STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento
NOTICE AND AGENDA

Tuesday, August 24, 2004

Agenda items occur sequentially. When circumstances warrant, the Chairwoman may modify the order of the items on the agenda.

BOARD COMMITTEE MEETING* (convenes at 9:30 a.m.)

PROPERTY TAX COMMITTEE ....................................................... Mr. Parrish, Chairman

1. Amendments to Property Tax Rule 1045, Administration of the Annual Racehorse Tax.


BOARD MEETING** (convenes upon adjournment of the Board Committee Meeting)

ORAL HEARINGS

A. HOMEOWNER AND RENTER PROPERTY TAX ASSISTANCE HEARINGS

A1 Charlotte L. Aszklar, et al., 246142
For Claimant: Jacqueline Shupe, Representative
For Franchise Tax Board: Suzanne Small, Tax Counsel

A2 Richard H. Francis, Jr., 251091
For Claimant: Richard H. Francis, Jr., Claimant
For Franchise Tax Board: Jean Cramer, Tax Counsel

A3 Beatrice Stepp, 251285
For Claimant: John W. Hawkins, Representative
Beatrice Stepp, Claimant
For Franchise Tax Board: Jean Cramer, Tax Counsel

B. CORPORATE FRANCHISE AND PERSONAL INCOME TAX HEARINGS

B1 Anthony L. Edwards, 241056
For Appellant: Anthony L. Edwards, Taxpayer
For Franchise Tax Board: Jean Cramer, Tax Counsel
B2 Walter B. Dilts, Jr., and Phyllis A. Kappeler, 238349
For Appellant: Richard Todd Luoma, Attorney
Walter B. Dilts, Jr., Taxpayer
For Franchise Tax Board: Michael Smally, Tax Counsel

B3 Alan F. and Rita K. Shugart, 221743
For Appellant: Christopher A. Whitney, CPA
For Franchise Tax Board: Jozel Brunett, Tax Counsel

B4 Richard Hensel, 235794
For Appellant: Richard Hensel, Taxpayer
For Franchise Tax Board: Kathleen Cooke, Tax Counsel

B5 David and Elizabeth Kuhn, 246267
For Claimant: David Kuhn, Taxpayer
Elizabeth Kuhn, Taxpayer
For Franchise Tax Board: Dennis Haase, Tax Counsel

B6 Diana L. Watega, 239595
For Appellant: Diana L. Watega, Taxpayer
For Franchise Tax Board: Bruce Langston, Tax Counsel

B7 Cheryl L. Johnson, 215645
For Claimant: Cheryl L. Johnson, Taxpayer
James Mensing, Witness
For Franchise Tax Board: Bruce Langston, Tax Counsel

B8 Reynaldo Castro, 237011
For Appellant: Reynaldo Castro, Taxpayer
For Franchise Tax Board: Christine Roloff, Tax Counsel

B9 Douglas C. Roberts, 221165
For Appellant: Douglas C. Roberts, Taxpayer
For Franchise Tax Board: Suzanne Small, Tax Counsel

B10 Mark R. Raus, 220515
For Appellant: Mark R. Raus, Taxpayer
David Rose, Witness
For Franchise Tax Board: Christine Roloff, Tax Counsel

C. SPECIAL TAXES APPEAL HEARINGS

C1 Raffi Ohanes Sepetjian, 195054
For Petitioner: Robert Petersen, CPA
Raffi Sepetjian, Taxpayer
Tiffany Sepetjian, Witness
For Department: Monica Gonzalez Brisbane, Tax Counsel
C2a  Ashok V. Parmar, 89000005150, 89000959630
C2b  Purnima A. Parmar, 89816, 89823
     Mahinder Parmar, 89678, 89819
     For Petitioner: Abe Golomb, Representative
     Kaushik M. Dattani, CPA
     For Department: Monica Gonzalez Brisbane, Tax Counsel

D.  SALES AND USE TAX APPEALS HEARINGS

D1  Gerald B. and Jacqueline Rees, 209628
    For Petitioner: Gerald B. Rees, Taxpayer
    Jacqueline G. Rees, Taxpayer
    For Department: Chris Schutz, Tax Counsel

D2  Bruce E. and Denise D. Marks, 153917
    For Petitioner: Abe Golomb, Representative
    For Department: Randy Ferris, Tax Counsel

D3  Kathreen Leann Writesman, 214649
    For Petitioner: Jesse McClellan, Representative
    For Department: Robert Tucker, Tax Counsel

D4  Davinder Singh Pabla, Mohinder Singh Pabla and Dial Kaur Pabla
     194819, 205731
    For Petitioner: Rattan Dhaliwal, Attorney
    For Department: Kevin Hanks, Hearing Representative

D5a  Angela D. Dayan, 187063, 209386
D5b  A.D., Inc., 269686
    For Petitioner: Derrick K. Quan, Accountant
    Robert Capron, Attorney
    For Department: Jeffrey Graybill, Tax Counsel

D6  Von V. and Esther H. Riddle, 190913
    For Petitioner: Von Riddle, Taxpayer
    Dick Drury, Witness
    For Department: Anthony Epolite, Tax Counsel

D7  Ayesh H. Ayesh, 235815
    For Petitioner: George Fakhouri, Representative
    For Department: Kevin Hanks, Hearing Representative

D8  Summit Aviation, Inc., 164643
    For Petitioner: Steven S. Myers, Taxpayer
    George P. Rice, CPA
    For Department: Chris Schutz, Tax Counsel
LOCAL TAX REALLOCATION HEARING

D9  City of Santa Monica, 255568  
   For Petitioner: Robert Cendejas, Attorney  
   Linda Moxon, Attorney  
   For Department: John Waid, Tax Counsel  

City of Ontario  
   For Affected Jurisdiction: Guy Boccasile, Investment Office  

City of Commerce  
   For Affected Jurisdiction: Douglas Boyd, Attorney

E. PROPERTY TAX APPEAL HEARING

E1 Global Crossing Telecommunications, Inc. (2207), 253378 – “CF”  
   For Petitioner: Peter Michaels, Attorney  
   Sean Beatty, Attorney  
   For Department: Sophia Chung, Tax Counsel

F. PUBLIC HEARING

F1 Proposed Amendments to Property Tax Rule 462.500, Change in Ownership of Real Property Acquired to Replace Property Taken by Governmental Action or Eminent Domain Proceedings ..........Ms. Cazadd

Proposed Property Tax Rule 462.500, Change in Ownership of Real Property Acquired to Replace Property Taken by Governmental Action or Eminent Domain Proceedings, interprets "comparability" to substantially conform to the concept of "like-kind" property in Internal Revenue Code section 1031. The amendment also adds definitions for "displaced," "real property," and "adjusted base year value," adds an additional date after which replacement property must be acquired, and clarifies the base year value to be transferred.

G. TAX PROGRAM NON-APPEARANCE MATTERS – CONSENT

G1 Legal Appeals Matters .................................................................Mr. Levine
   ➢ Hearing Notice Sent – No Response  
      1. John F. Power, Jr., 220125  
      2. Holly Ann Juergens, 218163  
   ➢ Hearing Notice Sent – Appearance Waived  
      3. Dawning Technologies, Inc., 119171  
   ➢ Petition for Release of Seized Property  
      4. Bashar Matee Attisha, 260943
G2  Franchise and Income Tax Matters............................................. Ms. Stanislaus

- Decisions
  1. Omar Ahmad, 202283
  2. Gabriel Blanc-Depotex, 237022
  3. Margaret Carlozzi, 245928
  4. Willy G. and Myrna G. Chang, 242632
  5. Eva M. and Curtis W. Clark, 224322
  6. John F. and Vann C. Cornelius, 224474
  7. Johnny M. Duenas, 241052
  8. Rosalind A. Dunn, 238346
  9. Sanford Fernandez, 222704
 10. Benjamin A. Garcia, 220805
 11. Michael and Ann Marie Gibson, 220764
 12. Estate of Alice Godsil, 222708
 13. Carol Fraser Hall, 213128
 14. LaVonne A. Hodgson, 219079
 15. Howard Hughes Medical Institute, 246269
 16. JSR, LLC, 222857
 17. Dajasha J. Love, 240774
 18. Robert E. Lyon, 222814
 19. Raymond L. Martinez, 235554
 20. Joseph Leonard Neufeld, 221107
 21. Northwest Energetic Services LLC, 236696
 22. Kirk C. Odegaard, 203278
 23. George B. Pickett, 237134
 24. PR&A, Inc. (Patricia L. Riley, Assumer), 237047
 25. David Sclafani, 217209
 26. Paul Simmons, 224039
 27. Michael S. Spiro, 221744
 28. Clyde A. Staley, 213097
 29. Khanh Q. Tran, 251064
 30. Howard Twomey, 241971
 31. Larry L. Vandermoon, 220088
 32. Thomas C. and Mary F. Wischmeyer, 241851
 33. Donald R. Youngman, 245912
 34. Brett D. Zall, 237215

- Petitions for Rehearing
  35. Jason C. Baron, 203446

G3  Homeowner and Renter Property Tax Assistance Matters...... Ms. Stanislaus

- Decisions
  1. Felix P. Alejandro, 245461
  2. Barbara P. Allen, 241708
  3. Jimmie Anderson, 251868
  4. Arsenio Avellaneda, 241724
  5. Brenda G. Bell, 240030
  6. Jesus Borunda, 244363
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60. Ana C. Rivera, 252922
61. Antoinette Rizkal, 252924
62. Paul R. Robinson, 252925
63. Charles William Ruth, III, 252966
64. Dean P. Sanchez, 245017
65. Janna Savina, 251744
66. Theresa M. Slater, 243390
67. Rafael David Soriano, 252113
68. Nunik Stamboltsyan, 252120
69. Anghela Stepanyan, 252122
70. David Stokes, 245042
71. Frederick D. Stokes, Jr., 242318
72. Rachel Thompson, 245044
73. France Ward, 243479
74. Maude Washington, 253890
75. Frank Williams, 252677

G4 Sales and Use Taxes Matters ................................................................. Mr. Young

- Redeterminations
  1. Paramount Pictures Corporation, 195969
  2. Iron Mountain Info Management, Inc., 199164
  3. Victor Gomez, 166341
  4. Linda Jones Enterprises, Inc., 169760
  5. McKesson Medical Surgical Minn. Supply, Inc., 215840
  6. Master Lock Company, 131825
  7. Cobe Cardiovascular, Inc., 192872
  8. Gambro BCT, Inc., 187309
  9. Gambro Renal Products, Inc., 190973
 10. Klipsch, LLC, 251874
 11. Newell Window Furnishings, Inc., 242682

- Denials of Claims for Refund
  12. Executive Amenities-West, Inc., 265671
  13. Basis, Inc., 266883
  15. ABF Data Systems, Inc., 224056
  16. The C.I.T. Group/Equipment Financing, 266101
  17. Resource Information Management Systems, Inc., 222088
  18. Teamworks Communications, Inc., 265219
  19. Charles Victor Richardson, 243817
  20. Miramar Autoport 76, Inc., 144962
  22. TMT, Inc., 234646
  23. Quest Diagnostics Clinical Labs, 267108
24. DirectTV Operations, Inc., 267101
25. Troll Book Club, LLC, 224058

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

Mr. Young

Credits and Cancellations
1. The C.I.T. Group/Equipment Financing, 267015
2. High Street Ventures, LLC, 262610
3. Golden Gate Software, Inc., 266210
5. BCI Coca-Cola Bottling Company, L.A., 266706
6. Gadzoox Microsystems, Inc., 265299
7. Devinderpal S. Bhullar, 265639

Refunds
8. Owens & Minor West, Inc., 184338
9. Technicolor Cinema Distribution, 261926
11. Executive Amenities-West, Inc., 90171
12. Mac Universe, Inc., 219140
13. Disney Worldwide Services, 262702
14. Cal Poly Pomona Foundation, Inc., 238549
15. F P C, Inc., 234656
16. Easterday Janitorial Supply Company, 262562
17. The Gap Stores, Inc., 144762
18. Therien & Company, Inc., 252765
19. Golden Years Medical, Inc., 261927
20. Winston Marketing & Communication, Inc., 143736
21. Comm Air, 259003
22. Basis, Inc., 220272
23. Total-Western, Inc., 262703
24. ESRI, Inc., 263187
25. Applied Medical Resources Corporation, 264694
26. Geoffrey L. Gruber, 234093
27. Thornton Winery, 263996
28. North Island Financial Credit Union, 115922
29. KLA-Tencor Corporation, 261897
30. Pacific Coast Building Products, Inc., 250018
31. Le-Croy Research Systems Corporation, 252343
32. Schindler Elevator Corporation, 262550
33. Diageo North America, Inc., 195931
34. Arrow International, Inc., 192991
35. AWS of California, Inc., 265452
36. ExxonMobil Oil Corporation, 266099
37. Hogan Automotive Group, Inc., 263994
38. Rockwell Collins, Inc., 217744
39. Teamworks Communications, Inc., 236977
40. Monatex, Ltd., 194667
41. Hewlett-Packard Financial Service, 266090
42. Aixtron, Inc., 251384
43. Netflix, Inc., 258610
44. Qwest N. Limited Partnership, 259855
45. Golden Gate Software, Inc., 255340
46. Marubeni Disc Systems, Inc., 250021
47. Diversiform, Inc., 208849
48. Bruker Medical, Inc., 236974
49. Gallus, Inc., 254370
50. ISG Acquisition Corporation, 254748
51. Phillips Plastics Corporation, 262624
52. FKI Industries, Inc., 196304
53. DirectTV, 262626
54. R & C Motor Corporation, 263992
55. Quest Diagnostics Clinical Labs, 160634
56. Pike's Mobil, Inc., 224055
57. Cornerstone Display Group, Inc., 88313
58. DirectTV Operations, Inc., 100653
59. Best Buy Store L.P., 263451
60. Stephen Dennis Rosen, 266144
61. Boeing Satellite Systems, Inc., 223385
62. Sequoia Health Services, 217005
63. Lobel Financial Corporation, 261569
64. Logicalis, Inc., 258817
65. Capital One Auto Finance, Inc., 193826
66. Roma Limited Liability Company, 245522
67. Challenge Financial Services, Inc., 262772

G6 Special Taxes Matters .................................................................Mr. Gau
  ➢ Redeterminations
    1. Union Oil Company of California, 167996
    2. Powerine Oil Company, 166115
    3. Equiva Trading Company, 165536
    4. Commercial Filter Recycling, 215368
    5. McLane/Suneast, Inc., 191609
  ➢ Relief of Penalty
    6. Ralphs Grocery Company, 265918

G7 Special Taxes Matters – Credits, Cancellations, and Refunds ..........Mr. Gau
  ➢ Refunds
    2. Young’s Market Company, LLC, 266894 – “CF”

G8 Property Tax Matters .................................................................Mr. Gau
  ➢ Petition for Reassessment of Unitary Escape Assessment
    1. Virgin Mobile USA, LLC, 252152 – “CF”
H. TAX PROGRAM NONAPPEARANCE MATTERS – ADJUDICATORY

H1 Legal Appeals Matters ................................................................. Mr. Levine
  ➢ Hearing Notice Sent – Appearance Waived
    1. Beyond.Com Corporation, 181603, 181605, 202809
  ➢ Cases Heard but not Decided
    2. PC Technologies, Inc., 158416

H2 Franchise and Income Tax Matters ......................... Ms. Stanislaus
  ➢ Decisions
    1. Steve E. and Frances T. Berman, 224325
    2. Jacqueline Ha, 240647
    3. Gary M. Levin, 219879

H3 Homeowner and Renter Property Tax Assistance Matters...... Ms. Stanislaus
  ➢ Decision
    1. See Yang, 242313

H4 Sales and Use Tax Matters
  THERE ARE NO ITEMS FOR THIS MATTER

H5 Sales and Use Tax Matters – Credits, Cancellations and Refunds
  THERE ARE NO ITEMS FOR THIS MATTER

H6 Special Taxes Matters ................................................................. Mr. Gau
  ➢ Denial of Claim for Refund
    1. Sistema International De Transporte De Autobuses, 242707

I. TAX PROGRAM NONAPPEARANCE MATTERS - NOT SUBJECT TO CONTRIBUTION DISCLOSURE STATUTE

I1 Property Taxes Matters................................................................. Mr. Gau
  ➢ Audit
    1. AT&T Communications, Inc., (2310) – “CF”

CHIEF COUNSEL MATTERS

J. Rulemaking

Sales and Use Tax ................................................................. Ms. Thurston

Section 100 Changes to Regulations

J1 Request for authorization to amend Sales and Use Tax Regulation 1532, Teleproduction or Other Postproduction Service Equipment
J2 Request for authorization to amend Sales and Use Tax Regulation 1574, Vending Machine Operators
J3 Request for authorization to amend Sales and Use Tax Regulation 1610.2, Mobilehomes and Commercial Coaches
J4 Request for authorization to amend Sales and Use Tax Regulation 1805, Aircraft Common Carriers
J5 Request for authorization to amend Sales and Use Tax Regulation 1825, Aircraft Common Carriers

K. Business Taxes
   THERE ARE NO ITEMS FOR THIS MATTER

L. Property Tax
   THERE ARE NO ITEMS FOR THIS MATTER

M. Other Matters
   M1 Limited Peace Officer Status ............................................................ Mr. Boyer

ADMINISTRATIVE SESSION

N. Consent Agenda ................................................................. Ms. Pellegrini
   N1 Approval of Board Employee Retirement Resolutions
      • Frances A. Arneson
      • Dorothy R. Blankenship
      • Robert H. Blumer
      • Dorothy M. Dunlap
      • Cindy Eaton
      • William J. Faiola
      • Darlene Renee Johnson
      • Gerald F. Kelleher
      • Carol Jeanne Lymath
      • Philip L. Mosier
      • Robert Palmer, Jr.
      • Nanu K. Patel
      • Brenda J. Richardson
      • Robert L. Riffle
      • Mary E. Saner
      • Paul O. Smith
      • Alan J. Stagner
      • Gwendolyn E. Walkley
   N2 Approval of Board Meeting Minutes
      • May 25, 2004
      • June 15-16, 2004
      • June 30-July 1, 2004
   N3 Approval of Board Meeting Date Changes
      • Change October 12 and 13 (Sacramento) to October 19 and 20
      • Change November 16 and 17 (Sacramento) to November 4
      • Change November 18 (San Diego) to November 17
N4 Approval of Revenue and Taxation Code section 6355, Coins and Bullion Bulk Sale Adjustment
N5 Proposed Revisions to Audit Manual Chapter 1, Introduction
N6 Proposed Revisions to Audit Manual Chapter 9, Grocers
N7 Proposed Revisions to Audit Manual Chapter 11, Advertising Agencies, Graphic Artists, Printers and Related Enterprises
N8 Approval of extensions of time to complete and submit 2004-05 Local Assessment Rolls pursuant to Revenue and Taxation Code section 155 granted to Alpine County

O. Board Committee Report
O1 Property Tax Committee

P. Other Matters
P1 Executive Director’s Report..............................................................Mr. Hirsig
  1. Monetary Awards for Superior Accomplishment Award Program
  2. Budget Report - 55 Collector Recruitment
  3. Communications Chief Recruitment

P2 Budget Change Proposal .............................................................. Ms. Zentner
  1. Proposition 10 - Ongoing Cigarette and Tobacco Products Taxes Increase Workload

P3 Relief of Penalty Policy ...................................................... Mr. Hirsig/Mr. Gau

P4 Offers-in-Compromise Recommendations...............................Ms. Ogrod
  1. Media Hippo, Inc.
  2. William Ferrari
  3. Larry Mitchell Crawford
  4. Kimberly A. Jess
  5. Ralph Williams

ANNOUNCEMENT OF CLOSED SESSION...................................................... Ms. Pellegrini

Q. Closed Session
Q1 Discussion and approval of staff recommendations regarding settlement cases (R&T Code § 7093.5, 30459.1 and 50156.11)
Q2 Discussion and action on personnel matters (Govt. Code § 11126(a))

OPEN SESSION

ADJOURN

If you wish to receive this Notice and Agenda electronically, you can subscribe at www.boe.ca.gov/agenda.
If you would like specific information regarding items on this Notice and Agenda, please telephone (916) 322-2270 or e-mail: MeetingInfo@boe.ca.gov. Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

Deborah Pellegrini, 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.

"CF" Constitutional Function – The Deputy State Controller may not participate in this matter under Government Code section 7.9.

If substantial revisions to the published text of the regulations are approved at the hearing, the regulations will be republished for a new hearing date. If only revisions sufficiently related to the published text of the regulations are approved, a notice containing these revisions will be mailed to those persons who commented orally or in writing or who asked to be informed of such revisions. The notice will be mailed at least 15 days prior to the scheduled Board adoption of the regulations to allow time for additional comments.

Agenda items occur sequentially. When circumstances warrant, the Chairwoman may modify the order of items as they appear on the agenda. The hearing location is accessible to the disabled. If you require special assistance, please contact Gary Evans at (916) 445-4394, or e-mail Gary.Evans@boe.ca.gov, to make special arrangements.