



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

PRELIMINARY RECORD OF BOARD ACTIONS

Tuesday, December 18, 2012

The following is a preliminary record of Board actions taken at the December 18-19, 2012 Sacramento 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 Claudia Madrigal at 916-324-8261 or email: Claudia.Madrigal@boe.ca.gov. Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

Board Committee Meetings– Please see Page 21, O., Adoption of Board Committee Reports and Approval of Committee Actions, for voting results.

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**
 - B1. Scott L. Stringer and Irene Stringer, 609814, 610020

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

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

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's appeal granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

B3. ~~Claudia A. Torrijos, 573718~~B4. ~~Ken Belanger and Karla Solis, 607835~~B5. ~~Kevin Shey, 607386~~

C. Sales and Use Tax Appeals Hearings

C1a. Awad & Rasheed, Inc., 553801 (CH)

C1b. Ahmad Abdul Rasheed, Abed A. Awad, Gamella A. Awad, Basima A. Rasheed, 553811 (CH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petitions partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

C2. QED Automation, LLC, 506559 (KH)

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

C3. ~~Tri Minh Phan, 539025 (KH)~~C4. Point of Contact, Inc., 494400 (CH) **(Rescheduled to December 19, 2012)**

D. Special Taxes Appeals Hearing

D1. Ashraf Alfonose Youssef, 358704 (ET) – Waived Appearance

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

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

F. Public Hearings

F1. 2013 Timber Yield Tax Rate

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

F2. Timber Harvest Values and Modified Harvest Values

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendation.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	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.	Mr. Horton	Yes
No final determination on sub-items 1 and 15.	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes – except not participating in sub-item 14.

- 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 Adamyman, 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

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

- 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

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Mr. Horton	Yes
No final determination on sub-item 17.	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

- 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 Refunds

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Mr. Horton	Yes
No final determination on sub-item 44.	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

- 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

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

- 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**H1. Legal Appeals Matters**

➤ Cases Heard Not Decided

1. Hung Van Pham, 486918 (BH)

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

2. East Coast Foods, Inc., 444779 (AS)

➤ Petition for Rehearing

3. Elizabeth Shutters, Inc., 538185 (EH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition for rehearing granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	No
	Mr. Chiang	No

H2. Franchise and Income Tax Matters

➤ Petition for Rehearing

1. Williams-Sonoma, Inc. & Subsidiaries, 519857

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition for rehearing granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

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 Refunds

➤ Refunds

1. HSBC Automotive Finance, Inc., 425873 (FH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's claim granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

2. HSBC Automotive Finance, Inc., 462820 (FH)

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's claim granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

There are no items for the following matters:

H6. Special Taxes Matters

H7. Special Taxes Matters – Credits, Cancellations, and Refunds

H8. Property Tax Matters

➤ Petitions for Reassessment of Unitary Value

1. Pacific Gas and Electric Company (135), 620706 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

2. Southern California Gas Company (149), 621370 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

3. Chevron U.S.A., Inc. (429), 620606 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

4. Cricket Communications, Inc. (2762), 621096 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

5. Globalstar USA, LLC (2772), 621175 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

6. Cox California Telecom, LLC (7640), 621314 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

7. NTT America, Inc. (7732), 620515 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

8. U.S. Telepacific Corporation (7757), 621094 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

➤ Petitions for Penalty Abatement on Unitary Value

9. SMF Pipeline (491), 612573 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

10. West Isle Line, Inc. (808), 621112 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

11. China Telecom Americas Corporation (8015), 621330 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

- Petition for Reassessment of Nonunitary Value
12. Southern California Gas Company (149), 632209 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

- H9. Cigarette License Fee Matters
There are no items for this matter.

- H10. Legal Appeals Property Tax Matters

- Petitions for Reassessment of Unitary Value
1. San Diego Gas & Electric Company (141), 621339 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	No
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

2. Southern California Edison Company (148), 614402 'CF'

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

3. Lodi Gas Storage, LLC (198), 621368 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

4. Pacific Pipeline System, LLC (486), 621310 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Mr. Horton	Yes
	Ms. Steel	Not Participating
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

5. Plains West Coast Terminals, LLC (488), 621257 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition denied.	Mr. Horton	Yes
	Ms. Steel	Not Participating
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

6. Crimson Pipeline, LP (490), 620973 'CF'

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

7. Dynegy Moss Landing, LLC (1103), 621104 'CF'

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

8. High Desert Power Trust 2000-A (1127), 620705 'CF'

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

9. Delta Energy Center, LLC (1128), 620699 'CF'

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

10. Pastoria Energy Facility (1131), 620700 'CF'

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

11. Calpine Construction Finance Company, LP (1132), 620702 'CF'

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

12. Metcalf Energy Center, LLC (1133), 620703 'CF'

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

13. Otay Mesa Generating Company, LLC (1134), 620704 'CF'

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

14. Sunrise Power Company, LLC (1137), 621337 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	No
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

15. Wild Goose Storage, LLC (195), 621177 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

16. Verizon California, Inc. (201), 621308 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition partially granted/denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

17. Chevron Pipeline Company (479), 621334 'CF'

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Taxpayer's petition granted.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

I. Tax Program Nonappearance Matters**I1. Property Taxes Matters**

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

- 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

<u>DECISION</u>	<u>MEMBER</u>	<u>BOARD VOTE</u>
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

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

Q. Closed Session

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
 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**

PRELIMINARY RECORD OF BOARD ACTIONS

Wednesday, December 19, 2012

The following is a preliminary record of Board actions taken at the December 18-19, 2012 Sacramento 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 Claudia Madrigal at 916-324-8261 or email: Claudia.Madrigal@boe.ca.gov. Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

Board Meeting

Special Presentation

- Presentation of Retirement Resolution
 Kristine Cazadd

C. Sales and Use Tax Appeals Hearings

C4. Point of Contact, Inc., 494400 (CH) - Waived Appearance

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

C5. David A. Bartel, 518470 (KH)

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

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

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

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

Chief Counsel Matters**J. Rulemaking**

J1. Sales and Use Tax Regulation 1620, *Interstate and Foreign Commerce*

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

M. Other Chief Counsel Matters

M1. Discussion and request for direction regarding the implementation of AB 2323

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

Administrative Session**N. Consent Agenda**

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

- 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*
- N4. Approval of Assessors' Handbook Section 534, *Rural Building Costs*
- N5. Adoption of *Affidavit of Cotenant Residency*, form BOE-58-H
- N6. Adoption of revisions to *Change in Ownership Statement, Death of Real Property Owner*, form BOE-502-D

O. Adoption of Board Committee Report 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.	Mr. Horton	Yes
	Ms. Steel	Yes
For details see:	Mr. Runner	Yes
http://www.boe.ca.gov/legdiv/legmeetings12.htm	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

P. Other Administrative Matters**P1. Executive Director's Report**

1. CROS Project Update and Actions
2. Agency Efficiency and Effectiveness Presentation

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**

1. Fire Prevention Fee Program Update

P5. Administration Deputy Director's Report

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**