



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
First District, San Francisco
SEN. GEORGE RUNNER (RET.)
Second District, Lancaster
MICHELLE STEEL
Third District, Orange County
JEROME E. HORTON
Fourth District, Los Angeles
JOHN CHIANG
State Controller
CYNTHIA BRIDGES
Executive Director

STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento
December 18-19, 2012
NOTICE AND AGENDA
Meeting Agenda (as of 12/19/2012, 12:00 PM)

[Agenda Changes](#)

[Webcast on Tuesday, December 18, 2012](#)

Tuesday, December 18, 2012

10:00 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 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 Committee Meeting*

[Legislative Committee](#)Mr. Horton, Committee Chairman

I. 2013 Legislative Proposals

Set forth below are suggestions for business taxes legislation to be sponsored by the BOE in the first year of the 2013-14 Legislative Session.

2013 Legislative Proposals: Business Taxes

- 2-1 Amend Revenue and Taxation Code (RTC) section 7094 of the Sales and Use Tax Law, and amend comparable statutes in BOE special tax and fee programs, to allow the BOE to increase the levy amount the Taxpayers' Rights Advocate is authorized to release or return, from \$1,500 to \$3,500, to adjust for inflation.
- 2-2 Amend RTC sections 7096, 9274, 30459.4, 32474, 40214, 41174, 43525, 45870, 46625, 50156.14, 55335, and 60633.1 to waive for reasonable cause the requirement that a taxpayer file a claim for reimbursement of bank charges and third party check charges within 90 days from the date of the BOE's erroneous levy or notice to withhold, erroneous processing action, or erroneous collection action. Also amend the above-specified special tax and fee sections to allow a taxpayer to file a claim for reimbursement of bank charges and third-party check charges incurred by

the taxpayer as the direct result of an erroneous processing action or erroneous collection action by the BOE under the various special taxes and fees programs in conformity with the Sales and Use Tax Law.
(Housekeeping)

2013 Legislative Proposal: Business Taxes: Special Taxes and Fees

- 4-1 Amend Health and Safety Code section 25299.43 and RTC section 55001 to make nonsubstantive, technical reference corrections, and amend RTC section 55332.5 to incorporate language inadvertently omitted.
(Technical)

Board Meeting**

- A. Homeowner and Renter Property Tax Assistance Appeals Hearings
There are no items for this matter.
- B. **Corporate Franchise and Personal Income Tax Appeals Hearings**
(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

B1. Scott L. Stringer and Irene Stringer, 609814, 610020 +

For Appellants: Scott L. Stringer, Taxpayer
G. Scott Haislet, Attorney
For Franchise Tax Board: David Gemmingen, Tax Counsel
Ciro Immordino, Tax Counsel

B2. Estate of Charles W. Mosser (Dec'd) and Annabelle Mosser, 600452 +

For Appellants: Neveo Mosser, Witness
Donald L. Feurzeig, Attorney
For Franchise Tax Board: Daniel Biedler, Tax Counsel
Bill Hilson, Tax Counsel

~~**B3. Claudia A. Torrijos, 573718 +**~~

~~For Appellant: Kellen Furlin, Representative
For Franchise Tax Board: Jaclyn Appleby, Tax Counsel
Diane Ewing, Tax Counsel~~

~~**B4. Ken Belanger and Karla Solis, 607835 +**~~

~~For Appellants: Ken Belanger, Taxpayer
For Franchise Tax Board: David Muradyan, Tax Counsel
Craig Scott, Tax Counsel~~

~~**B5. Kevin Shey, 607386 +**~~

~~For Appellant: Kevin Shey, Taxpayer
For Franchise Tax Board: Marguerite Mosnier, Tax Counsel
Craig Scott, Tax Counsel~~

C. Sales and Use Tax Appeals Hearings

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

C1a. [Awad & Rasheed, Inc., 553801 \(CH\) +](#)

C1b. [Ahmad Abdul Rasheed, Abed A. Awad, Gamella A. Awad, Basima A. Rasheed, 553811 \(CH\) +](#)

For Petitioners: Peter R. McIntyre, Representative

For Department: Scott Lambert, Hearing Representative

C2. [QED Automation, LLC, 506559 \(KH\) +](#)

For Taxpayer: John Tarter, Representative

For Department: Larry Mendel, Tax Counsel

~~C3. [Tri Minh Phan, 539025 \(KH\) +](#)~~

~~For Petitioner: [Tri Phan, Taxpayer](#)~~

~~For Department: [Marc Alviso, Hearing Representative](#)~~

C4. Point of Contact, Inc., 494400 (CH) +

(Moved to December 19, 2012)

D. Special Taxes Appeals Hearing

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

D1. [Ashraf Alfonose Youssef, 358704 \(ET\) +](#)

For Petitioner: Appearance Waived

For Department: Pamela Mash, Tax Counsel

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

F. Public Hearings

F1. [2013 Timber Yield Tax Rate +](#) Mr. Benson

Section 38202 of the Revenue and Taxation Code requires an annual adjustment of the timber yield tax rate.

F2. [Timber Harvest Values and Modified Harvest Values +](#) Mr. Yeung

On or before December 31, 2012, the Board shall estimate the immediate harvest values of and adopt schedules for timber harvested between January 1, 2013, and June 30, 2013.

Additionally, the Board may modify immediate harvest values to reflect material changes in timber values that result from fire or other catastrophic cause for any area or part thereof in which damaged timber is located. (Rev. & Tax. Code, § 38204.)

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

- Hearing Notices Sent – No Response
 1. ~~Josie Rowe, 538662 (GH)~~
 2. Jagjit Singh Bhandal, 535641 (KH)
 3. Next Level Data/Tele Systems, Inc., 539065 (CH)
 4. American Gas, Inc., 494267 (KH)
 5. Jamestown Health and Medical Supply Company, LLC, 557146, 607904 (JH)
 6. Omar Ali Ahmed, 556522 (CH)
 7. Enktaiwan Gombogav, 547721(CH)
- Hearing Notice Sent – Appearance Waived
 8. Emile Eissa Kishek, 569349 (BH)
- Petitions for Release of Seized Property
 9. Jin Kun Kang and Sarah Kang, 626174 (ET)
 10. Abdo Ahmed Al-Rowhani, 624813 (ET)
 11. Samuel Adamyan, 624718 (ET)
 12. Iqbal Singh Dhillon, 626171(ET)
- Petitions for Rehearing
 13. Daniel Wallace and Grisel M. Wallace, 420232 (UT)
 14. California Insurance Company, 457613 (ET) ‘CF’
 15. Gateway Auto Center, Inc., 437262 (AS)
 16. DKL Intertrading, Inc., 436179 (AP)
 17. Buy Rite Auto Wholesale, 523718 (KH)

G2. Franchise and Income Tax Matters Mr. Epolite

- Hearing Notice Sent – No Response
 1. Barbara Barrett, 575240
- Hearing Notice Sent – Appearance Waived
 2. Mary Bennefield, 595111
- Decisions
 3. Hanoch Ben-Tal, 585514
 4. Marla J. Crites, 574408
 5. Nancy Freedman, 571360
 6. Angeleen Gutierrez, 592537
 7. Bertha M. Hilliard, 536980
 8. Henry K. Kellogg, 569048
 9. Jamie Munger, 575391
 10. Semur P. Rajan and Usha M. Rajan, 586564
 11. David J. Reeves and Tara L. Reeves, 560606
 12. Shiling Shen, 588317
 13. Melissa Stevens, 603937
 14. Anthony R. Terrones, 568988
 15. Tiffani N. Trunell, 592008

- Petitions for Rehearing
 - 16. Manik R. Bose and Davika Bose, 574066
 - 17a. William Justice and Lisa Blinderman, 573575
 - 17b. Michael L. Panek and Tracy Panek, 585508
 - 17c. David Stirling, 585513
 - 17d. Mark Cronin and Lois Cronin, 586117

- G3. Homeowner and Renter Property Tax Assistance Matters
There are no items for this matter.

- G4. Sales and Use Taxes Matters.....Mr. McGuire
 - Redeterminations
 - 1. Nassau Lens Company West, Inc., 547871 (OH)
 - 2. Chong's, Inc., 573956 (AS)
 - 3. Redondo Brothers, Inc., 586624 (AS)
 - 4. Global Jewelry, Inc., 603880 (AP)
 - Relief of Penalty/Interest
 - 5. Ralphs Grocery Company, 632712 (AA)
 - 6. Food 4 Less of California, Inc., 632715 (AA)
 - 7. CSK Auto, Inc., 632721 (OH)
 - 8. International Business Machines Corp., 632709 (OH)
 - 9. Xerox Corporation, 632720 (OH)
 - 10. Trader Joe's Company, 632724 (AP)
 - 11. Wesco Distribution, Inc., 632718 (OH)
 - 12. Living Spaces Furniture, LLC, 632711 (AA)
 - 13. First Solar Electric, Inc., 632722 (OH)
 - 14. Hudson Ranch Power I, LLC, 632706 (FH)
 - Denials of Claims for Refund
 - 15. BMW Financial Services NA, LLC, 514926 (OH)
 - 16. Bunzl Distribution California, LLC, 527976 (EA)
 - 17. ~~HSBC Card Services, Inc., 504741 (OH)~~

- G5. Sales and Use Taxes Matters – Credits, Cancellations,
and RefundsMr. McGuire
 - Credits and Cancellations
 - 1. Russell Guerard West, 489130 (UT)
 - 2. Amjad Hussain, 627132 (EA)
 - 3. Threshold Technologies, Inc., 630363 (EH)
 - 4. Bottling Group, LLC, 529205 (OH)
 - 5. Warehouse of Cars, Inc., 630093 (EA)
 - 6. The Masonry Group CA, Inc., 630388 (EH)
 - Refunds
 - 7. Hydro-Aire Company, 625828 (AC)
 - 8. Bentley Prince Street, Inc., 626514 (AP)
 - 9. Torrance Memorial Hospital Medical Center, 474052 (AS)
 - 10. INSYNC Media, 389012 (AS)
 - 11. Peter Pan Motors, Inc., 531132 (BH)
 - 12. Peet's Coffee & Tea, Inc., 598177 (CH)
 - 13. Hanson Permanente Cement, Inc., 626522 (CH)

14. California Controlled Atmosphere, 626175 (DF)
15. City of Riverside, 561664 (EH)
16. Europa Auto Imports, Inc., 531102 (FH)
17. GMG Motors, Inc., 531098 (FH)
18. Hydo-Scape Products, Inc., 602489 (FH)
19. Professional Hospital Supply, Inc., 601107 (EH)
20. General Atomics, 621362 (FH)
21. Relentless Pursuit Enterprises, 531100 (FH)
22. Alza Corporation, 609339 (JH)
23. The Golden 1 Credit Union, 602486 (KH)
24. Mark Andy, Inc., 603324 (OH)
25. Aeroflex Colorado Springs, Inc., 602488 (OH)
26. Ford Motor Company, 625763 (OH)
27. Mercedes-Benz USA, LLC, 626550 (KH)
28. Toyota Motor Sales, U.S.A., Inc., 626180 (AS)
29. BMW of North America, 628639 (OH)
30. Juniper Networks, Inc., 612256 (GH)
31. Selectrucks of Los Angeles, LLC, 564700 (EH)
32. Tesoro Refining and Marketing Company, 478413 (OH)
33. BMW Financial Services NA, LLC, 514926 (OH)
34. Marc Jacobs International, LLC, 603328 (OH)
35. Union Pacific Railroad Company, 601320 (OH)
36. W.L. Hickey Sons, Inc., 575153 (GH)
37. Fibrebond West, Inc., 605540 (OH)
38. Americredit Financial Service, Inc., 605545 (OH)
39. Fuelcell Energy, Inc., 553662 (OH)
40. Bunzl Distribution California, LLC, 527976 (EA)
41. ACC Consumer Finance, LLC, 602487 (FH)
42. New Albertsons, Inc., 569506 (OH)
43. Sierra Lynx Drilling Company, LLC, 624691 (OH)
44. ~~HSBC Card Services, Inc., 504741 (OH)~~
45. International Family Entertainment, Inc., 625041 (OH)
46. Goodman Networks, Inc., 571353 (CH)
47. DBSI, Inc., 575262 (OH)
48. United Industries Corporation, 625577 (OH)
49. Kinecta Federal Credit Union, 636158 (AS)

G6. Special Taxes Matters

There are no items for this matter.

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

Mr. Gau

➤ Refund

1. SunAmerica Annuity & Life Assurance, 593201 (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 MattersMr. Levine
- Cases Heard Not Decided
 1. [Hung Van Pham, 486918 \(BH\) +](#)
 2. ~~[East Coast Foods, Inc., 444779 \(AS\) +](#)~~
 - Petition for Rehearing
 3. [Elizabeth Shutters, Inc., 538185 \(EH\) +](#)
- H2. Franchise and Income Tax Matters Mr. Epolite
- Petition for Rehearing
 1. Williams-Sonoma, Inc. & Subsidiaries, 519857

There are no items for the following matters:

- H3. Homeowner and Renter Property Tax Assistance Matters
H4. Sales and Use Taxes Matters

- H5. Sales and Use Taxes Matters – Credits, Cancellations, and RefundsMr. McGuire
- Refunds
 1. HSBC Automotive Finance, Inc., 425873 (FH)
 2. HSBC Automotive Finance, Inc., 462820 (FH)

There are no items for the following matters:

- H6. Special Taxes Matters
H7. Special Taxes Matters – Credits, Cancellations, and Refunds
- H8. Property Tax Matters Mr. Gau
- Petitions for Reassessment of Unitary Value
 1. Pacific Gas and Electric Company (135), 620706 ‘CF’
 2. Southern California Gas Company (149), 621370 ‘CF’
 3. Chevron U.S.A., Inc. (429), 620606 ‘CF’
 4. Cricket Communications, Inc. (2762), 621096 ‘CF’
 5. Globalstar USA, LLC (2772), 621175 ‘CF’
 6. Cox California Telecom, LLC (7640), 621314 ‘CF’
 7. NTT America, Inc. (7732), 620515 ‘CF’
 8. U.S. Telepacific Corporation (7757), 621094 ‘CF’
 - Petitions for Penalty Abatement on Unitary Value
 9. SMF Pipeline (491), 612573 ‘CF’
 10. West Isle Line, Inc. (808), 621112 ‘CF’
 11. China Telecom Americas Corporation (8015), 621330 ‘CF’
 - Petition for Reassessment of Nonunitary Value
 12. Southern California Gas Company (149), 632209 ‘CF’
- H9. Cigarette License Fee Matters
There are no items for this matter.

- H10. Legal Appeals Property Tax Matters Mr. Ambrose
- Petitions for Reassessment of Unitary Value
 1. San Diego Gas & Electric Company (141), 621339 'CF'
 2. Southern California Edison Company (148), 614402 'CF'
 3. Lodi Gas Storage, LLC (198), 621368 'CF'
 4. Pacific Pipeline System, LLC (486), 621310 'CF'
 5. Plains West Coast Terminals, LLC (488), 621257 'CF'
 6. Crimson Pipeline, LP (490), 620973 'CF'
 7. Dynegy Moss Landing, LLC (1103), 621104 'CF'
 8. High Desert Power Trust 2000-A (1127), 620705 'CF'
 9. Delta Energy Center, LLC (1128), 620699 'CF'
 10. Pastoria Energy Facility (1131), 620700 'CF'
 11. Calpine Construction Finance Company, LP (1132), 620702 'CF'
 12. Metcalf Energy Center, LLC (1133), 620703 'CF'
 13. Otay Mesa Generating Company, LLC (1134), 620704 'CF'
 14. Sunrise Power Company, LLC (1137), 621337 'CF'
 15. Wild Goose Storage, LLC (195), 621177 'CF'
 16. Verizon California, Inc. (201), 621308 'CF'
 17. Chevron Pipeline Company (479), 621334 'CF'

I. Tax Program Nonappearance Matters

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

- I1. Property Taxes Matters..... Mr. Gau
- Audit
 1. Calpop.Com, Inc. (8132) 'CF'
 - Board Roll Change
 2. 2009, 2010, 2011 and 2012 Board Roll of State-Assessed Property
- I2. Offer in Compromise Recommendations..... Mr. Anderson
1. Berkeley Patients Group, Inc.
 2. California Building Specialties, Inc.
 3. Michael Montgomery Digges
 4. FHF Enterprises, LLC
- I3. Local Tax Reallocation Matters
There are no items for this matter.

Chief Counsel Matters

- J. Rulemaking
This item is scheduled for Wednesday, December 19, 2012.

There are no items for the following matters:

- K. Business Taxes
L. Property Taxes

- M. Other Chief Counsel Matters
This item is scheduled for Wednesday, December 19, 2012.

Administrative Session

The following items are scheduled for Wednesday, December 19, 2012.

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

Announcement of Closed Session Ms. Richmond

Q. Closed Session

- Q1. Discussion and approval of staff recommendations regarding settlement cases (Rev. & Tax. Code, §§ 6901, 7093.5, 30459.1, 50156.11).
- Q2. Discussion and action on personnel matters (Gov. Code, § 11126(a)).

Announcement of Open Session..... Ms. Richmond

Recess - The meeting will reconvene on Wednesday, December 19, 2012, at 9:30 a.m.

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Joann Richmond, 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.
- 'CF' Constitutional Function – The Deputy State Controller may not participate in this matter under Government Code section 7.9.



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Agenda Changes

Webcast on Wednesday, December 19, 2012

Wednesday, December 19, 2012

9:30 a.m. Board Meeting Reconvenes**

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Board Meeting**

Special Presentation

- Presentation of Retirement Resolution..... Mr. Horton
Kristine Cazadd

C. Sales and Use Tax Appeals Hearings

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

C4. Point of Contact, Inc., 494400 (CH) +

For Taxpayer: Appearance Waived
For Department: Erin Dendorfer, Tax Counsel

C5. David A. Bartel, 518470 (KH) +

For Petitioner: R. Todd Luoma, Attorney
For Department: Monica Silva, Tax Counsel

~~C6a. Amador Patino and Gerardo Javier Guzman, 532069, 549106 (CH) +~~

~~C6b. La Primavera Products Services, Inc., 550549 (CH) +~~

~~For Taxpayers: Amador Patino, Taxpayer
Michan Evonc, Representative
For Department: Scott Lambert, Hearing Representative~~

~~C7. Manh Van Le, 538190 (KH) +~~

~~For Petitioner: Manh Van Le, Taxpayer~~

~~For Department: Marc Alviso, Hearing Representative~~

Chief Counsel Matters

Items that appear under these matters provide information to the Members and may require Board action or direction.

J. Rulemaking

J1. [Sales and Use Tax Regulation 1620, Interstate and Foreign Commerce +](#)Mr. Heller

Staff requests authorization to make Rule 100 changes to amend Sales and Use Tax Regulation 1620 to make the regulation consistent with statutory changes to Revenue and Taxation Code section 6248.

M. Other Chief Counsel Matters

M1. [Discussion and request for direction regarding the implementation of AB 2323 +](#) Mr. Thompson

AB 2323 (Perea), effective January 1, 2013, requires the BOE to publish and make available on its Internet website a written formal opinion, a written memorandum opinion, or a written summary decision for each decision of the Board, as specified, in which the amount in controversy is \$500,000 or more, within 120 days of the date upon which the Board rendered its decision, and to include specified information in the published opinion.

Administrative Session

Items that appear under these matters provide information to the Members and may require Board action or direction.

N. Consent Agenda Ms. Richmond (Contribution Disclosure forms not required pursuant to Gov. Code, § 15626.)

N1. Retirement Resolutions +

- Gay Carlson
- Kristine Cazadd
- Rebecca Davis
- Barbara Fisher
- Eileen Frutos (Amendment)
- John Hamlin
- Shirley J. Johnson
- Stephen Lau
- Deanna Lorenzana
- John A. Montoya
- Judith Pierce
- Sonia Provencal
- Phil Shipley
- Cathy Stroh

N2. Approval of Board Meeting Minutes

- June 4, 2012 +
- June 25-27, 2012 +
- July 24-26, 2012 +

N3. Approval of Assessors' Handbook Section 531, *Residential Building Costs* +

Request approval for publication of 2013 revision of Assessors' Handbook 531, *Residential Building Costs*.

N4. Approval of Assessors' Handbook Section 534, *Rural Building Costs* +

Request approval for publication of 2013 revision of Assessors' Handbook 534, *Rural Building Costs*.

N5. Adoption of *Affidavit of Cotenant Residency*, form BOE-58-H +

Adoption of new *Affidavit of Cotenant Residency*, form BOE-58-H, developed to accommodate the provisions of new section 62.3 of the Revenue and Taxation Code.

N6. Adoption of revisions to *Change in Ownership Statement, Death of Real Property Owner*, form BOE-502-D +

Adoption of revised *Change in Ownership Statement, Death of Real Property Owner*, form BOE-502-D, to incorporate changes by the addition of section 62.3 to the Revenue and Taxation Code.

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

O1. Legislative Committee

P. Other Administrative Matters

- P1. Executive Director's Report Ms. Bridges
1. CROS Project Update and ActionsMr. Steen
Progress on the CROS project to replace BOE's two current tax legacy technology systems.
 2. Agency Efficiency and Effectiveness PresentationMr. McGuire/Mr. Gau

There are no items for the following matters:

P2. Chief Counsel Report

P3. Sales and Use Tax Deputy Director's Report

P4. Property and Special Taxes Deputy Director's Report..... Mr. Gau

1. [Fire Prevention Fee Program Update +](#)

[P5. Administration Deputy Director's Report +](#) Ms. Houser

1. Headquarters Facilities Update – A general update on the 450 N Street building may be provided.
2. Fairfield Office Relocation – Information will be provided on the relocation of the field office.
3. Budget Update – Information will be provided on the 2012/13 and 2013/14 Budgets.
4. Legislative Budget Change Proposals – will be presented for Board discussion.
 - a. [Proposition 30: Ramp Up – Additional 0.25% Sales and Use Tax Rate Increase +](#)
5. FISCAL – An update will be provided on this statewide financial system project.

There are no items for the following matters:

P6. Technology Deputy Director's Report

P7. External Affairs Deputy Director's Report

Adjourn

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