

BEFORE THE OFFICE OF TAX APPEALS

STATE OF CALIFORNIA

IN THE MATTER OF THE APPEAL OF,)
)
M. AMAYA,) OTA NO. 20106822
)
) APPELLANT.
)
)
)

TRANSCRIPT OF VIRTUAL PROCEEDINGS

State of California

Wednesday, August 18, 2021

Reported by:
ERNALYN M. ALONZO
HEARING REPORTER

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IN THE MATTER OF THE APPEAL OF,)
M. AMAYA,) OTA NO. 20106822
APPELLANT.)
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Transcript of Virtual Proceedings,
taken in the State of California, commencing
at 11:07 a.m. and concluding at 11:41 a.m. on
Wednesday, August 18, 2021, reported by
Ernaly M. Alonzo, Hearing Reporter, in and
for the State of California.

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APPEARANCES:

Panel Lead: ALJ JOSHUA LAMBERT

Panel Members: ALJ SHERIENE RIDENOUR
ALJ ANDREW WONG

For the Appellant: SHAMIN AKHAVAN

For the Respondent: STATE OF CALIFORNIA
DEPARTMENT OF TAX AND
FEE ADMINISTRATION

RAVINDER SHARMA
JASON PARKER
CHRISTOPHER BROOKS

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I N D E X

E X H I B I T S

(Appellant's Exhibit 1 was received at page 7.)

(Department's Exhibits A-D were received at page 7.)

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California; Wednesday, August 18, 2021

11:07 a.m.

JUDGE LAMBERT: We are now on the record in the Office of Tax Appeals oral hearing for the Appeal of Maria Ilda Ramos Amaya, Case Number 20106822. The date is August 18th, 2021, and the time is 11:07 a.m.

My name is Josh Lambert, and I'm the lead Administrative Law Judge for purposes of conducting this hearing. And my co-panelists today are Judge Ridenour and Judge Wong.

CDTFA, can you please introduce yourselves for the record.

MR. SHARMA: This is Ravinder Sharma, Hearing Representative.

MR. PARKER: Jason Parker, Chief of Headquarters Operation Bureau.

MR. BROOKS: Christopher Brooks, Tax Counsel for CDTFA.

JUDGE LAMBERT: Thanks.

And representative for Appellant, can you please introduce yourself for the record.

MR. AKHAVAN: Hi. My name Shamin Akhavan. I'm an attorney and a CPA for the Appellant.

JUDGE LAMBERT: Thank you.

1 The issues in this hearing are one, whether any
2 reduction to the audited amount of unreported taxable
3 sales is warranted; and two, whether Appellant is liable
4 for the tax applicable to sales made by Appellant's
5 tenants.

6 Mr. Akhavan, do you agree that these are the
7 issues?

8 MR. AKHAVAN: Your Honor, my name is Shamin
9 Akhavan, and I agree with those issues.

10 JUDGE LAMBERT: Thanks,

11 And Mr. Sharma, do you agree that these are the
12 issues?

13 MR. SHARMA: This is Ravinder Sharma. Yes, the
14 Department agrees.

15 JUDGE LAMBERT: Thanks.

16 CDTFA provides Exhibits A through D. Appellant
17 provides Exhibit 1.

18 Mr. Akhavan, do you have any objections to these
19 exhibits?

20 MR. AKHAVAN: Your Honor, my name is Shamin
21 Akhavan. I have no objections.

22 JUDGE LAMBERT: Thanks.

23 And Mr. Sharma, are there any objections to
24 Appellant's exhibits?

25 MR. SHARMA: This is Ravinder Sharma. Department

1 has no objection to Appellant's exhibit.

2 JUDGE LAMBERT: Thanks.

3 That evidence is now in the record.

4 (Appellant's Exhibit 1 was received
5 in evidence by the Administrative Law Judge.)

6 (Department's Exhibits A-D were received in
7 evidence by the Administrative Law Judge.)

8 At this time, Mr. Akhavan, you can give your
9 presentation. You'll have 15 minutes to provide your
10 presentation. So you can begin when you're ready.

11 MR. AKHAVAN: Thank you, Your Honor.

12

13 PRESENTATION

14 MR. AKHAVAN: My name is Shamin Akhavan. I
15 represent the taxpayer Marie -- or the Appellant Maria
16 Ilda Ramos Amaya. The issues as you discussed before the
17 Administrative Law Judges, is regarding the audited
18 taxable sales. We've -- this matter has gone before
19 the -- it was before the auditors. The auditors have --
20 they used the markup ratio. This is the indirect method
21 of determining the taxable sales and the tax that's due.
22 And from then on it went to the appeals hearing with the
23 CDTFA, and the appeals unit upheld the result. Now it's
24 before you guys.

25 As far as our issues that we have and why it's

1 before the Board is regarding the markup method results.
2 In our view, the markup ratio per the working papers was
3 339 percent point 26. It's on page S-3 of the audit
4 report. However, per the opening brief provided by the
5 CDTFA, they stated it was 239.26 percent. Regardless of
6 those amounts, our view is that those amounts are not in
7 line with the industry custom. Our view is it should be
8 around anywhere from 50 to 100 percent, rather than the
9 200 or 339 percent that they're -- that the CDTFA is
10 claiming.

11 Furthermore, as far as the -- another basis that
12 we have issue with are the credit card ratios. Per the
13 audit report and per the brief that the CDTFA has
14 provided, they're saying the credit card ratio is
15 basically 40 percent of credit card sales, which were
16 reported via the 1099-K Form. And they're basically based
17 on that. They're saying that 60 percent of the amount was
18 cash sales. We also have issue with that. We've provided
19 bank statements, which are part of the record and part of
20 the evidence. And we believe a more reasonable number is
21 a credit card ratio of 80 percent, rather than 40.

22 Given that we have -- it's more, in our opinion,
23 a factual issue. We kindly request if a reaudit can be
24 done under the supervision of the Office of Tax Appeals
25 where we can shed more light into this matter and

1 determine a more correct markup ratio that is in line with
2 industry custom.

3 Finally, another point of contention that we
4 bring up that was listed in the audit report was the
5 auditor claimed that the business was closed for
6 renovations. So since the business was closed, they
7 resorted to basically estimating the sales, as I call it,
8 based on, let's say, third-party sources such as Yelp
9 websites, so on and so forth. We feel that doesn't
10 accurately reflect the facts. And based on my
11 understanding, the business isn't closed for renovations
12 forever. So, ideally, if it is open that we basically
13 have the Department actually physically enter the site
14 while the business is open.

15 As far as the second issue is concerned, it was
16 regarding the lease agreement. The Appellant in this case
17 Maria Ramos was the landlord, and they entered into a
18 lease with Jose Mebreno, which was the tenant. The lease
19 agreement, which was provided to the CDTFA appeals but not
20 before the Office of Tax Appeals, clearly stated that the
21 use of premises was to run a restaurant.

22 Furthermore, this probably explains why for one
23 of the aspects of the business there was no sales tax that
24 was filed and/or reported because the Appellant was under
25 the belief that it was not their responsibility. However,

1 we do concede the fact that both businesses were under --
2 registered to the Appellant.

3 As far as we have no other issues at this time to
4 discuss, and we bring it before the Board so they can have
5 the CDTFA present their arguments.

6 JUDGE LAMBERT: Thank you, Mr. Akhavan.

7 At this time I'll ask my panel if they have any
8 questions.

9 Judge Ridenour, do you have any questions?

10 JUDGE RIDENOUR: This is Judge Ridenour. I do
11 not have any questions at this time. Thank you very much.

12 JUDGE LAMBERT: And Judge Wong, do you have any
13 questions?

14 JUDGE WONG: This is Judge Wong. I have no
15 questions at this time. Thank you.

16 JUDGE LAMBERT: I think I have a couple of
17 questions, possibly. Just you mentioned that there was a
18 number 229 instead of 339 as the error rate. Where was
19 that located just so I can reference it?

20 MR. AKHAVAN: Yeah. In the audit report it was
21 on page S-3, the working papers. Per my understanding,
22 they used the -- it clearly stated that the markup ratio,
23 the percentage use to determine the quote, unquote,
24 "taxable sales" for sales tax purposes was 339.26 percent.
25 However, in the brief they, the CDTFA, stated that the

1 markup ratio was 239.26 percent. So my guess is it could
2 be a typographical error. But either way, it's still a
3 large amount that's being utilized to determine the
4 taxable sales.

5 JUDGE LAMBERT: Okay. I see. Thanks. And I had
6 a question about the lease. Why was the tenant using the
7 seller's permit of Appellant?

8 MR. AKHAVAN: That's a good question. I haven't
9 been able to get that answer myself, and that's why we
10 concede the fact -- the fact that it was still under their
11 name makes it difficult to argue against such a point.

12 JUDGE LAMBERT: Okay. So Appellant was aware the
13 tenant was using the seller's permit?

14 MR. AKHAVAN: I don't know. But the reason I
15 say -- I preface not knowing is the fact that sales tax
16 is, what it appears from the record for one of the
17 businesses, was returns were filed but not for the other
18 business, which was, based on our understanding, under the
19 control of Mr. Mebreno.

20 JUDGE LAMBERT: Okay. I was just checking
21 because it states in the audit -- field audit report that
22 there was an agreement that tenant would use -- report the
23 sales -- that petitioner -- the Appellant would report the
24 sales made by the tenants.

25 MR. AKHAVAN: Fair enough.

1 JUDGE LAMBERT: Okay. And the lease says
2 something that the landlord would be liable for the
3 personal tax of the tenants. Can you explain? Or are you
4 aware of what that means or what that is?

5 MR. AKHAVAN: I'm not aware of that. But if it's
6 in the lease then it's deemed part of the record. So if
7 it states that, then that's the case, Your Honor.

8 JUDGE LAMBERT: Okay. Thanks. That's all the
9 questions I have for now. I appreciate it.

10 So now we'll move onto CDTFA's presentation for
11 20 minutes.

12 Mr. Sharma, you can proceed when you're ready.

13

14 PRESENTATION

15 MR. SHARMA: Good morning. This is Ravinder
16 Sharma.

17 During the audit period, the Appellant operated a
18 bar and a restaurant in Long Beach, California. The bar
19 sold beer and liquor but did not sell wine. For the bar
20 method of payment was cash only. The restaurant sold
21 beer, carbonated beverages, chicken, beef, fish
22 combination plates, and soup. For restaurant method of
23 payment was cash and credit card.

24 The Department performed an audit examination for
25 the period of January 1, 2014, through

1 December 31st, 2016. Appellant reported total sales of
2 approximately \$183,000 and claimed no deductions,
3 resulting into taxable sales of \$183,000 for the audit
4 period. Records available for audit; federal income
5 returns for years 2014 and 2015, sales journal and
6 purchase data for December 12, 2016, to January 4, 2017,
7 and 1099-K data for the period May 2014 to February 2015.

8 Appellant claimed that daily sales summary for
9 the bar was prepared by multiplying numbers of beer and
10 liquor bottles sold with the selling price. And daily
11 sales summary for the restaurant was based on sales
12 receipts. Appellant also claimed that daily sales
13 summaries were provided to the bookkeeper who prepared and
14 filed quarterly sales and use tax returns. However, the
15 Department was not able to verify the accuracy of these
16 numbers because Appellant did not provide any supporting
17 documents for sales and use tax returns.

18 Using Appellant's records, the Department
19 computed a markup which compares cost of goods sold
20 through gross receipts per Appellant's federal income tax
21 returns. The markup was approximately 248 percent for
22 2014 and 79 percent for 2015, Exhibit A, page 30, which
23 appears to be low for a bar and a restaurant. The
24 Department also performed a vendor survey. And based on
25 available data from vendor survey, the Department

1 calculated a markup of negative 21 percent for 2014,
2 positive 298 percent for 2015, and positive 240 percent
3 for 2016; Exhibit A, page 28.

4 The Department reviewed purchases and sales
5 records for period, from December 12, 2016, to
6 January 4, 2017, for 24 days for bar, and computed a
7 markup of approximately 126 percent; Exhibit A, page 24.
8 Which, again, appeared to be low for a bar. This was an
9 indication that the submitted sales and purchase records
10 were not complete and not acceptable. Due to lack of
11 reliable books and records, the Department decided to use
12 an indirect audit method to verify the accuracy of
13 reported amount and determine audited taxable sales.

14 The Department performed a shelf test for the bar
15 on January 5, 2017, based on purchase invoices and selling
16 prices provided by Appellant. Appellant provided
17 estimation of regular hours and happy hours that were used
18 to calculate weighted markup of 239 percent for bar;
19 Exhibit A, page 21. Appellant's attorney asked the
20 question about whether it's 239 percent or 339 percent.
21 To clarify, the markup is 239 percent. But when we markup
22 the cost of goods sold to determine estimated audited
23 taxable sales, then it is multiplied by 1 plus
24 239 percent. So it is 339 percent. So basically it is
25 the same. There isn't a clerical error.

1 For bar, the Department used cost of goods sold
2 for federal income tax return allowed 2 percent pilferage
3 and used a markup of 239 percent to determine audited
4 taxable sales of little more than \$45,000 for 2014 and
5 \$138,000 for 2015. Audited taxable sales was divided by
6 365 days to calculate an audited daily sales of \$124 for
7 2014 and \$379 for 2015; Exhibit A, page 20.

8 For restaurant the Department could not conduct
9 an observation test as the business was closed for
10 renovation. However, the Department was able to obtain
11 1099-K data for May 2014 to February 2015 and used credit
12 card ratio method to determine the accuracy of reported
13 amount and establish audited taxable sales. In the
14 absence of detailed sales records, the Department
15 estimated that 40 percent of the total sales should be
16 with credit card. This estimation is based on types of
17 goods sold, business activities, and audits for similar
18 restaurants in the surrounding areas.

19 For restaurant, based on available 1099-K data,
20 credit card sales is determined to be little more than
21 \$111,000 for the period from May 2014 to December 2014 and
22 approximately \$23,000 for January 2015 and February 2015;
23 Exhibit A, page 19. A review of 1099-K data shows that
24 credit card sales of approximately \$7,000 for May 2014 may
25 not be complete. When compared with average credit card

1 sales of approximately \$15,000 per month for rest of 2014.
2 Similarly, credit card sales of approximately \$6,000 for
3 February 2015 may not be complete when compared with
4 approximately \$17,000 for January 2015.

5 The Department's acceptance of these lower
6 amounts for the month of May 2014 and February 2015 is
7 beneficial to Appellant. The Department backed those
8 sales tax and applied credit card sales ratio of
9 40 percent to determine audited taxable sales for the
10 restaurant of approximately \$255,000 for May 2014 through
11 December 2014 and \$53,000 for January 2015 and February
12 2015.

13 The Department divided audited taxable sales for
14 the restaurant by number of days for each period. That is
15 244 days for 2014 and 59 days for 2015 to calculate daily
16 audited taxable sales of \$1,045 for 2014 and \$893 for
17 2015; Exhibit A, page 18. Daily audited sale for bar and
18 restaurant was combined to arrive at daily audited taxable
19 sales of \$1,168 rounded for 2014 and \$1,272 dollars for
20 2015; Exhibit A page 18.

21 Due to lack of books and records for 2016, the
22 Department used daily audited taxable sales of \$1,272 for
23 2015 to calculate quarterly audited taxable sales for
24 2016. Combined average daily sales was multiplied by
25 total number of days in each quarter to compute an audited

1 taxable sales of approximately \$1.3 million for the audit
2 period. Appellant reported taxable sales of approximately
3 \$183,000 resulting into an unreported taxable sales of
4 approximately \$1.1 million for the audit period;
5 Exhibit A, page 17.

6 During our process, the Department projected bar
7 sales for November and December 2016 for a total amount of
8 approximately \$24,000 based on average daily sales. This
9 is beneficial to Appellant. Appellant contends that the
10 bar markup of 249 percent is too high, and the
11 Department's use of estimated credit card sales ratio of
12 40 percent is not appropriate. In response, the
13 Department submits that despite various requests,
14 Appellant has not provided any documents to show that bar
15 markup should be lower than 239 percent, and credit card
16 sales ratio of 40 percent is not correct.

17 As stated earlier, weighted markup of 239 percent
18 per bar is based on Appellant's own books and records and
19 reasonableness for this type of business. Appellant also
20 contends that Appellant lease restaurant to third party
21 for two years period as per lease agreement dated
22 November 7, 2014, and should not be held responsible for
23 sales tax liability for the restaurant. In response the
24 Department submits that Appellant applied for seller's
25 permit and obtained seller's permit for bar and

1 restaurant, and both were active during the audit period.

2 Appellant never contacted or informed the
3 Department about the sale or lease of agreement, sale or
4 lease of restaurant. A review of lease agreement shows
5 that it contains no provisions for transfer of business --
6 business name, fixtures and equipment, any tangible
7 personal property and intangibles, such as goodwill. In
8 fact, Appellant knowingly allowed third party to run the
9 restaurant business under Appellant's seller's permit,
10 carried city license and alcohol beverage control license
11 under Appellant's name during the audit period. Appellant
12 did not surrender or cancel the seller's permit for
13 restaurant as required and mandated by Revenue & Taxation
14 Code 6066, 6072, and Regulation 1699.

15 Appellant submitted bank statements for first
16 quarter 2014, second quarter 2015, and third quarter 2016,
17 but they did it with its additional brief. Submitted bank
18 statements consist of four savings accounts, two checking
19 accounts, one standard brokerage account, one retirement
20 account, and one individual retirement account. The
21 Department reviewed these statements, Exhibit 1, page 1 to
22 119, and noted deposits on only 27 days, and no deposits
23 on remaining 246 days, which means that the submitted bank
24 statements are not complete and do not represent all sales
25 by Appellant.

1 Appellant did not provide any cash register
2 Z-tapes, sales records, or deposit slips. In the absence
3 of any detailed sales records, the Department is not able
4 to verify whether all cash sales were deposited into the
5 bank accounts are not.

6 Based on the above, the Department has fully
7 explained the basis for the deficiency and prove that the
8 determination was reasonable based on the available books
9 and records. Further, the Department has used approved
10 audit methods to determine the deficiency and issued a
11 Notice of Determination to the correct ownership.
12 Therefore, based on the evidence presented, the Department
13 request that Appellant's appeal be denied.

14 This concludes my presentation, and I'm available
15 to answer any questions you may have. Thank you.

16 JUDGE LAMBERT: Thank you, Mr. Sharma.

17 At this time I'll ask the panel if they have
18 questions.

19 Judge Ridenour, do you have any questions?

20 JUDGE RIDENOUR: This is Judge Ridenour. No
21 questions. Thank you.

22 JUDGE LAMBERT: Thanks.

23 And Judge Wong, could you have any questions?

24 JUDGE WONG: Yeah. I have a few questions.

25 Could you walk me through how the Department, again,

1 estimated the 40 percent credit card ratio?

2 MR. SHARMA: This is Ravinder Sharma. We do not
3 have any information. The only information we used is the
4 Department has some information available to them,
5 whatever the credit card ratio for the similar businesses
6 in the surrounding areas. We requested the Appellant to
7 provide some information to show, the cash register
8 Z-tapes or sales records for the period. We have the
9 1099-K data, so we can determine the correct ratio. But
10 Appellant did not provide anything. So in the absence of
11 any detailed records, we used the estimation which we
12 think appears to be reasonable which is comparable to the
13 Appellant's business.

14 JUDGE WONG: And what were the factors? So one
15 factor was similar businesses in the same area, past
16 audits --

17 MR. SHARMA: Yes.

18 JUDGE WONG: -- were there any other factors --

19 MR. SHARMA: Similar -- sorry. Go ahead,
20 Mr. Wong.

21 JUDGE WONG: Oh, sorry. I was just wondering
22 what were the factors that went into the 40 percent
23 estimation. You mentioned one was past audits of similar
24 businesses in the same area. Were there any other
25 factors?

1 MR. SHARMA: This is Ravinder Sharma. Similar
2 activities, similar type of foods sold, and similar
3 locations in size and nature of business.

4 JUDGE WONG: Okay. Oh, no other questions.
5 Thank you.

6 JUDGE LAMBERT: Okay thanks.

7 And I don't have any questions at this time.

8 So Mr. Akhavan, you have five minutes to make
9 your closing remarks or respond to CDTFA. Thanks.

10 MR. AKHAVAN: Thank you, Your Honor.

11

12 CLOSING STATEMENT

13 My name is Shamin Akhavan.

14 The two points I want to bring up is regarding
15 the not providing the records and information. As far as
16 not providing the records and information, there's no
17 excuse for that. However, I want to put into the record
18 the context of the taxpayer. The taxpayer speaks zero
19 English. And during the audit phase of this matter was --
20 it didn't appear was represented by any representative,
21 such, let's say, an enrolled agent, an attorney, or CPA.
22 So I'd like to just put in the record the sophistication
23 of the taxpayer as far as records.

24 And then secondly, Mr. Sharma mentioned that, if
25 I recall correctly, that documents and records haven't

1 been provided. But based on my understanding, there were
2 some documents and records, such as, let's say, purchase
3 invoices were provided for them to make some sort of
4 determination as far as shelf test is concerned.

5 So those are the two points I'd like to bring up,
6 and then that's basically it. And I thank you, again, for
7 your time and for allowing me basically present this case
8 to you, before the Office of Tax Appeals.

9 JUDGE LAMBERT: Thank you, Mr. Akhavan.

10 At this time I'll ask my co-panelists if they
11 have any final questions of either party.

12 Judge Ridenour, do you have any questions?

13 JUDGE RIDENOUR: I do. Mr. Sharma, when you
14 mentioned -- when the Appellant mentioned shelf test
15 information, was that considered during the audit or was
16 this after the audit? Was this after CDTFA's petition?
17 When was this documentation provided?

18 MR. SHARMA: This is Ravinder Sharma. Shelf test
19 was done on January 5, 2017, and this was based on the
20 purchase invoice sales and selling prices provided by
21 Appellant. That was immediately, I think, maybe a month
22 or two months into the start of the audit period.

23 JUDGE RIDENOUR: Thank you very much for the
24 clarification. No further questions.

25 MR. SHARMA: Thank you.

1 JUDGE LAMBERT: Okay. Thanks.

2 And I have no further questions. So if there's
3 nothing further, I'm going to --

4 JUDGE WONG: Actually, I had two questions --

5 JUDGE LAMBERT: Okay. Sure. Go ahead.

6 JUDGE WONG: -- for Appellant's rep. So you had
7 argued against the 239 percent markup for alcohol earlier,
8 but CDTFA argued that that was based on your client's own
9 records. Did you have a response to that argument?

10 MR. AKHAVAN: It's not so much a response to the
11 record. It's more of the application to the results. I
12 agree that they were based on the initial records that
13 were provided. I'm not going to question the facts of the
14 matter, but my viewpoint is based on their determination
15 of how they arrived at the result.

16 JUDGE WONG: Okay.

17 MR. AKHAVAN: They may have been -- my apologies,
18 Your Honor.

19 JUDGE LAMBERT: Go ahead. Sorry.

20 MR. AKHAVAN: No, no. That's it.

21 JUDGE WONG: Sorry. This is Judge Wong. And the
22 last question was in the Appeals Bureau decision there was
23 a mention that there was no self consumption of alcohol.
24 Would you like -- is that -- can you confirm that,
25 Mr. Akhavan?

1 MR. AKHAVAN: I'm not exactly sure, but based on
2 my -- I don't know that answer to be really frank with
3 you, but I would presume it's not the case.

4 JUDGE WONG: You presume that there was no self
5 consumption of alcohol or there was?

6 MR. AKHAVAN: If there was, it would be very
7 minor. But I'm not exactly sure. I don't -- I don't know
8 that answer.

9 JUDGE WONG: This is Judge Wong. Thank you. No
10 further questions.

11 JUDGE LAMBERT: Thanks. And yeah. Sorry I
12 skipped over you, Judge Wong. So I appreciate you chiming
13 in and asking those.

14 I guess I'll just ask on that self consumption
15 question. CDTFA, usually you give a standard two percent
16 for that. So in this case it's stated that -- you know,
17 they stated there was no self consumption. So it seems
18 like, you know, there was none given. Can you respond to
19 that point, perhaps, on whether or not they should get the
20 standard two percent or zero?

21 MR. SHARMA: This is for CDTFA?

22 JUDGE LAMBERT: Yeah, Mr. Sharma. Sorry.

23 MR. SHARMA: Oh, sorry. I'm sorry. This is
24 Ravinder Sharma. During the audit process we asked the
25 Appellant if there's any self consumption. And they said,

1 no, there's no self consumption. So due to that reason we
2 did not allow any. But, generally, if the Appellant ask,
3 to answer your question, yes, we do allow depending on the
4 actual amount they give us, are certain percentage of the
5 purchases of cost of goods sold and then we allow, before
6 we markup up those purchases, to determine the audited
7 taxable sales. And then the Appellant will get,
8 basically, a reduction of the markup on that one. In this
9 case, they didn't provide anything. We asked for that,
10 and so we don't allow for any.

11 JUDGE LAMBERT: Okay. Thank you.

12 MR. SHARMA: Thank you.

13 JUDGE LAMBERT: I have no more questions.

14 And so if there's nothing further, I'm going to
15 close the record and conclude the hearing. I want to
16 thank everyone for appearing today. We will issue a
17 written opinion within 100 days. Thank you.

18 The hearing is now closed, and the next hearing
19 will start at 1:00 p.m. So thank you everyone.

20 (Proceedings adjourned at 11:41 a.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 30th day
of August, 2021.

ERNALYN M. ALONZO
HEARING REPORTER