

BOARD OF EQUALIZATION RULES FOR TAX APPEALS

California Code of Regulations
Title 18. Public Revenues
Division 2.1. State Board of Equalization – Rules for Tax Appeals
Chapter 5: General Board Hearing Procedures¹

ARTICLE 6: POST HEARING NOTICES AND PETITIONS FOR REHEARING

5562. RECOMMENDATION ON PETITION FOR REHEARING.

(a) After a Petition for Rehearing is accepted under section 5561, the Appeals Division will prepare and submit a written recommendation to grant or deny the Petition for Rehearing to the Chief of Board Proceedings, generally within 90 days from the date of the letter accepting the Petition for Rehearing. The document may also recommend changes to the Board's decision on the appeal to which the Petition for Rehearing relates and that the Board deny the Petition for Rehearing after making such changes.

(b) The recommendation on Petition for Rehearing will be submitted to the Board for consideration as a nonappearance matter.

(c) The Chief of Board Proceedings must notify all the parties to an appeal of the Board's decision on a Petition for Rehearing.

(1) If the Board grants a rehearing, then the Board's prior decision will be held in abeyance and subject to change until the resolution of the rehearing, and the applicable briefing provisions of chapter 2 or 3 of this division and the Board hearing provisions of this chapter apply to that rehearing.

(A) Unless the taxpayer requesting the rehearing withdraws its request prior to the rehearing, the Board's prior decision on the taxpayer's appeal will be replaced by the Board's decision on the taxpayer's appeal following the rehearing.

(B) If, prior to the rehearing, the taxpayer requesting the rehearing notifies the Board Proceedings Division in writing that the taxpayer withdraws its request for a rehearing, the Board's prior decision on the taxpayer's appeal becomes final upon the receipt by the Board Proceedings Division of the taxpayer's withdrawal of its request for rehearing.

(2) If the Board denies a rehearing, notice of the Board decision will be issued to the taxpayer. If the Board has not voted to change its prior decision on the taxpayer's appeal, the notice will be based on the Board's prior decision and will become final 30 days after the notice is issued. If the Board has voted to change its prior decision on the taxpayer's appeal, the notice will be based on the revised decision and will become final 30 days after the notice is issued.

(3) A taxpayer may not file a Petition for Rehearing in response to a notice described in paragraph (2). If the Board Proceedings Division receives a submission intended as such a Petition for Rehearing, the Board Proceedings Division must reject the submission.

(d) Chapter 4 of this division applies to Decisions on Petitions for Rehearing with regard to appeals from the actions of the Franchise Tax Board.

Note: Authority cited: Section 15606, Government Code; and Sections 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601, Revenue and Taxation Code. Reference: Sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9196, 12429, 12431, 12636, 12637, 12951, 12977, 19048, 19104, 19334, 19346, 20645, 30175, 30176, 30176.1, 30176.2, 30177, 30243, 30243.5, 30262, 30263, 30282, 30283, 30283.5, 30284, 30361, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32304, 32312, 32313, 32401, 32404, 32407, 32440, 38433, 38435, 38443, 38445, 38452, 38453, 38454, 38455, 38601, 38605, 38631, 40093, 40095, 40102, 40103, 40103.5, 40104, 40111, 40115, 40121, 41087, 41089, 41096, 41097, 41097.5, 41098, 41100, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43305, 43351, 43352, 43451, 43454, 43491, 45155, 45156, 45156.5,

¹ Editorial change renaming subchapters to subarticles (Register 2008, No. 13.).

45157, 45303, 45305, 45352, 45353, 45651, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46355, 46501, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50118, 50120.2, 50120.3, 50139, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55085, 55102, 55103, 55221, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60354, 60501, 60502, 60521 and 60581, Revenue and Taxation Code.

- History:
1. New section adopted 9-12-2007; effective 2-6-2008.
 2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments inserted "and Decision" into the regulation's title; replaced "The" with "After a petition for Rehearing is accepted under section 5561, the," replaced "should" with "will," inserted "written," replaced "a" with "the" before the first reference to "Petition for Rehearing," inserted a comma after "Chief of Board Proceedings," and deleted "and parties to the matter at issue" from before "generally" in the first sentence in subdivision (a); added a new second sentence to subdivision (a); replaced "non-appearance" with "nonappearance" in subdivision (b); replaced "the matter at issue" with "an appeal" and inserted "on a Petition for Rehearing" in subdivision (c); deleted "based on the recommendation of the Appeals Division, or another rationale" from after the first reference to "rehearing," replaced "pending" with "and subject to change until," and added the text following the second reference to "rehearing" in subdivision (c)(1); added (A) and (B) to subdivision (c)(1); replaced all of the text in subdivision (c)(2); and added new subdivision (c)(3).