Industries, Inc., 283835 (JHF)
POSTPONED TO MARCH SACRAMENTO**G. TAX PROGRAM NONAPPEARANCE MATTERS – CONSENT****G1 Legal Appeals Matters**

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|-----------------------|-------------------|
| Approved Staff Recommendations | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| No Final Determination on Sub-items 1a, 1b, 1c | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

- Petitions for Rehearing
 - 1a. United Parcel Service, Inc., 98724, 126831, 131381, 153034, 192709, 242411 (OH)
 - 1b. United Parcel Service, Inc., 98726, 131383, 131431, 153036, 207917, 242304 (EAA)
 - 1c. United Parcel Service, Inc., 272826 (CH)
- Hearing Notices Sent – No Response
 2. Milton McKenzie Investment Corporation, 129605, 138569 (BH)
- Petitions for Release of Seized Property
 3. Aziz A. Zora and Ramzi M. Hanna, 362974 (ET)
 4. Roy Ngo and Tan Thanh Ngo, 374010 (ET)
 5. Nune Tolmajyan, 374012 (ET)
 6. Mohammad Z. Homayun, 372185 (ET)

G2 Franchise and Income Tax Matters

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|-----------------------|-------------------|
| Approved Staff Recommendations | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| No Final Determination on Sub-item 24 & 32 | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

➤ Decisions

1. Alfred J. Antonini, 283987
2. Ledle Arreola, 332699
3. Richard Brown and Louise Brown, 348733
4. Jose De Jesus Cervantes, 332852
5. Christine Chiang, 332393
6. Elizabeth Cortez, 333187
7. Leopoldo D. Cotaco, 330272
8. Susan Douglas, 342131
9. Marc Goudeau, 304303
10. Carlos Longoria, 339839
11. David R. Mallegg, 343154
12. Micro Devices Technology, Inc., 315475
13. Conrad J. Mondon, 314845
14. Abundio Montoya, 333219
15. Walter O. Munoz, 333235
16. Samuel E. Portillo, 333493
17. Nolberto Torres Rogel, 337088
18. Luis Rodriguez, 342408
19. Isaias Valdez Soto, 333214
20. Howard James Stockwell, 310307
21. Darrel Alan Travis, 339857
22. Juana Maravilla Villalobos, 336710
23. Joseph Zelman, 332675

➤ Petitions for Rehearing

24. Billy W. Blanks and Gayle H. Blanks, 268581
BG Star Productions, Inc., 268579
25. David C. Claunch, 281451
26. Howard L. Greenblatt and Debra D. Greenblatt, 303631
27. Michael E. Hodsdon, 305183
28. Allen Nichelini, 311076
29. Steven R. Nicholas, 306724
30. Alfred R. Penn, 315199
31. Lori Pridemore, 315439
32. Kenneth A. Sauer and Eliza B. Sauer, 308089
33. J. Ricardo Sobrevilla and Enedelia Sobrevilla, 310301
34. Melvin A. Vides, 310520

G3 Homeowner and Renter Property Tax Assistance Matters

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------------|-----------------------|-------------------|
| Approved Staff Recommendations | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

➤ Decisions

1. Armita Agagulyan, 335930
2. Jeff Alan Ashe, 347701
3. Loreta R. Aylor, 339844
4. Violet M. Bates, 339315
5. Luis Castellanos, 340531
6. Mary Cook, 334700
7. Dorothy Cowling, 330229
8. Toni A. Daniels, 340530
9. Jean Day, 348949
10. Donna Defrancesco, 336608
11. Katharine Djerahian, 330506
12. Stacy Fields, 335918
13. Sherian A. Gibson, 330650
14. Wayne Halberg, 335892
15. Terry Lee Holloway, 347347
16. Nancy Barbara Leon, 339308
17. Ora Lee Littlejohn, 335141
18. Delia Masse, 339330
19. Tyiest Mayo, 335271
20. Steven L. Meldgin, 341156
21. G. A. Nadjmabadi, 340608
22. Arthur M. Pride, 348142
23. Diane Ranta, 339332
24. John Williams, Jr., 345769
25. Douglas Wright, 345389

G4 Sales and Use Taxes Matters

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------------------|-----------------------|---------------------------------------|
| Approved Staff Recommendations | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| No Final Determination on Sub-item 4 | Mr. Westly/Ms. Mandel | Yes - not participating in sub-item 6 |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes - not participating in sub-item 6 |

- Redetermination
 1. Comexi North America, Inc., 318328 (OHA)
- Relief of Penalty/Interest
 2. United Rentals Northwest, Inc., 373684 (OHB)
 3. ADT Security Services, Inc., 372814 (OHC)
- Denials of Claims for Refund
 4. Edwin M. Culver, 350298 (GHC)
 5. Citicapital Commercial Leasing, 203723 (OHC)
 6. Best Buy Store L P, 359815 (OHA)
 7. Union Acceptance Corporation, 372477 (OHA)

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

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|-----------------------|--|
| Approved Staff Recommendations | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| No Final Determination on Sub-item 1 & 4 | Mr. Westly/Ms. Mandel | Yes - not participating in sub-item 15 |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes - not participating in sub-item 35 |

- Credits and Cancellations
 1. ~~Cirilo Montes, 361150 (EH)~~
 2. Mark Finkle, 375200 (CH)
- Refunds
 3. Universal City Studios, Inc., 363127 (AC)
 4. ~~Kawasaki Motors Corporation USA, 353580 (EAA)~~
 5. Harris Corporation, 315297 (OHA)
 6. Cisco Systems, Inc., 332303 (GH)
 7. The Bottarini Corporation, 372167 (BH)
 8. Thoratec Laboratories Corporation, 372819 (CH)

9. Sybase, Inc., 354959 (CH)
10. Solar Turbines, Inc., 314865 (FH)
11. Cubic Defense Systems, Inc., 375114 (FH)
12. Ecolab, Inc., 336747 (OHA)
13. KHS, A Division of Klochner KHS, 350938 (OHA)
14. Chevrolet Motor Division, 374009 (OHA)
15. Daimler Chrysler Corporation, 373562 (CHA)
16. Fluoresco Lighting-Sign Maint. Corporation, 304351 (OH)
17. Bevco Sales International, Inc., 348914 (OH)
18. Make-Up Art Cosmetics, Inc., 312963 (OHB)
19. Lu Mend, Inc., 335893 (BH)
20. Waseem Ahmed, 331483 (KHO)
21. Hat Trick Catering, Inc., 339165 (AC)
22. Hollywood Rental Production Service, LLC, 375119 (AC)
23. Ubiquitel Operating Company, 374036 (OHB)
24. See's Candy Shops, Inc., 352040 (BH)
25. See's Candies, Inc., 352042 (BH)
26. Wescom Credit Union, 311038 (AP)
27. Use Credit Union, 362184 (FH)
28. USA Federal Credit Union, 372824 (FH)
29. Famous Design, 288959 (AS)
30. Top Auto Finance, Inc., 362313 (AC)
31. Union Acceptance Corporation, 341198 (OHA)
32. Optimum Group, LLC, 334149 (OHA)
33. Target Therapeutics, Inc., 328899 (CH)
34. A – L Financial Corporation, 372011 (EA)
35. Cig Financial, 360922 (EAA)
36. Star Bright Furniture, Inc., 372823 (ARH)
37. BWNVT Motors, Inc., 345177 (EAA)

G6 Special Taxes Matters

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------------|-----------------------|--|
| Approved Staff Recommendations | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes - not participating in sub-items 1 and 2 |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

- Relief of Penalty
 1. Pacificare Life & Health Insurance Company, 298643 (ET) **“CF”**
 2. Jefferson National Life, Insurance Company, 355592 (ET) **“CF”**
- Redetermination
 3. Karl Kolpin, 192596 (ET)

G7 Special Taxes Matters – Credits, Cancellations, and Refunds

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------------|-----------------------|---------------------------------------|
| Approved Staff Recommendations | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes - not participating in sub-item 3 |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

- Credits and Cancellations
 1. Agracon, Inc., 376813 (MT)
- Refunds
 2. McLane/Suneast, Inc., 374158 (ET)
 3. Diageo North America, Inc., 355593 (ET) "CF"

There were 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

- Cases Heard But Not Decided
 1. Michael P. Keegan, 254502 (EA)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------------------|-----------------------|-------------------|
| Taxpayer's Petition Granted | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | No |
| | Mr. Chiang | Yes |

2. Frederik Van Rooyen, 255046, 309259 (EA)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------------------|-----------------------|-------------------|
| Taxpayer's Petition Granted | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | No |
| | Mr. Chiang | Yes |

3. Brian Jerome Doherty, 236451 (UT)
John Peter Mouyos, 239662 (EH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|-----------------------|-------------------|
| Taxpayers' Petitions Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

4. Qwest Communications, Corporation, 246379 (ET)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|-----------------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Not participating |

5. R.E.M. Concepts, Inc., 332323 (EH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|-----------------------|-------------------|
| Taxpayer's Petitions Partially Granted/Denied | Mr. Leonard | No |
| | Mr. Parrish | No |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

6. California Automobile Insurance Company, 127684, 139404 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------------------|-----------------------|-------------------|
| Taxpayer's Petition Granted | Mr. Leonard | Yes |
| | Mr. Parrish | No |
| | Mr. Westly/Ms. Mandel | Not Participating |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

H2 Franchise and Income Tax Matters

➤ Opinion

1. Deluxe Corporation, 297128

| <u>DECISION 1</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|-----------------------|-------------------|
| Adopted Formal Opinion | Mr. Leonard | No |
| | Mr. Parrish | No |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |
| <u>DECISION 2</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
| Grant 15 vouchers | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | No |
| | Ms. Yee | No |
| | Mr. Chiang | Yes |
| <u>DECISION 3</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
| Deny 28 vouchers | Mr. Leonard | No |
| | Mr. Parrish | No |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

➤ Decisions

2. Mark Crumpacker, 313396

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|-----------------------|-------------------|
| Taxpayer's Appeal Denied – A \$750.00 frivolous appeal penalty was ordered | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

3. Lisa M. Fagundes, 317594

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|-----------------------|-------------------|
| No Final Determination | Mr. Leonard | |
| | Mr. Parrish | |
| | Mr. Westly/Ms. Mandel | |
| | Ms. Yee | |
| | Mr. Chiang | |

4. G.M.S., 221190
John Marshall, 216967

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|-----------------------|-------------------|
| Taxpayers' Appeals Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

5. Joseph Melendez and Rosemary Persico, 330293

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------|-----------------------|-------------------|
| Taxpayers' Appeal Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

6. Manuel Mireles and Rosa Mireles, 304422

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|-----------------------|-------------------|
| Taxpayers' Appeal Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

7. John J. Roppo, 311951

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------|-----------------------|-------------------|
| Taxpayer's Appeal Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

8. Peter M. Soley, 310303

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---------------------------|-----------------------|-------------------|
| Taxpayer's Appeal Granted | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

➤ Petition for Rehearing

9. Argonaut Group, Inc., 287738

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|-----------------------|-------------------|
| No Final Determination | Mr. Leonard | |
| | Mr. Parrish | |
| | Mr. Westly/Ms. Mandel | |
| | Ms. Yee | |
| | Mr. Chiang | |

- Opinion on Petition for Rehearing
 10. Patricia Tyler-Griffis, 281239

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------|-----------------------|-------------------|
| Taxpayer's Appeal Denied | Mr. Leonard | Yes |
| Adopted Formal Opinion | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

- Matters for Board Consideration
 11. Angelina Mike and the Estate of Jorge G. Nunez, 262040

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|-----------------------|-------------------|
| No Final Determination | Mr. Leonard | |
| | Mr. Parrish | |
| | Mr. Westly/Ms. Mandel | |
| | Ms. Yee | |
| | Mr. Chiang | |

H3 Homeowner and Renter Property Tax Assistance Matters

- Decision
 1. Henderson Wallace Calloway, 332647

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------|-----------------------|-------------------|
| Taxpayer's Appeal Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

H4 Sales and Use Taxes Matters

- Denial of Claim for Refund
 1. Bericap, LLC, 294804 (EH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|--|--------------------------|
| No Final Determination | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | |

H5 Sales and Use Taxes Matters – Credits, Cancellations, and Refunds

- Credit and Cancellation
 1. Kathleen M. Frawley, 379431 (AP)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------------|--|---|
| Approved Credit and Cancellation | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | Yes Not Participating Yes Yes Yes |

- Refunds
 2. Dowd & Guild, Inc., 348911 (CH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------|--|---|
| Taxpayer's Claim Granted | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | Yes Not Participating Yes Yes Yes |

3. Allergan Sales, Inc., 357255 (EAA)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|--|-------------------|
| No Final Determination | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | |

4. Husky Injection Molding Systems, Inc., 346221 (OHB)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|--|-------------------|
| No Final Determination | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | |

5. Merillat Corporation, 357435 (OHA)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--------------------------|--|---|
| Taxpayer's Claim Granted | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | Yes Not Participating Yes Yes Yes |

6. Allergan Sales, LLC, 356791 (EAA)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|--|-------------------|
| No Final Determination | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | |

7. Allergan Sales, LLC, 357254 (EAA)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|--|-------------------|
| No Final Determination | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | |

8. Long Beach Acceptance Corporation, 198737 (EA)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------|--|-------------------|
| No Final Determination | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | |

There were no items for the following matters

H6 Special Taxes Matters

H7 Special Taxes Matters – Credits, Cancellations, and Refunds

H9 Cigarette License Fee Matters

I. TAX PROGRAM NONAPPEARANCE MATTERS(Contribution Disclosure forms not required pursuant to Gov. Code, § 15626.)**I2 Offers-in-Compromise Recommendations**

There were no items for this matter.

C. SALES AND USE TAX APPEALS HEARINGS

C6. Auto World, Inc., 285803 (KH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|--|------------------------------------|
| Taxpayer's Petition Denied | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | Yes Yes Yes Yes Absent |

C7. Binding Systems of California, Inc., 260936 (CH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|-----------------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

C8. Enterprise Rent-A-Car Company of Los Angeles, Inc., 329547 (AS)
APPEARANCE WAIVED

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|-----------------------|-------------------|
| Taxpayer's Claim for Refund Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

C9. Effective Engineering, Inc., 143932 (AC)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| No Final Board Determination Ordered the Department 30 days to respond to supporting documents submitted by petitioner at the hearing and the Appeals Division 30 days to prepare a recommendation to the Board | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

C10. Joe Singh Sandhu, 186293 (EH)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|-----------------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

C11. Sierra Railroad Company, 287920, 288213 (JHF)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|---|-------------------|
| No final determination, the Board deferred consideration to the January/February 2007 Sacramento meeting | Mr. Leonard Mr. Parrish Ms. Mandel Ms. Yee Mr. Chiang | |

D. SPECIAL TAXES APPEALS HEARINGS

D1. Asher Shaitrit, 198549 (ET)

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---|-------------------|
| The Board deferred consideration to the February/March 2007 Culver City meeting | Mr. Leonard Mr. Parrish Ms. Mandel Ms. Yee Mr. Chiang | |

E. PROPERTY TAX APPEALS HEARINGS

These items were scheduled for Wednesday, December 13, 2006.

F. PUBLIC HEARINGSF1. Rule 462.040, *Change in Ownership—Joint Tenancies*

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|--|------------------------------------|
| Referred to the Property Tax Committee to restart the Interested Parties Process | Mr. Leonard Mr. Parrish Mr. Westly/Ms. Mandel Ms. Yee Mr. Chiang | Yes Yes Yes Yes Absent |

F2. Regulations 45000 et seq.
Cigarette and Tobacco Products Licensing Act of 2003

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---------------------------------|-----------------------|-------------------|
| Adopted Staff Recommendation | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

F3. Timber Yield Tax Rate

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---------------------------------|-----------------------|-------------------|
| Adopted Staff Recommendation | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

F4. Timber Harvest Values

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---------------------------------|-----------------------|-------------------|
| Adopted Staff Recommendation | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms. Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

CHIEF COUNSEL MATTERS**J. Rulemaking****Section 100 Change to Regulations****J1. Regulation 1586, *Works of Art and Museum Pieces for Public Display***

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------------|----------------------|--------------------------|
| Adopt the section 100 change | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

J2. Regulation 1591, *Medicines and Medical Devices*
Regulation 1591.2, *Wheelchairs, Crutches, Canes and Walkers*
Regulation 1591.4, *Medical Oxygen Delivery Systems*

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------------|----------------------|--------------------------|
| Adopt the section 100 change | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

J3. Regulation 1660, *Leases of Tangible Personal Property-In General*

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------------|----------------------|--------------------------|
| Adopt the section 100 change | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

J4. Regulation 1703, *Interest and Penalties*

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|------------------------------|----------------------|-------------------|
| Adopt the section 100 change | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly/Ms Mandel | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Absent |

Petition to Amend Regulation

J5. Regulation 2530, *Inventories*

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Grant petition and initiate the rule making process | Mr. Leonard | No |
| | Mr. Parrish | No |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

There were no items for the following matters.

- K. Business Taxes
- L. Property Taxes

M. Other Chief Counsel Matters

- M1. Recent Federal Developments & Emergency Telephone Users (911) Surcharge Refund Requests

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------|----------------------|-------------------|
| No action taken | Mr. Leonard | |
| | Mr. Parrish | |
| | Mr. Westly/Ms Mandel | |
| | Ms. Yee | |
| | Mr. Chiang | |

ADMINISTRATIVE SESSION

N. Consent Agenda

There were no items for this matter.

O. Approval of Board Committee Meeting Minutes
O1 Legislative Committee

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---|------------------------------------|
| Approved Minutes as presented. The minutes can be accessed at: http://www.boe.ca.gov/legdiv/legmeetings06.htm | Mr. Leonard Mr. Parrish Mr. Westly/Ms Mandel Ms. Yee Mr. Chiang | Yes Yes Yes Yes Absent |

ADJOURNED

UNOFFICIAL



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

BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Sacramento/Ontario

CLAUDE PARRISH
Third District, Long Beach

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
State Controller, Sacramento

RAMON J. HIRSIG
Executive Director

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

**December 12-13, 2006
PRELIMINARY RECORD OF BOARD ACTION**

Wednesday, December 13, 2006

The following is a preliminary record of Board actions taken at the December 13, 2006 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 Rose Smith at (916) 323-9656 or e-mail: Rose.Smith@boe.ca.gov. Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

SPECIAL PRESENTATIONS

Superior Accomplishment Award Program

ORAL HEARINGS

A. HOMEOWNER AND RENTER PROPERTY TAX ASSISTANCE HEARINGS

There were no items for this matter.

B. CORPORATE FRANCHISE AND PERSONAL INCOME TAX HEARINGS

These items were scheduled for Tuesday, December 12, 2006.

C. SALES AND USE TAX APPEALS HEARINGS

These items were scheduled for Tuesday, December 12, 2006.

D. SPECIAL TAXES APPEALS HEARINGS

These items were scheduled for Tuesday, December 12, 2006.

E. PROPERTY TAX APPEALS HEARINGS

Petitions for Reassessment of Unitary Value

E1. Advanced TelCom, Inc. (7813), 358829 – “CF” –
APPEARANCE WAIVED

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer’s Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

E2. Sprint PCS (2720), 359330 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer’s Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | No |
| | Mr. Chiang | Yes |

E3. Cingular Wireless, LLC (2606), 358798 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer’s Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | No |
| | Mr. Chiang | Yes |

E4. La Paloma Generating Company, LLC (1112), 359530 – “CF”
PETITION WITHDRAWN

E5. Los Esteros Critical Energy Facility (1143), 358545 – “CF”
Appearance Waived

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

E6.a. Metcalf Energy Center (1133), 358540 – “CF”
E6.b. Pastoria Energy Facility (1131), 358544 – “CF”
E6.c. Calpine Construction Finance Company (1132), 358542 – “CF”
E6.d. Delta Energy Center, LLC (1128), 358541 – “CF”
Appearance Waived

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

E7. Questar Southern Trails Pipeline Company (196), 358818 – “CF”
Appearance Waived

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

E8. SureWest Televideo (7961), 358815 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Not Participating |
| | Mr. Westly | Yes |
| | Ms. Yee | No |
| | Mr. Chiang | Yes |

E9. West Coast PCS (2745), 358816 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | No |
| | Mr. Parrish | Not Participating |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

E10. U.S. Telepacific Corporation (7757), 358292 – “CF”
Appearance Waived

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

E11. Verizon California, Inc., (201), 358738 – “CF”
APPEARANCE WAIVED

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Not Participating |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

E12. Southern California Edison Company (148), 359135 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------------------|---------------|-------------------|
| Taxpayer's Petition Granted | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Not Participating |
| | Ms. Yee | No |
| | Mr. Chiang | Not Participating |

E13. Covad Communications Company (7706) 358128 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

H. TAX PROGRAM NONAPPEARANCE MATTERS – ADJUDICATORY

H8 Property Tax Matters

- Petitions for Reassessment of Unitary Value
 1. SFPP, L.P. (461), 359201 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

2. Duke Energy Morro Bay, LLC (1104), 358662 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

3. OmniPoint Communications, Inc. (2748), 357202 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

4. EWI Holdings, Inc. (8021), 358830 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Not Participating |

➤ Petition for Penalty Abatement on Unitary Value

5. Intermetro Communications, Inc. (8044), 359091 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------------------|---------------|-------------------|
| Taxpayer's Petition Granted | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

Petition for Reassessment of Nonunitary Value

6. Union Pacific Railroad Company (843), 373615 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Not Participating |
| | Mr. Chiang | Yes |

➤ Petition for Reassessment of Private Railroad Car Tax

7. Cargill, Inc. (5834), 374377 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------------------|---------------|-------------------|
| Taxpayer's Petition Granted | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

H10 Legal Appeals Property Tax Matters

➤ Petitions for Reassessment of Unitary Value

1. Advanced Tel, Inc. (7952), 358320 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

2. Alpine PCS, Inc. (2746), 359199 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

3. Broadwing Communications, LLC (7630), 359204 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

4. Comcast Phone of California (7553), 359099 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

5. Elk Hills Power, LLC (1126), 359139 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Not Participating |
| | Mr. Parrish | Yes |
| | Mr. Westly | Not Participating |
| | Ms. Yee | Yes |
| | Mr. Chiang | Abstain |

6. Level 3 Communications, LLC (7761), 359134 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer’s Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

7. Lodi Gas Storage, LLC (198), 359133 – “CF”
Lodi Gas Storage, LLC (198), 358341 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer’s Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

8. Looking Glass Networks, Inc. (7861), 359083 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer’s Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

9. MetroPCS California, LLC (2733), 359138 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer’s Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

10. Mountain Utilities (185), 359202 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Not Participating |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

11. Pacific Gas & Electric Company (0135), 359205– “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Not Participating |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Not Participating |

12. San Diego Gas & Electric Company (141), 358723 – “CF”
Southern California Gas Company (141), 358725 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayers' Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Not Participating |
| | Ms. Yee | Yes |
| | Mr. Chiang | Not Participating |

13. Starvox Communications, Inc. (8050), 358139 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|----------------------------|---------------|-------------------|
| Taxpayer's Petition Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

14. Telco Network Services, Inc. (7762), 359098 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

15. Vartec Telecom, Inc. (2475), 359097 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|---|---------------|-------------------|
| Taxpayer's Petition Partially Granted/Denied | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

➤ Petition for Reassessment of Unitary Escaped Assessment

16. Southern California Gas Company (149), 342132 – “CF”

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------------------|---------------|-------------------|
| Taxpayer's Petition Granted | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Not Participating |
| | Ms. Yee | No |
| | Mr. Chiang | Not Participating |

I. TAX PROGRAM NONAPPEARANCE MATTERS**I1 Property Taxes Matters**

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-----------------------------------|---------------|-------------------|
| Approved Staff Recommendations | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

- Audits
 1. Wild Goose Storage, Inc., (195) “CF”
 2. 01 Communications, Inc., (7791) “CF”
- Unitary Land Escaped Assessments – “CF”
 3. (a) California Rural Service Area #1, Inc., (2671) - “CF”
 - (b) Metro PCS California/Florida, Inc., (2733) - “CF”
 - (c) Sprint Nextel Corporation (2737) - “CF”
 - (d) OmniPoint Communications, Inc., (2748) - “CF”
 - (e) Edge Wireless, LLC (2753) - “CF”3
- Board Roll Changes
 4. 2003 State-Assessed Property Roll - “CF”

ADMINISTRATIVE SESSION

P. Other Administrative Matters

P1 Executive Director’s Report

Executive Director’s opportunity to report on matters of interest to the Board.

1. Headquarters Windows Project Update
2. Timetable for Vacant CEA Positions
3. E-Filing Update
4. Status of KPMG Diagnostic Review Study and Discussion
5. Strategic Plan Status Report

| <u>DECISION</u> | <u>MEMBER</u> |
|--------------------------------|---|
| No action required/update only | Mr. Leonard Mr. Parrish Mr. Westly Ms. Yee Mr. Chiang |

P2 Interagency Agreements Over \$1 Million

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|-------------------------------|---|---------------------------------|
| Approved Staff Recommendation | Mr. Leonard Mr. Parrish Mr. Westly Ms. Yee Mr. Chiang | Yes Yes Yes Yes Yes |

ORGANIZATION OF THE BOARD

- The Board will vote to appoint an interim Chair and Vice Chair to be in effect until the first Board meeting in January 2007.

| <u>DECISION</u> | <u>MEMBER</u> | <u>BOARD VOTE</u> |
|--|----------------------|--------------------------|
| Appointed Mr. Parrish Chair for the remainder of the day, Ms. Yee interim Chair and Mr. Leonard interim Vice Chair | Mr. Leonard | Yes |
| | Mr. Parrish | Yes |
| | Mr. Westly | Yes |
| | Ms. Yee | Yes |
| | Mr. Chiang | Yes |

ADJOURNED

UNOFFICIAL