

BEFORE THE OFFICE OF TAX APPEALS

STATE OF CALIFORNIA

IN THE MATTER OF THE APPEAL OF,     )  
   )  
WARAM BROOKS,                             ) OTA NO. 18042558  
   )  
   APPELLANT.     )  
   )  
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   )

TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Tuesday, May 21, 2019

Reported by:  
ERNALYN M. ALONZO  
HEARING REPORTER

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WARAM BROOKS, ) OTA NO. 18042558  
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Transcript of Proceedings, taken at  
355 South Grand Avenue, South Tower, 23rd Floor,  
Los Angeles, California, 91401,  
commencing at 1:02 p.m. and concluding  
at 1:12 p.m. on Tuesday, May 21, 2019,  
reported by Ernalyn M. Alonzo, Hearing Reporter,  
in and for the State of California.

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APPEARANCES:

Panel Lead: Hon. DANIEL CHO

Panel Members: Hon. NGUYEN DANG  
Hon. ALBERTO ROSAS

For the Appellant: Waram Brooks

For the Respondent: State of California  
Franchise Tax Board  
By: Joel Smith  
Marguerite Mosnier

TAX COUNSEL  
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Rancho Cordova, CA 95741  
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I N D E X

OPENING STATEMENT

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E X H I B I T S

(Franchise Tax Board's Exhibits were received at 6.)

CLOSING STATEMENT

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Los Angeles, California; Tuesday, May 21, 2019

1:00 a.m.

ADMINISTRATIVE LAW JUDGE CHO: Let's go on the record.

This is the appeal of Waram Brooks, OTA Case No. 18042558. Today is May 21st, 2019, and the time is approximately 1:02 p.m. We're holding this hearing in Los Angeles, California. My name is Daniel Cho. I will be the administrative law judge for this appeal. With me is Administrative Law Judges Alberto Rosas and Nguyen Dang.

Can the parties please introduce yourself. Introduce and identify yourself for the record, beginning with appellant.

MR. BROOKS: My name is Waram Brooks.

ADMINISTRATIVE LAW JUDGE CHO: FTB.

MR. SMITH: My name is Joel Smith with Franchise Tax Board.

MS. MOSNIER: Margaret Mosnier, Franchise Tax Board.

ADMINISTRATIVE LAW JUDGE CHO: Thank you. The issue in this appeal is whether appellant qualifies for the head of household filing status for the 2013 and 2014 taxable years. With respect to the evidentiary record,

1 the FTB has provided Exhibits A through N, and appellant  
2 has not objected to these exhibits. Therefore, these  
3 exhibits will be entered into the evidentiary record.

4 (Department's Exhibits A-N were received  
5 in evidence by the Administrative Law Judge.)

6 Appellant has not submitted any exhibits.  
7 Therefore, we'll just go with your testimony today. Just  
8 as a reminder to both parties, just because exhibits are  
9 entered into evidence does not mean all of the exhibits  
10 will be treated equally. The ALJ's up here will treat  
11 each exhibit and give its appropriate weight.

12 All right. So why don't we start with  
13 Mr. Brooks' testimony. If you don't mind, would you stand  
14 and raise your right hand.

15  
16 WARAM BROOKS,  
17 produced as a witness by and on behalf of himself, and  
18 having been first duly sworn by the Administrative Law  
19 Judge, was examined and testified as follows:

20  
21 MR. BROOKS: Yes, sir.

22 ADMINISTRATIVE LAW JUDGE CHO: Thank you. Please  
23 have a seat. I'm sorry. All right. Mr. Brooks, whenever  
24 you're ready please just tell us what you think that you  
25 qualify for head of household.

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1 ADMINISTRATIVE LAW JUDGE DANG: No questions.

2 ADMINISTRATIVE LAW JUDGE CHO: Judge Rosas, do  
3 you have any questions?

4 ADMINISTRATIVE LAW JUDGE ROSAS: Just one.

5 Mr. Waram -- I'm sorry. Mr. Brooks, you mentioned your  
6 fiancée. Did you and your fiancée eventually get married?

7 MR. BROOKS: No, we didn't.

8 ADMINISTRATIVE LAW JUDGE ROSAS: Okay. That was  
9 the only question I had. Thank you.

10 MR. BROOKS: Yes, sir.

11 ADMINISTRATIVE LAW JUDGE CHO: All right. With  
12 that FTB when you're ready, please begin.

13

14 OPENING STATEMENT

15 MR. SMITH: Thank you. The only issue as has  
16 been stated today is whether or not Mr. Brooks is entitled  
17 to file as head of household for 2013 and 2014 tax years.  
18 As I will explain, Mr. Brooks has not identified as a  
19 qualifying person to file as head of household for those  
20 tax years.

21 Under California Revenue and Taxation Code  
22 section 17042, California has adopted the federal  
23 definition of head of household under Internal Revenue  
24 Code Section 2. And to file as head of household,  
25 Mr. Brooks needs to meet two requirements. The first

1 requirement is that Mr. Brooks need to have been unmarried  
2 during 2013 and 2014, and Mr. Brooks has established that  
3 requirement.

4 The second requirement is that Mr. Brooks must  
5 identify a qualifying person. And under Internal Revenue  
6 Code section 152, a qualifying person is either qualifying  
7 child or qualifying relative. And section 152 lays out  
8 what relationships qualify as a qualifying child or  
9 qualifying relative.

10 Here Mr. Brooks' fiancée does not meet the  
11 definition of a qualifying relative, as a qualifying  
12 relative must be related to the taxpayer by blood or by  
13 marriage. Since Mr. Brooks' fiancée is neither related to  
14 him by blood nor marriage, she's not considered a  
15 qualifying person allowing for Mr. Brooks to file as head  
16 of household.

17 The FTB understands that Mr. Brooks considers  
18 himself the head of his household. However, to file a tax  
19 return as head of household, Mr. Brooks needs to meet  
20 certain legal requirements, which he has not shown. So  
21 based on the facts and evidence in the record, the FTB  
22 request you sustain its position.

23 I can answer any questions that you have.

24 ADMINISTRATIVE LAW JUDGE CHO: All right. Thank  
25 you very much.

1           Panel members, do you have any questions for the  
2     FTB or the appellant in this case?

3           ADMINISTRATIVE LAW JUDGE DANG:   No questions.

4           ADMINISTRATIVE LAW JUDGE ROSAS:   I do.

5     Mr. Brooks, other than what you have already told us, is  
6     there anything else you want to tell this panel regarding  
7     your case?

8           MR. BROOKS:   No.

9           ADMINISTRATIVE LAW JUDGE ROSAS:   Thank you.

10          ADMINISTRATIVE LAW JUDGE CHO:   All right. I  
11     actually don't have any questions either.

12          With that, Mr. Brooks, you'll be given five  
13     minutes for your closing statement. And just to let you  
14     know, this is an informal hearing. I know it's kind of  
15     maybe a little stressful for the your first time up here,  
16     but just try to like be a little more comfortable if you  
17     can. We're not here to attack you. We're just here to  
18     listen to everything you have to say and understand your  
19     position and point of views.

20          Afterwards we will make a decision based on  
21     everything. Thank you.

22          MR. BROOKS:   I can go?

23          ADMINISTRATIVE LAW JUDGE CHO:   The floor is  
24     yours, Mr. Brooks.

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11                   Like, I'm not trying to get ahead. I'm just  
12           trying to live life, and that's it. The past years before  
13           that I thought head of household, and I didn't have a  
14           problem. So it's hard moving forward knowing that, you  
15           know, that I have to take a care of a household with one  
16           income and cover everything, and then still having on the  
17           back end you have to owe.

23 That's just -- I've been going through a lot the  
24 past few years, and I -- I just felt like I need to  
25 express or stand my ground on certain things that a lot of

1 people on the outside might not look -- might not be able  
2 to see behind closed doors what we're paying and what  
3 we're up against.

4 So that's pretty much it. And sorry again.

5 ADMINISTRATIVE LAW JUDGE CHO: No problem. With  
6 that I just want to thank you both for coming down and for  
7 your time.

8 And thank you, Mr. Brooks, for making your way  
9 here. It's okay if you're a little late. No problem.  
10 We're all here.

11 Well, with that that concludes this hearing. The  
12 panel will meet and discuss the case based on the  
13 documents and based on the testimony today. We'll issue  
14 our written decision within 100 days from today's date.  
15 With that, the case is submitted. The record is closed,  
16 and this hearing is adjourned.

17 (Proceedings adjourned at 1:12 p.m.)  
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HEARING REPORTER'S CERTIFICATE

I, Ernalyne M. Alonzo, Hearing Reporter in and for  
the State of California, do hereby certify:

That the foregoing transcript of proceedings was  
taken before me at the time and place set forth, that the  
testimony and proceedings were reported stenographically  
by me and later transcribed by computer-aided  
transcription under my direction and supervision, that the  
foregoing is a true record of the testimony and  
proceedings taken at that time.

I further certify that I am in no way interested  
in the outcome of said action.

I have hereunto subscribed my name this 3rd day  
of June, 2019.

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ERNALYN M. ALONZO  
HEARING REPORTER