



STATE BOARD OF EQUALIZATION

450 N STREET, SACRAMENTO, CALIFORNIA, 95814
PO BOX 942879, SACRAMENTO, CA 94279-0081
916-445-6479 • FAX 916-324-3984
www.boe.ca.gov

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State Controller, Sacramento

RAMON J. HIRSIG
Executive Director

**STATE BOARD OF EQUALIZATION MEETING
5901 Green Valley Circle, Room 207, Culver City
MARCH 8-9, 2005
NOTICE AND AGENDA**

Tuesday, March 8, 2005

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

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

A. CORPORATE FRANCHISE AND PERSONAL INCOME TAX HEARINGS

- A1 Rajvinder Singh, 225268
For Party One: K. Sean Singh, Attorney
Maggie Singh, 225506
For Party Two: Maggie Singh, Taxpayer
For Franchise Tax Board: Mark McEvilly, Tax Counsel
- A2 Jane Marchiorlatti, 213237
For Appellant: Jon Marchiorlatti, Representative
Jane Marchiorlatti, Taxpayer
For Franchise Tax Board: Mark McEvilly, Tax Counsel
- A3 John Marshall, 216967
G.M.S., 221190
For Appellant: Dennis Brager, Attorney
John Marshall, Taxpayer
Scott Feinstein, CPA
For Franchise Tax Board: Michael Smalley, Tax Counsel
- A4 Kaldeep S. and Imelda Brar, 262087
Professional Resource Enterprises, Inc., 265288
For Appellant: Robert F. Klueger, Attorney
For Franchise Tax Board: Shane Hofeling, Tax Counsel

- A5a Dwight Sean and Tina Marie Jones, 163810 – Request to Vacate Decision
Dated 1/9/03
- A5b Dwight Sean and Tina Marie Jones, 163810
For Appellant: William Weintraub, Attorney
Sean Jones, Taxpayer
For Franchise Tax Board: Edward Kline, Tax Counsel
- A6 Hilltopper Publications, Inc., Judith Mancini, and Thomas K. Vodrey
(Assumers), 250265
For Appellant: Mortimer L. Laski, Attorney
Kenneth G. Gordon, Attorney
For Franchise Tax Board: Ann Hodges, Tax Counsel
- A7 Louis and Judith Woods Mancini, 255117
For Appellant: Mortimer L. Laski, Attorney
Kenneth G. Gordon, Attorney
For Franchise Tax Board: Ann Hodges, Tax Counsel
- ~~A8 Alorica, Inc., 224473
For Claimant: Paul Brennan, Accountant
For Franchise Tax Board: Michael Smalley, Tax Counsel~~
- A9 Richard and Susan Eberhardt, 258769
For Claimant: John Gorham Arend, Representative
For Franchise Tax Board: Jozel Brunett, Tax Counsel
- A10 Edgar Symore Brower and Pauline Y. Brower, 264244
For Appellant: Barbara Kelley, CPA
For Franchise Tax Board: Renel Sapiandante, Tax Counsel
- A11 Len and Jasmine Forman, 222703
For Claimant: Wayne R. Johnson, Attorney
Marvin Goldschmidt, CPA
For Franchise Tax Board: Renel Sapiandante, Tax Counsel
- ~~A12 Honorine T. Flanagan, 266371
For Appellant: Keith J. Schulte, CPA
For Franchise Tax Board: Daniel Biedler, Tax Counsel~~
- A13 Scott M. Austin, 265596
For Claimant: Scott Austin, Taxpayer
Denise Austin, Witness
For Franchise Tax Board: Suzanne Small, Tax Counsel
- A14 Amir Mostafavi, 250124
For Appellant: Semion Baraz, Enrolled Agent
For Franchise Tax Board: John Penfield, Tax Counsel

- A15 Gadi Meir, 251905
For Claimant: Gadi Meir, Taxpayer
For Franchise Tax Board: Jozel Brunett, Tax Counsel
- A16 George C. Brown, 261151
For Appellant: George C. Brown, Taxpayer
For Franchise Tax Board: Jozel Brunett, Tax Counsel
- A17 Janice B. Madrid, 253563
For Appellant: Peymon Mottahedeh, Representative
For Franchise Tax Board: Mark McEvilly, Tax Counsel
- A18 Robert E. Wesley, 262544
For Appellant: Robert E. Wesley, Taxpayer
For Franchise Tax Board: Jozel Brunett, Tax Counsel

BOARD MEETING* (convenes at 1:00 p.m.)**D. HOMEOWNER AND RENTER PROPERTY TAX ASSISTANCE HEARINGS**

- D1 Barbara Smith, 255544
For Claimant: Barbara Smith, Taxpayer
For Franchise Tax Board: Christine Roloff, Tax Counsel
- D2 Orleans Victor McFoy, 256239
For Claimant: Orleans Victor McFoy, Taxpayer
For Franchise Tax Board: Suzanne Small, Tax Counsel
- D3 David E. Ligons, 260988
For Claimant: David Ligons, Taxpayer
For Franchise Tax Board: Suzanne Small, Tax Counsel

B. SALES AND USE TAX APPEALS HEARINGS

- B1 Steven B. Neal and Richard Wallace, 224185
For Petitioner: Cris John Wenthur, Attorney
Richard Wallace, Taxpayer
For Department: Anthony Epolite, Tax Counsel
- B2 Toscana International Trading, Inc., 217895
For Petitioner: Javier Gutierrez, Taxpayer
Camilo A. Gutierrez, Bookkeeper
Alex Perez, Manager
For Department: Kevin Hanks, Hearing Representative

- B3 Artistic Resources Corporation, 224742
For Petitioner: Adrian Stern, CPA
Michael Little, Witness
For Department: Mark Woolston, Hearing Representative
- B4 James Mulligan, 236450
For Petitioner: Cruz Saavedra, Attorney
James Mulligan, Taxpayer
For Department: Sharon Jarvis, Tax Counsel
- B5 La Mode Du Golf, Inc., 219996
For Petitioner: Miriam Mencia, Bookkeeper
Eddie Kahn, Taxpayer
For Department: Robert Tucker, Tax Counsel
- B6a Mario Cruz, 161101
B6b Fleetpower, Inc., 213068
For Petitioner: Cory J. Briggs, Attorney
For Department: Anthony Epolite, Tax Counsel
- B7 Ilya Meller, 219832
For Petitioner: Ilya Meller, Taxpayer
For Department: Kevin Hanks, Hearing Representative
- B8 Steve Gonzalez Alfaro, 198278
For Petitioner: Steve Gonzalez Alfaro, Taxpayer
For Department: Robert Tucker, Tax Counsel
- B9 Ronald D. Moran, 136538
For Claimant: Ronald D. Moran, Taxpayer
For Department: Mark Woolston, Hearing Representative
- B10a Larry Cooke, 246683
B10b Peggy Cooke, 249465
For Petitioner: Larry Cooke, Taxpayer
For Department: Sharon Jarvis, Tax Counsel
- B11 Ramiro Bedolla and Josef Vencek, 168320
For Petitioner: Miles Kavaller, Attorney
Ramiro Bedolla, Taxpayer
B. Singh, Representative
For Department: Kevin Hanks, Hearing Representative
- B12 Richard James Alonzo and Tama Guadalupe Cesin, (a.k.a. Irma Alonzo), 246517
For Petitioner: Irma Alonzo, Taxpayer
For Department: Kevin Hanks, Hearing Representative

B13a Patricia Ann Kinnaman, Nick D. Byassee, and Leslie Ida Morse,
89002213250, 89002213260

B13b Dominion Saddlery, Inc., 208946, 89002409640

For Petitioner: Farley J. Neuman, Attorney
Nate Holden, Representative
Patricia Ann Kinnaman, Taxpayer
For Department: Robert Tucker, Tax Counsel

G. TAX PROGRAM NONAPPEARANCE MATTERS – CONSENT

G1 Legal Appeals MattersMr. Levine

- Hearing Notice Sent – No Response
 1. Dactek International, Inc., 221385
 2. Kalfon Crafts Corporation, 236142
 3. SV Holding, Ltd., 235830
- Petition for Release of Seized Property
 4. Malak Sajedeh and Mokhim Rasooli, 290742

G2 Franchise and Income Tax Matters..... Ms. Stanislaus

- Decisions
 1. Gwyne H. and Troy Alden, 265591
 2. Lisa Crain, 224653
 3. Jeffrey D. Gerber, 261117
 4. Donald R. Huntley, 255739
 5. Shirley M. Longwell, 253674
Ronald A. Rehberg, 264008
 6. Edgil A. Reid, Jr., 253644
Donna Reid, 263286
 7. Roland and Romaine Reese, 252111
 8. Matthew D. Strouss and Noelle Rogers, 267338
 9. Richard Schotts, Jr., 253203
 10. Steven Unger and Linda LaFourcade, 262569
 11. Roupem L. and Lilik Zakarian, 260587
- Petitions for Rehearing
 12. David Jenkins, 251232
 13. Brian H. Pye, 253539
 14. John A. and Barbara J. Vertullo, 241944
 15. Mounier Zaki, 250419

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

- Decisions
 1. Darryl B. Matthews, 255093
 2. Diane McQueen, 262589
 3. George Saylor, 273007
Maria Dolores Arvizo, 273008
 4. Tyrone G. Smith, 284181
 5. George R. St. Louis, 260766

6. Vickie Taylor, 268772
7. Hsiao Chun L. Wang, 284206
8. Melody Wasserman, 264524
9. Terrell Williams, 264528

G4 Sales and Use Taxes MattersMr. Young

- Redeterminations
 1. Pacific Bell Directory, 138573
 2. Pacific Bell Directory, 219584
 3. Canyon Pottery Company, Inc., 255760
 4. Doctor's Signature Sales/Marketing International, 188163
 5. United States Surgical Corporation, 261660
 6. National Screen Service Group, Inc., 241073
 7. Miami Computer Supply Corporation, 234232
 8. Event Vehicles, Inc., 261649
 9. Ace Lumber & Supply Company, Inc., 207667
 10. Ace Lumber & Supply Company, Inc., 235389
 11. KII Acquisition Company, 271404
 12. Health Forum, 261173
 13. Respironics, Inc., 245791
 14. Willy Rodriguez, 209989
- Denials of Claims for Refund
 15. Wells Fargo Bank, 295043
 16. Robert Harry Rosinski, 288177
- Denial of Relief of Penalty
 17. Oracle Corporation, 249407

G5 Sales and Use Taxes Matters – Credits, Cancellations, and Refunds.....Mr. Young

- Credits and Cancellations
 1. Pacific Bell Directory, 173372
 2. Port Stockton Food Distributor, Inc., 250478
 3. Pacific Gas & Electric Company, 293242
- Refunds
 4. Stolo Cabinets, Inc., 254660
 5. University Center, Association of Students, 290389
 6. Chevron U.S.A., Inc., 290744
 7. Wells Fargo Bank, 294876
 8. Fresno Community Hospital, 294359
 9. The Desert Sun Publishing Company, 293702
 10. Architectural Doors, Inc., 293243
 11. Guy Hill Cadillac, Inc., 251965
 12. Professional Hospital Supply, Inc., 267641, 267642, 267643, 267644
 13. Cardinal Health 301, Inc., 261018
 14. American Material Management Alliance, Inc., 272107
 15. Bank of the West, 285919
 16. Altera Corporation, 294066
 17. Regents of the University of California, 263597

18. Universal Instruments Corporation, 260535
19. Ford Motor Company, 294321
20. Daimler Chrysler Corporation, 295151
21. Mercedes-Benz USA, LLC., 287540
22. Zenith Insurance Company, 197511
23. BA Merchant Services, Inc., 193740, 208252, 225373
24. No Marketing, Inc., 272135
25. 3Par Data, Inc., 294351
26. Greenpoint Credit, LLC., 171361
27. Unaxis USA, Inc., 265222
28. Intralase Corporation, 260847
29. Chemrx LLC., 198926
30. Owens & Minor Distribution, Inc., 259524, 249598, 252757
31. Bericap, LLC., 236976
32. Bombardier Capitol, Inc., 289291
33. Rossini Video Group, 244245
34. Mark Lloyd Hineser, 262554
35. Johnson & Johnson Health Care System, 133497, 154316, 164155, 183240, 205738, 205740, 206491, 210277, 220261
36. Arinc, Inc., 118922
37. Echo Star Satellite Corporation, 243539, 260539
38. Americredit Financial Service, Inc., 289316
39. Thermo Electron, LLC., 282344
40. Spear Technologies, Inc., 272100

G6 Special Taxes Matters Mr. Gau

- Relief of Penalty
 1. The Insurance Corporation of New York, 265586 – “CF”
 2. Pacificare Life & Health Insurance Company, 272693 – “CF”

G7 Special Taxes Matters – Credits, Cancellations, and Refunds
THERE ARE NO ITEMS FOR THIS MATTER

G8 Property Tax Matters
THERE ARE NO ITEMS FOR THIS MATTER

H. TAX PROGRAM NONAPPEARANCE MATTERS – ADJUDICATORY

H1 Legal Appeals Matters
THERE ARE NO ITEMS FOR THIS MATTER

H2 Franchise and Income Tax Matters Ms. Stanislaus

- Decisions
 1. Clayinvest, Inc., 249945
 2. Scott R. and Judith E. Martin, 253561
 3. Terry W. and Dawn W. Williamson, 241485
- Petition for Rehearing
 4. Mercury General Corporation, 145450

H3 Homeowner and Renter Property Tax Assistance Matters
THERE ARE NO ITEMS FOR THIS MATTER

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

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

H6 Special Taxes Matters
THERE ARE NO ITEMS FOR THIS MATTER

H7 Special Taxes Matters – Credits, Cancellations, and Refunds
THERE ARE NO ITEMS FOR THIS MATTER

H8 Property Tax Matters
THERE ARE NO ITEMS FOR THIS MATTER

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

I1 Property Taxes Matters
THERE ARE NO ITEMS FOR THIS MATTER

CHIEF COUNSEL MATTERS

J. Rulemaking
THERE ARE NO ITEMS FOR THIS MATTER

K. Business Taxes
THERE ARE NO ITEMS FOR THIS MATTER

L. Property Tax
THERE ARE NO ITEMS FOR THIS MATTER

M. Other Chief Counsel Matters
THERE ARE NO ITEMS FOR THIS MATTER

ADMINISTRATIVE SESSION

N. Consent Agenda..... Ms. Pellegrini
N1 [Approval of Sustained Superior Accomplishment Award Nominees](#)

O. Board Committee Report
THERE ARE NO ITEMS FOR THIS MATTER

P. Other Administrative Matters

P1 Finance Letters **Ms. Zentner/Ms. Davey**

~~1. Special Tax Jurisdictions Workload Increase~~

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

Q. Closed Session

Q1 Discussion and action on personnel matters (Govt. Code § 11126(a))

OPEN SESSION

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Deborah Pellegrini, Chief
Board Proceedings Division

* 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.

Agenda items occur sequentially. When circumstances warrant, the Chair 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.



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**STATE BOARD OF EQUALIZATION MEETING
5901 Green Valley Circle, Room 207, Culver City
MARCH 8-9, 2005
NOTICE AND AGENDA**

Wednesday, March 9, 2005

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

B. SALES AND USE TAX APPEALS HEARINGS

- B1 Hamid Samiei, 168227
For Petitioner: Hamid Samiei, Taxpayer
For Department: Jeffrey Graybill, Tax Counsel
- B2 Meila R. Reyes, 152298
For Petitioner: Meila M. Reyes, Taxpayer
Coy Weiser, Witness
For Department: Jeffrey Graybill, Tax Counsel
- B3 Loma Linda Mercantile, 51647
For Claimant: Glenn Bystrom, CPA
Suzanne Beaudelaire, CPA
For Department: Jeffrey Graybill, Tax Counsel
- B4 E S K Inc., 135362
For Petitioner: Terry E. Stept, CPA
For Department: Mark Woolston, Hearing Representative
- B5 Marco A. Sanchez, 89000214800
For Petitioner: Patrick Leone, Accountant
For Department: Kevin Hanks, Hearing Representative
- B6 Dennis Bruno, 15042
For Petitioner: Patrick Leone, Accountant
For Department: Kevin Hanks, Hearing Representative
- B7 Dennert Garage Door Company, Inc., 168676
For Petitioner: Walter Weiss, Attorney
Kim (Dennert) May, Taxpayer
For Department: Kevin Hanks, Hearing Representative

- ~~B8 M C Y III Corporation, 218314
For Petitioner: David Moylan, Taxpayer
For Department: Randy Ferris, Tax Counsel~~
- B9 Everett Chas Technologies, Inc., 187467, 246250
For Petitioner: Brian E. Gledhill, Attorney
John Allen, Representative
Michael Dyar, Representative
For Department: Jeffrey Graybill, Tax Counsel
- B10 Cosmos Medical Technology, Inc., 198974
For Petitioner: Stuart M. Hurwitz, Attorney
John Clark, Taxpayer
For Department: Kevin Hanks, Hearing Representative
- B11 Edison Source, 208634,208952
For Petitioner: Rich Richman, Representative
For Department: Brad Heller, Tax Counsel
- B12 Western Materials, LLC, 245621
For Petitioner: Brian Nisenholtz, Representative
Roderick Calub, Representative
John Montazeri, Taxpayer
For Department: Randy Ferris, Tax Counsel
- B13 Steven Wiener, 171101
For Petitioner: John W. Sunnen, Attorney
For Department: Kevin Hanks, Hearing Representative
- B14 Liquid Partyworks, Inc., 207939
For Petitioner: Thomas Binns, Representative
For Department: Kevin Hanks, Hearing Representative
- ~~B15 Jahangir Toughian and Leon Leontin Salajan, 219434
For Petitioner: Walter Babiuk, CPA
For Department: Brad Heller, Tax Counsel~~
- ~~B16 Action Boats, Inc., 241957
For Petitioner: Janet Pass, Attorney
Anne Northcliff, Bookkeeper
Darcy Pendarvis, Accountant
Ray M. Guy, Taxpayer
For Department: Randy Ferris, Tax Counsel~~

- B17 Rodgers & McDonald Publishers, Inc., 195682
For Petitioner: David Rush, Representative
David Leslie, Representative
For Department: Robert Tucker, Tax Counsel
- B18 Quality Auto Brokers, Inc., 220313
For Petitioner: Patrick Leone, Accountant
For Department: Anthony Epolite, Tax Counsel
- B19a Meza Family Enterprises, Inc., 198668
B19b Meza Body Shop Supplies, Inc., 198715
For Petitioner: Jose L. Manzano, Consultant
Jose R. Meza, Taxpayer
For Department: Sandy McCaleb, Hearing Representative

BOARD MEETING* (convenes at 1:00 p.m.)**B. SALES AND USE TAX APPEALS HEARINGS**

- B20 Luis Eduardo Gil, 163980
For Petitioner: Joaquin Chacon, Representative
Luis Gil, Taxpayer
For Department: Sandy McCaleb, Hearing Representative
- ~~B21 Rimoun A. Nunez, 157736
For Petitioner: Robert Barnes, CPA
For Department: Sandy McCaleb, Hearing Representative~~
- B22 Inter Export Trading Corporation, 149794
For Petitioner: Robert J. Curtis, Attorney
Stuart Featherstone, Taxpayer
For Department: Sharon Jarvis, Tax Counsel
- B23a Kevin Michael Mehegan and Lorraine Mehegan (deceased), 249876
B23b Kevin Michael Mehegan, 249874
For Petitioner: Kevin Mehegan, Taxpayer
For Department: Mark Woolston, Hearing Representative

- B24a Modern Mold International, Inc., 46790, 151920
- B24b Internet Design Technologies, LLC, 104735, 202260
For Claimant: Dave Murphy, Taxpayer
Harold Hoch, Taxpayer
Rick Holder, Taxpayer
Sandra L. Schaper, CPA
Ernest J. Dronenburg, Jr., CPA
For Department: Sharon Jarvis, Tax Counsel
- B25 Aadvantage Airwaves, Inc., 220986
For Petitioner: Jeff Gleckman, Taxpayer
For Department: Sandy McCaleb, Hearing Representative
- B26 Danny Daytona, 140907
For Petitioner: Gary Amico, Representative
Danny Daytona, Taxpayer
For Department: Anthony Epolite, Tax Counsel
- ~~B27 Stanley Gene Lorentzen, 89000966070, 89000966080
For Petitioner: S. G. Randy Lorentzen, Taxpayer
For Department: Jeffrey Graybill, Tax Counsel~~
- B28 Philip Werbin and Leonard Werbin, 185789
For Petitioner: Philip Werbin, Taxpayer
Ira Frankel, Accountant
For Department: Kevin Hanks, Hearing Representative
- B29 F. Hamisch, Inc., 238538
For Petitioner: Fred Hamisch, Taxpayer
Deborah R. Bender, CPA
For Department: Randy Ferris, Tax Counsel
- B30 Professional Growers, Inc., 251498
For Petitioner: Michael L. Caplinger, CPA
Kurt Swainston, Attorney
For Department: Robert Tucker, Tax Counsel
- B31a John N. Bozanich, 235827
- B31b Ann L. Bozanich, 235829
For Petitioner: John Bozanich, Taxpayer
Ann Bozanich, Taxpayer
For Department: Randy Ferris, Tax Counsel

B32 Diane Eisenhauer, 203826
For Petitioner: Brian Nisenhotz, Representative
James Han, Representative
Diane Eisenhauer, Taxpayer
Dustin Eisenhauer, Witness
For Department: Brad Heller, Tax Counsel

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